

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2009

Page 1, line 2, replace the first "and" with "to provide a statement of legislative intent; to provide for a transfer;"; replace "section" with "sections", and after "4-01-21" insert "and 19-18-04"

Page 1, line 3, after "commissioner" insert "and pesticide registration fees; and to declare an emergency"

Page 1, remove line 11

Page 1, line 14, replace "828,957" with "758,957"

Page 1, line 18, replace "851,681" with "676,681"

Page 1, line 24, replace "553,907" with "573,907"

Page 2, line 2, replace "8,599,579" with "8,374,579"

Page 2, line 3, replace "4,068,216" with "4,033,216"

Page 2, line 4, replace "4,531,363" with "4,341,363"

Page 2, after line 11, insert:

**"SECTION 3. AMENDMENT.** Section 19-18-04 of the North Dakota Century Code is amended and reenacted as follows:

**19-18-04. Registration - Fees.** 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. Give the name and address of each manufacturer or distributor.
2. Give the name and brand of each product registered.
3. Be accompanied by a current label of each product so registered.
4. Be accompanied by a registration fee of ~~three~~ four hundred 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~~ sixty-seven 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."

Page 2, after line 21, insert:

**"SECTION 6. ESTIMATED INCOME - GAME AND FISH FUND.** The estimated income line item in section 1 of this Act includes the sum of \$200,000, or so much of the sum as may be necessary, from the game and fish department operating fund for the waterbank program for the biennium beginning July 1, 1999, and ending June 30, 2001.

**SECTION 7. LEGISLATIVE INTENT - PROJECT SAFE SEND.** It is the intent of the legislative assembly that the agriculture commissioner not accept products under project safe send from wholesalers or manufacturers unless the full cost of disposal is recovered from the wholesaler or manufacturer. It is also the intent of the legislative assembly that products which are not a direct danger to the public should be disposed of by the owner in a proper manner. The agriculture commissioner may distribute educational materials on the proper and safe disposal of appropriate materials by the original purchaser for the biennium beginning July 1, 1999, and ending June 30, 2001.

**SECTION 8. PROJECT SAFE SEND - FEES.** The agriculture commissioner may charge wholesalers and manufacturers a fee for the disposal of pesticides located in North Dakota. The fee may be no less than the cost of disposal. All fees collected under this section must be deposited in the environment and rangeland protection fund for the biennium beginning July 1, 1999, and ending June 30, 2001.

**SECTION 9. TRANSFER.** The office of management and budget shall transfer \$85,000 from the environment and rangeland protection fund to the minor use pesticide fund for the biennium beginning July 1, 1999, and ending June 30, 2001.

**SECTION 10. CONTINGENT APPROPRIATION - TRANSFER.** If dual labeling of agricultural pesticides is approved, there is hereby appropriated the sum of \$75,000, or so much of the sum as may be necessary, from the environment and rangeland protection fund to the agriculture commissioner for the purpose of assisting in the creation of pesticide labels for the period beginning with the effective date of this Act and ending December 31, 2000. On January 1, 2001, the office of management and budget shall transfer an amount equal to the unspent appropriation authority remaining pursuant to the appropriation provided for in this section from the environment and rangeland protection fund to the minor use pesticide fund.

**SECTION 11. APPROPRIATION - BOARD OF ANIMAL HEALTH - 1997-99 BIENNIUM.** There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$25,000, or so much of the sum as may be necessary, to the agriculture commissioner for the purpose of paying an indemnity and other expenses associated with destroying a herd of cattle infected with

bovine tuberculosis for the period beginning with the effective date of this Act and ending June 30, 1999.

**SECTION 12. EMERGENCY.** Sections 10 and 11 of this Act are declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 602 - AGRICULTURE DEPARTMENT

HOUSE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$3,130,530	\$3,053,452	\$30,000	\$3,083,452
Operating expenses	828,957	828,957	(100,000)	728,957
Equipment	22,900	22,900		22,900
Grants	161,700	161,700		161,700
Board of Animal Health	506,818	502,922		502,922
Ag mediation	857,818	851,681	(175,000)	676,681
Ag in the classroom	96,000	96,000		96,000
Anhydrous ammonia storage	8,154	8,154		8,154
Waterbank program	414,000	414,000		414,000
Pride of Dakota	151,841	151,516		151,516
Wildlife services	779,694	779,694		779,694
Safe Send	554,363	553,907	20,000	573,907
Separate section - Dual labeling			75,000	75,000
Noxious weeds	<u>1,174,696</u>	<u>1,174,696</u>		<u>1,174,696</u>
Total all funds	\$8,687,471	\$8,599,579	(\$150,000)	\$8,449,579
Less special funds	<u>4,080,342</u>	<u>4,068,216</u>	<u>40,000</u>	<u>4,108,216</u>
General fund	\$4,607,129	\$4,531,363	(\$190,000)	\$4,341,363
FTE	46.00	47.00	(1.00)	46.00

Detail of House changes to the Senate version includes:

	RESTORE FUNDING FOR PLANT SERVICES PROGRAM	REDUCE OPERATING EXPENSES	REDUCE AGRICULTURE MEDIATION	ADD CONTINGENT FUNDING FOR DUAL LABELING	ADD FUNDING FOR COMPUTERS	REMOVE AG MEDIATION NEGOTIATOR
Salaries and wages	\$30,000 <sup>1</sup>					
Operating expenses		(\$100,000) <sup>2</sup>				
Equipment						
Grants						
Board of Animal Health						
Ag mediation			(\$100,000) <sup>3</sup>			(\$75,000) <sup>6</sup>
Ag in the classroom						
Anhydrous ammonia storage						
Waterbank program						
Pride of Dakota						
Wildlife services						
Safe Send					\$20,000 <sup>5</sup>	
Separate section - Dual labeling				\$75,000 <sup>4</sup>		
Noxious weeds						
Total all funds	\$30,000	(\$100,000)	(\$100,000)	\$75,000	\$20,000	(\$75,000)
Less special funds				<u>75,000</u>	<u>20,000</u>	<u>(55,000)</u>
General fund	\$30,000	(\$100,000)	(\$100,000)	\$0	\$0	(\$20,000)
FTE	0.00	0.00	0.00	0.00	0.00	(1.00)

	TOTAL HOUSE CHANGES
Salaries and wages	\$30,000
Operating expenses	(100,000)
Equipment	
Grants	
Board of Animal Health	
Ag mediation	(175,000)
Ag in the classroom	
Anhydrous ammonia storage	
Waterbank program	
Pride of Dakota	
Wildlife services	
Safe Send	20,000
Separate section - Dual labeling	75,000
Noxious weeds	
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Total all funds	(\$150,000)
Less special funds	<u>40,000</u>
General fund	(\$190,000)
FTE	(1.00)

House changes narrative:

- 1 Restores funding reduced by the Senate for temporary and overtime salaries in the plant services program.
- 2 Reduces operating expenses. The commissioner may determine the specific areas to reduce within this line item.
- 3 Reduces agriculture mediation. The commissioner may determine the specific areas to reduce within this program.
- 4 If dual labeling of pesticides is approved, an appropriation from the environment and rangeland protection fund is provided for creating the pesticide labels. Any of this funding that has not been spent by December 31, 2000, will be transferred to the minor use pesticide fund.
- 5 Adds funding from the environment and rangeland protection fund for purchasing computers and related costs for the Safe Send program.
- 6 Removes 1 FTE agriculture mediation negotiator position.

Sections are added providing that the Agricultural Commissioner may charge wholesalers and manufacturers for the actual costs of disposing of their products under project Safe Send and that products which are not a direct danger to the public should be disposed of by the owner in a proper manner rather than under project Safe Send.

A section is added providing for an \$85,000 transfer from the environment and rangeland protection fund to the minor use pesticide fund.

A section is added increasing the biennial pesticide registration fee from \$300 to \$400. Of the \$400, \$67 is deposited in the general fund and \$333 in the environment and rangeland protection fund.

A section is added appropriating \$25,000 from the general fund for the remainder of the 1997-99 biennium for indemnifying the owner and paying other expenses associated with destroying a herd of cattle infected with bovine tuberculosis.