

**SECOND ENGROSSMENT
with Senate Amendments**

Fifty-seventh
Legislative Assembly
of North Dakota

REENGROSSED HOUSE BILL NO. 1328

Introduced by

Representatives Brandenburg, D. Johnson, Nelson, Nicholas

Senators Christmann, Wanzek

1 A BILL for an Act to create and enact a new section to chapter 4-35 of the North Dakota
2 Century Code, relating to creation of a crop protection product harmonization and registration
3 board; to amend and reenact sections 4-35-06.2 and 4-35-06.3 of the North Dakota Century
4 Code, relating to funds received for expenses paid relating to the registration of pesticides and
5 the minor use pesticide fund; to repeal section 11 of chapter 31 of the 1999 Session Laws,
6 relating to the crop harmonization committee; and to provide an appropriation.

7 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

8 **SECTION 1. AMENDMENT.** Section 4-35-06.2 of the 1999 Supplement to the North
9 Dakota Century Code is amended and reenacted as follows:

10 **4-35-06.2. ~~Commissioner of agriculture - Pesticide control~~ Crop protection**
11 **product harmonization and registration board - Recovery of funds.** The ~~commissioner of~~
12 ~~agriculture~~ crop protection product harmonization and registration board may accept, ~~on behalf~~
13 ~~of the pesticide control board~~, funds received for expenses paid ~~by the pesticide control board~~
14 relating to the registration of pesticides or donations offered to or for the benefit of the ~~pesticide~~
15 ~~control~~ board. All moneys received under this section must be deposited in the minor use
16 pesticide fund to pay expenses relating to the registration of pesticides or for the specific
17 purpose for which they are given. The ~~pesticide control~~ board shall attempt, whenever
18 possible, to recover funds expended relating to the registration of pesticides and shall adopt
19 rules to administer ~~provisions of~~ this section.

20 **SECTION 2. AMENDMENT.** Section 4-35-06.3 of the 1999 Supplement to the North
21 Dakota Century Code is amended and reenacted as follows:

22 **4-35-06.3. Minor use pesticide fund - Continuing appropriation.** The minor use
23 pesticide fund is created as a special fund in the state treasury. All moneys in the fund are
24 appropriated on a continuing basis to the ~~pesticide control~~ crop protection product

1 harmonization and registration board for the purpose of conducting or commissioning studies,
2 investigations, and evaluations regarding the registration and use of pesticides for minor crops,
3 minor uses, and other uses as determined by the board.

4 **SECTION 3.** A new section to chapter 4-35 of the North Dakota Century Code is
5 created and enacted as follows:

6 **Crop protection product harmonization and registration board - Duties - Grants.**

- 7 1. The crop protection product harmonization and registration board consists of the
8 governor or the governor's designee, the agriculture commissioner, the chairman
9 of the house agriculture committee, the chairman of the senate agriculture
10 committee, one crop protection product manufacturing industry representative
11 appointed by the chairman of the legislative council, and two consumers of crop
12 protection products appointed by the governor. The governor or the governor's
13 designee shall serve as chairman of the board. The board shall:
- 14 a. Identify and prioritize crop protection product labeling needs;
 - 15 b. Explore the extent of authority given to this state under the federal Insecticide,
16 Fungicide, and Rodenticide Act [7 U.S.C. 136a];
 - 17 c. Identify the data necessary to enable registration of a use to occur in a timely
18 manner;
 - 19 d. Determine what research, if any, is necessary to fulfill data requirements for
20 activities listed in this section;
 - 21 e. Request the agriculture commissioner to pursue specific research funding
22 options from public and private sources;
 - 23 f. Request the North Dakota state university agricultural experiment station to
24 pursue specific research to coordinate registration efforts; and
 - 25 g. Pursue any opportunities to make more crop protection product options
26 available to agricultural producers in this state through any means the board
27 determines advisable.
- 28 2. The board may contract with a consultant to conduct studies or provide research or
29 information regarding crop protection product registration and labeling needs.
- 30 3. The board may administer a grant program through which agriculture commodity
31 groups established under this title may apply for funds to be used by the groups to

1 address issues related to the registration of crop protection products. To be
2 eligible for receipt of a grant, an applicant must submit an application to the board
3 which requests a specific amount of funds, specifies the exact purposes for which
4 the grant would be used, and provides a detailed timetable for the use of the grant
5 funds. The board may impose any additional conditions it determines appropriate
6 for grant recipients, including requiring periodic reports and furnishing of matching
7 funds. The board may terminate funding of a previously approved grant at any
8 time if the board is dissatisfied with the performance of the grant recipient.

9 4. The board may use not more than fifteen percent of the funds under its supervision
10 for administrative purposes, including the cost of contracting for administrative
11 services and reimbursement of board member expenses. The members of the
12 board who are members of the legislative assembly are entitled to compensation
13 from the legislative council for attendance at board meetings at the rate provided
14 for members of the legislative assembly for attendance at interim committee
15 meetings and are entitled to reimbursement for expenses incurred in attending the
16 meetings in the amounts provided by law for other state officers.

17 5. The board may adopt rules to implement this section.

18 **SECTION 4. REPEAL.** Section 11 of chapter 31 of the 1999 Session Laws is
19 repealed.

20 **SECTION 5. APPROPRIATION.** There is appropriated out of any moneys in the
21 environment and rangeland protection fund in the state treasury, not otherwise appropriated,
22 the sum of \$325,000, or so much of the sum as may be necessary, and from special funds
23 derived from grants or donation income, the sum of \$200,000, or so much of the sum as may
24 be necessary, to the crop protection product harmonization and registration board for the
25 purposes of addressing crop protection product registration and labeling needs and providing
26 grants as provided in section 3 of this Act, for the biennium beginning July 1, 2001, and ending
27 June 30, 2003.