

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2009

In lieu of the amendments adopted by the House as printed on pages 1056-1060 of the House Journal, Engrossed Senate Bill No. 2009 is amended as follows:

Page 1, line 2, replace the first "and" with "to provide for crop protection product task force; 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 13, replace "3,053,452" with "3,083,452"

Page 1, line 14, replace "828,957" with "628,957"

Page 1, line 18, replace "851,681" with "776,681"

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 ~~five~~ 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, line 14, replace "\$1,860,576" with "\$1,880,576"

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 not be 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. LINE ITEM TRANSFERS. Notwithstanding section 54-16-04, the director of the office of management and the state treasurer shall make transfers of funds between line items in section 1 of this Act of up to a cumulative sum of \$100,000 as may be requested by the agriculture commissioner for the biennium beginning July 1, 1999, and ending June 30, 2001.

SECTION 11. CROP PROTECTION PRODUCT TASK FORCE - MEMBERSHIP - DUTIES. The crop protection product task force consists of the agriculture commissioner, the chairman of the house agriculture committee, the

chairman of the senate agriculture committee, and three individuals appointed by the governor. The governor shall call the task force together for its initial meeting, at which time the task force members shall select a member to be chairman. Every meeting thereafter is at the call of the chairman. The task force shall:

1. Identify and prioritize crop protection product labeling needs;
2. Determine which crop protection compounds should be considered for registration by this state and submitted for environmental protection agency approval and allocate funds, as needed, to accomplish the registration and approval; and
3. Work in a coordinated and cooperative fashion with the manufacturers of crop protection products to ensure prompt and consistent labeling of products for use in the United States, Canada, and Mexico.

SECTION 12. APPROPRIATION. There is hereby appropriated out of any moneys in the environment and rangeland protection fund in the state treasury, not otherwise appropriated, the sum of \$300,000, or so much of the sum as may be necessary, to the crop protection product task force for the purpose of addressing crop protection product registration and labeling as provided for in section 11 of this Act for the biennium beginning July 1, 1999, and ending June 30, 2001.

SECTION 13. 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 14. EMERGENCY. Section 13 of this Act is 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 | (200,000) | 628,957 |
| 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 | (75,000) | 776,681 |
| 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 |
| 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 | (\$225,000) | \$8,374,579 |
| Less special funds | <u>4,080,342</u> | <u>4,068,216</u> | <u>(35,000)</u> | <u>4,033,216</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 | ADD FUNDING FOR COMPUTERS | REMOVE AG MEDIATION NEGOTIATOR | TOTAL HOUSE CHANGES |
|------------------------------|--|---------------------------------|---------------------------------|--------------------------------------|---------------------------|
| Salaries and wages | \$30,000 ¹ | | | | \$30,000 |
| Operating expenses | | (\$200,000) ² | | | (200,000) |
| Equipment | | | | | |
| Grants | | | | | |
| Board of Animal Health | | | | | |
| Ag mediation | | | | (\$75,000) ⁴ | (75,000) |
| Ag in the classroom | | | | | |
| Anhydrous ammonia storage | | | | | |
| Waterbank program | | | | | |
| Pride of Dakota | | | | | |
| Wildlife services | | | | | |
| Safe Send | | | \$20,000 ³ | | 20,000 |
| Noxious weeds | | | | | |
| Total all funds | \$30,000 | (\$200,000) | \$20,000 | (\$75,000) | (\$225,000) |
| Less special funds | | | <u>20,000</u> | <u>(55,000)</u> | <u>(35,000)</u> |
| General fund | \$30,000 | (\$200,000) | \$0 | (\$20,000) | (\$190,000) |
| FTE | 0.00 | 0.00 | 0.00 | (1.00) | (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 the budget. A section is added authorizing the Agriculture Commissioner to transfer up to \$100,000 of appropriation authority between line items without Emergency Commission approval.
- ³ Adds funding from the environment and rangeland protection fund for purchasing computers and related costs for the Safe Send program.
- ⁴ Removes 1 FTE agriculture mediation negotiator position.

Sections are added providing that the Agriculture 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.

Sections are added establishing a crop protection task force and appropriating \$300,000 from the environment and rangeland protection fund to the task force for addressing crop protection product registration and labeling issues.