

**FIRST ENGROSSMENT
with Conference Committee Amendments****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 and to amend and
4 reenact the new section to chapter 4-35 of the North Dakota Century Code as created by
5 section 3 of House Bill No. 1328, as approved by the fifty-seventh legislative assembly, relating
6 to the salary of the agriculture commissioner, the membership of the crop protection product
7 harmonization and registration board, uses of the environment and rangeland protection fund,
8 and pesticide registration fees.

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

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

16 Salaries and wages	\$3,513,495
17 Operating expenses	1,338,864
18 Equipment	30,400
19 Grants	161,700
20 Board of animal health	538,614
21 Ag mediation	1,075,808
22 Ag in the classroom	96,000
23 State meat inspection	631,750
24 Waterbank program	900,000

1	Pride of Dakota	157,050
2	Wildlife services	779,694
3	Safe send	599,369
4	Noxious weeds	<u>1,346,836</u>
5	Total all funds	\$11,169,580
6	Less estimated income	<u>6,798,184</u>
7	Total general fund appropriation	\$4,371,396

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

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

15 **SECTION 3. AMENDMENT.** The new section to chapter 4-35 of the North Dakota
16 Century Code as created by section 3 of House Bill No. 1328, as approved by the fifty-seventh
17 legislative assembly, is amended and reenacted as follows:

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

- 19 1. The crop protection product harmonization and registration board consists of:
- 20 a. ~~the~~ The governor or the governor's designee; ;
- 21 b. ~~the~~ The agriculture commissioner; or the commissioner's designee;
- 22 c. ~~the~~ The chairman of the house agriculture committee; or the chairman's
23 designee;
- 24 d. ~~the~~ The chairman of the senate agriculture committee, ~~one crop protection~~
25 ~~product manufacturing industry representative appointed by the chairman of~~
26 ~~the legislative council, and two consumers~~ or the chairman's designee;
- 27 e. A member of the house or senate agriculture committee who is not a member
28 of the faction in which the committee chairman is a member, appointed by the
29 legislative council chairman;
- 30 f. A crop protection product dealer in the state appointed by the governor from a
31 list of three nominees submitted by the North Dakota agricultural association;

- 1 g. A consumer of crop protection products appointed by the governor from a list
2 of three nominees submitted by the North Dakota grain growers association;
3 h. A consumer of crop protection products appointed by the governor from a list
4 of three nominees submitted by the North Dakota oilseed council;
5 i. A representative of the crop protection product manufacturing industry
6 appointed by the chairman of the legislative council; and
7 j. The director of the North Dakota state university agricultural experiment
8 station.

- 9 2. The representative of the crop protection product manufacturing industry and the
10 director of the agricultural experiment station shall serve as nonvoting members.

11 The governor or the governor's designee shall serve as chairman of the board.

- 12 3. The board shall:

- 13 a. Identify and prioritize crop protection product labeling needs;
14 b. Explore the extent of authority given to this state under the federal Insecticide,
15 Fungicide, and Rodenticide Act [7 U.S.C. 136a];
16 c. Identify the data necessary to enable registration of a use to occur in a timely
17 manner;
18 d. Determine what research, if any, is necessary to fulfill data requirements for
19 activities listed in this section;
20 e. Request the agriculture commissioner to pursue specific research funding
21 options from public and private sources;
22 f. Request the North Dakota state university agricultural experiment station to
23 pursue specific research to coordinate registration efforts; and
24 g. Pursue any opportunities to make more crop protection product options
25 available to agricultural producers in this state through any means the board
26 determines advisable.

- 27 ~~2.~~ 4. The board may contract with a consultant to conduct studies or provide research or
28 information regarding crop protection product registration and labeling needs.

- 29 ~~3.~~ 5. The board may administer a grant program through which agriculture commodity
30 groups ~~established under this title~~ may apply for funds to be used by the groups to
31 address issues related to the registration of crop protection products. To be

eligible for receipt of a grant, an applicant must submit an application to the board which requests a specific amount of funds, specifies the exact purposes for which the grant would be used, and provides a detailed timetable for the use of the grant funds. The board may impose any additional conditions it determines appropriate for grant recipients, including requiring periodic reports and furnishing of matching funds. The board may terminate funding of a previously approved grant at any time if the board is dissatisfied with the performance of the grant recipient.

~~4.~~ 6. The board may use not more than fifteen percent of the funds under its supervision for administrative purposes, including the cost of contracting for administrative services and reimbursement of board member expenses. The members of the board who are members of the legislative assembly are entitled to compensation from the legislative council for attendance at board meetings at the rate provided for members of the legislative assembly for attendance at interim committee meetings and are entitled to reimbursement for expenses incurred in attending the meetings in the amounts provided by law for other state officers.

~~5.~~ 7. The board may adopt rules to implement this section.

SECTION 4. AMENDMENT. Section 19-18-02.1 of the North Dakota Century Code is amended and reenacted as follows:

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

SECTION 5. AMENDMENT. Section 19-18-04 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

19-18-04. (Effective through June 30, 2004 ~~2003~~) Registration - Fees.

1. Any person before selling or offering for sale any pesticide for use within this state shall file biennially with the commissioner an application for registration of the pesticide. The application must:

- 1 a. Give the name and address of each manufacturer or distributor.
- 2 b. Give the name and brand of each product registered.
- 3 c. Be accompanied by a current label of each product so registered.
- 4 d. Be accompanied by a registration fee of three hundred fifty dollars for each
- 5 product registered. At the close of each calendar month, the commissioner
- 6 shall transmit to the state treasurer all moneys received for the registrations.
- 7 The state treasurer shall credit fifty dollars for each registered product to the
- 8 general fund in the state treasury and the remainder of the registration fee for
- 9 each registered product to the environment and rangeland protection fund.
- 10 e. Be accompanied by a material safety data sheet.
- 11 2. The commissioner may require an applicant or registrant to provide efficacy,
- 12 toxicity, residue, and any other data necessary to determine if the pesticide will
- 13 perform its intended function without unreasonable adverse effects on the
- 14 environment. If the commissioner finds that the application conforms to law, the
- 15 commissioner shall issue to the applicant a certificate of registration of the product.
- 16 If after public hearing before the commissioner the application is denied, the
- 17 product may not be offered for sale.
- 18 3. Each registration covers a two-year period beginning January first and expiring
- 19 December thirty-first of the following year. A certificate of registration may not be
- 20 issued for a term longer than two years, and is not transferable from one person to
- 21 another, or from the ownership to whom issued to another ownership, or from one
- 22 place to another place or location. A penalty of fifty percent of the license or
- 23 registration fee must be imposed if the license or certificate of registration is not
- 24 applied for on or before January thirty-first following the expiration date, or within
- 25 the same month the pesticides are first manufactured or sold within this state.
- 26 Each product must go through a two-year discontinuance period in order to clear
- 27 all outstanding products in the channel of trade.
- 28 4. This section does not apply to a pesticide sold by a retail dealer if the registration
- 29 fee has been paid by the manufacturer, jobber, or any other person, as required by
- 30 this section.

1 **(Effective July 1, ~~2001~~ 2003) Registration - Fees.** Any person before selling or
2 offering for sale any pesticide for use within this state shall file biennially with the commissioner
3 an application for registration of the pesticide. The application must:

- 4 1. Give the name and address of each manufacturer or distributor.
- 5 2. Give the name and brand of each product registered.
- 6 3. Be accompanied by a current label of each product so registered.
- 7 4. Be accompanied by a registration fee of three hundred dollars for each product
8 registered. At the close of each calendar month, the commissioner shall transmit
9 to the state treasurer all moneys received for the registrations. The state treasurer
10 shall credit fifty dollars for each registered product to the general fund in the state
11 treasury and the remainder of the registration fee for each registered product to the
12 environment and rangeland protection fund.
- 13 5. Be accompanied by a material safety data sheet.

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

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

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

SECTION 6. 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 7. ESTIMATED INCOME - ANHYDROUS AMMONIA STORAGE

INSPECTION FUND. The estimated income line item in section 1 of this Act includes the sum of \$139,775, or so much of the sum as may be necessary, from the anhydrous ammonia storage inspection fund for the purpose of defraying the expenses of regulating anyhdrous ammonia storage facilities, for the biennium beginning July 1, 2001, and ending June 30, 2003.

SECTION 8. ESTIMATED INCOME - GAME AND FISH FUND. The estimated income line item in section 1 of this Act includes the sum of \$668,000, or so much of the sum as may be necessary, from the game and fish department operating 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 9. SAFE SEND PESTICIDE AND PESTICIDE CONTAINER COLLECTION - USER FEES. The agriculture commissioner, in consultation with the advisory board for the safe send pesticide and pesticide container disposal program, shall charge a fee for collection of rinsate during the biennium beginning July 1, 2001, and ending June 30, 2003. The fees must be established at a level that will generate enough revenues to cover the cost of disposal associated with the rinsate collected for the biennium beginning July 1, 2001, and ending June 30, 2003. Collections from this fee must be deposited in the environment and rangeland protection fund.

SECTION 10. SAFE SEND PESTICIDE AND PESTICIDE CONTAINER COLLECTION - RECYCLING. The agriculture commissioner, in consultation with the advisory board for the safe send pesticide and pesticide container disposal program, shall research the potential of recycling select products collected during the biennium beginning July 1, 2001, and ending June 30, 2003.