

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1009

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the agriculture
2 commissioner; to provide project safe send user fees; and to amend and reenact sections
3 4-01-21, 19-18-02.1, and 19-18-04 of the North Dakota Century Code, relating to the salary of
4 the agriculture commissioner, uses of the environment and rangeland protection fund, and
5 pesticide registration fees.

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

7 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the
8 funds as may be necessary, are hereby appropriated out of any moneys in the general fund in
9 the state treasury, not otherwise appropriated, and from special funds derived from federal
10 funds and other income, to the agriculture commissioner for the purpose of defraying the
11 expenses of the commissioner of agriculture, for the biennium beginning July 1, 2001, and
12 ending June 30, 2003, as follows:

13 Salaries and wages	\$3,513,495
14 Operating expenses	1,361,357
15 Equipment	30,400
16 Grants	161,700
17 Board of animal health	538,614
18 Ag mediation	1,075,808
19 Ag in the classroom	96,000
20 State meat inspection	631,750
21 Waterbank program	900,000
22 Pride of Dakota	157,050
23 Wildlife services	779,694
24 Safe send	599,369

1	Noxious weeds	<u>1,346,836</u>
2	Total all funds	\$11,192,073
3	Less estimated income	<u>6,798,184</u>
4	Total general fund appropriation	\$4,393,889

5 **SECTION 2. AMENDMENT.** Section 4-01-21 of the 1999 Supplement to the North
6 Dakota Century Code is amended and reenacted as follows:

7 **4-01-21. Salary of agriculture commissioner.** The annual salary of the agriculture
8 commissioner is ~~fifty-eight~~ sixty-six thousand ~~two~~ five hundred ~~sixty-two~~ nine dollars through
9 ~~June 30, 2000~~ December 31, 2001, ~~fifty-nine~~ sixty-eight thousand ~~four~~ five hundred
10 ~~twenty-eight~~ four dollars through ~~December 31, 2000~~ June 30, 2002, and ~~sixty-four~~ sixty-nine
11 thousand ~~five~~ eight hundred ~~sixty-nine~~ seventy-four dollars thereafter.

12 **SECTION 3. AMENDMENT.** Section 19-18-02.1 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **19-18-02.1. Environment and rangeland protection fund.** The environment and
15 rangeland protection fund is a special fund in the state treasury. The moneys in this fund may
16 be used for rangeland improvement projects and to address issues relating to harmonization of
17 crop protection product standards. ~~These~~ The rangeland improvement projects may include
18 noxious weed control; ground water testing, analysis, protection, and improvement; analysis of
19 food products for residues of pesticides and other materials; and analysis and disposal of
20 unusable pesticides and pesticide containers.

21 **SECTION 4. AMENDMENT.** Section 19-18-04 of the 1999 Supplement to the North
22 Dakota Century Code is amended and reenacted as follows:

23 **19-18-04. ~~(Effective through June 30, 2001) Registration—Fees.~~**

- 24 ~~4. Any person before selling or offering for sale any pesticide for use within this state~~
25 ~~shall file biennially with the commissioner an application for registration of the~~
26 ~~pesticide. The application must:~~
- 27 ~~a. Give the name and address of each manufacturer or distributor.~~
 - 28 ~~b. Give the name and brand of each product registered.~~
 - 29 ~~c. Be accompanied by a current label of each product so registered.~~
 - 30 ~~d. Be accompanied by a registration fee of three hundred fifty dollars for each~~
31 ~~product registered. At the close of each calendar month, the commissioner~~

1 ~~shall transmit to the state treasurer all moneys received for the registrations.~~

2 ~~The state treasurer shall credit fifty dollars for each registered product to the~~
3 ~~general fund in the state treasury and the remainder of the registration fee for~~
4 ~~each registered product to the environment and rangeland protection fund.~~

5 ~~e. Be accompanied by a material safety data sheet.~~

6 ~~2. The commissioner may require an applicant or registrant to provide efficacy,~~
7 ~~toxicity, residue, and any other data necessary to determine if the pesticide will~~
8 ~~perform its intended function without unreasonable adverse effects on the~~
9 ~~environment. If the commissioner finds that the application conforms to law, the~~
10 ~~commissioner shall issue to the applicant a certificate of registration of the product.~~
11 ~~If after public hearing before the commissioner the application is denied, the~~
12 ~~product may not be offered for sale.~~

13 ~~3. Each registration covers a two year period beginning January first and expiring~~
14 ~~December thirty first of the following year. A certificate of registration may not be~~
15 ~~issued for a term longer than two years, and is not transferable from one person to~~
16 ~~another, or from the ownership to whom issued to another ownership, or from one~~
17 ~~place to another place or location. A penalty of fifty percent of the license or~~
18 ~~registration fee must be imposed if the license or certificate of registration is not~~
19 ~~applied for on or before January thirty first following the expiration date, or within~~
20 ~~the same month the pesticides are first manufactured or sold within this state.~~
21 ~~Each product must go through a two year discontinuance period in order to clear~~
22 ~~all outstanding products in the channel of trade.~~

23 ~~4. This section does not apply to a pesticide sold by a retail dealer if the registration~~
24 ~~fee has been paid by the manufacturer, jobber, or any other person, as required by~~
25 ~~this section.~~

26 **(Effective July 1, 2001) Registration - Fees.** Any person before selling or offering for
27 sale any pesticide for use within this state shall file biennially with the commissioner an
28 application for registration of the pesticide. The application must:

- 29 1. Give the name and address of each manufacturer or distributor.
30 2. Give the name and brand of each product registered.
31 3. Be accompanied by a current label of each product so registered.

4. Be accompanied by a registration fee of three hundred fifty dollars for each product registered. At the close of each calendar month, the commissioner shall transmit to the state treasurer all moneys received for the registrations. The state treasurer shall credit fifty dollars for each registered product to the general fund in the state treasury and the remainder of the registration fee for each registered product to the environment and rangeland protection fund.

5. Be accompanied by a material safety data sheet.

The commissioner may require an applicant or registrant to provide efficacy, toxicity, residue, and any other data necessary to determine if the pesticide will perform its intended function without unreasonable adverse effects on the environment. If the commissioner finds that the application conforms to law, the commissioner shall issue to the applicant a certificate of registration of the product. If after public hearing before the commissioner the application is denied, the product may not be offered for sale.

Each registration covers a two-year period beginning January first and expiring December thirty-first of the following year. A certificate of registration may not be issued for a term longer than two years, and is not transferable from one person to another, or from the ownership to whom issued to another ownership, or from one place to another place or location. A penalty of fifty percent of the license or registration fee must be imposed if the license or certificate of registration is not applied for on or before January thirty-first following the expiration date, or within the same month the pesticides are first manufactured or sold within this state. Each product must go through a two-year discontinuance period in order to clear all outstanding products in the channel of trade.

This section does not apply to a pesticide sold by a retail dealer if the registration fee has been paid by the manufacturer, jobber, or any other person, as required by this section.

SECTION 5. ESTIMATED INCOME - ENVIRONMENT AND RANGELAND

PROTECTION FUND. The estimated income line item in section 1 of this Act includes the sum of \$2,341,815, or so much of the sum as may be necessary, from the environment and rangeland protection fund for the purpose of defraying the expenses of various agriculture department programs, for the biennium beginning July 1, 2001, and ending June 30, 2003.

SECTION 6. ESTIMATED INCOME - ANHYDROUS AMMONIA STORAGE

INSPECTION FUND. The estimated income line item in section 1 of this Act includes the sum

1 of \$139,775, or so much of the sum as may be necessary, from the anhydrous ammonia
2 storage inspection fund for the purpose of defraying the expenses of regulating anyhdrous
3 ammonia storage facilities, for the biennium beginning July 1, 2001, and ending June 30, 2003.

4 **SECTION 7. ESTIMATED INCOME - GAME AND FISH FUND.** The estimated income
5 line item in section 1 of this Act includes the sum of \$668,000, or so much of the sum as may
6 be necessary, from the game and fish department operating fund for the purpose of defraying
7 the expenses of various agriculture department programs for the biennium beginning July 1,
8 2001, and ending June 30, 2003.

9 **SECTION 8. SAFE SEND PESTICIDE AND PESTICIDE CONTAINER COLLECTION**
10 **- USER FEES.** The agriculture commissioner, in consultation with the advisory board for the
11 safe send pesticide and pesticide container disposal program, shall charge a fee for collection
12 of select chemicals during the biennium beginning July 1, 2001, and ending June 30, 2003.
13 The fees must be established at a level that will generate an estimated \$100,000 for the
14 biennium beginning July 1, 2001, and ending June 30, 2003. Collections from this fee must be
15 deposited in the environment and rangeland protection fund.

16 **SECTION 9. SAFE SEND PESTICIDE AND PESTICIDE CONTAINER COLLECTION**
17 **- RECYCLING.** The agriculture commissioner, in consultation with the advisory board for the
18 safe send pesticide and pesticide container disposal program, shall research the potential of
19 recycling select products collected during the biennium beginning July 1, 2001, and ending
20 June 30, 2003.