

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2082

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*La Costa Rickford*  
Operator's Signature

10/15/03  
Date

2003 SENATE AGRICULTURE

SB 2082

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2082

Senate Agriculture Committee

Conference Committee

Hearing Date 01/17/03

Tape Number	Side A	Side B	Meter #
1	x		2306 - 3150
Committee Clerk Signature 			

Minutes:

Chairman Flakoll opened the hearing on SB 2082. All members were present.

John Olson, Program Manager for the North Dakota Agriculture Department, testified in favor of the bill.

Senator Flakoll asked if the numbers of the subsection numbers listed in the bill were just those where the definitions appeared.

Mr. Olson stated the legislative council decided to use just the subsections containing these definitions.

Mr. Olson stated the fiscal note supplied with the bill was based on 10 out of state applications for certification per year and based on the average cost of certification.

Senator Klein said we have dealt with applicators in previous sessions, are we getting there yet?

Mr. Olson stated some of the changes in previous years have muddied the waters and was hard for people to understand where they fit in terms of certification. The Agriculture Department

Page 2  
Senate Agriculture Committee  
Bill/Resolution Number SB 2082  
Hearing Date 01/17/03

went to the EPA definitions in the hopes their terminology would be more clear and understandable by the public. He does not anticipate bringing this up in the next session.

Senator Flakoll asked what was the need for the change in section 6, line 30 to the wording "adjudicative proceeding" from "administrative hearing"

Mr. Olson said the language came from the Attorney General's office and it was something the lawyers wanted.

Chairman Flakoll closed the hearing on SB 2082.

Senator Klein said we are looking at some language clean up.

It was moved by Senator Klein, seconded by Senator Erbele and passed on a roll call vote that the Senate Agriculture Committee take a Do Pass action on SB 2080. Voting in favor were Senator Flakoll, Senator Erbele, Senator Klein, Senator Urlacher, Senator Nichols, Senator Seymour. No negative votes were cast. Senator Urlacher will carry the bill.

Chairman Flakoll moved on to other business of the Senate Agriculture Committee.

**FISCAL NOTE**  
 Requested by Legislative Council  
 01/03/2003

Bill/Resolution No.: SB 2082

**1A. State fiscal effect:** Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>	\$0	\$0	\$0	\$730	\$0	\$730
<b>Expenditures</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Appropriations</b>	\$0	\$0	\$0	\$0	\$0	\$0

**1B. County, city, and school district fiscal effect:** Identify the fiscal effect on the appropriate political subdivision.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

**2. Narrative:** Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

This legislation would establish a fee to certify, through reciprocity, out-of-state pesticide applicators. The fee would be no greater than that charged in-state applicators.

**3. State fiscal effect detail:** For information shown under state fiscal effect in 1A, please:

**A. Revenues:** Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

The average number of such certifications granted is ten per biennium, and the average certification fee for each certification is \$73. This results in total revenue of \$730 per biennium.

**B. Expenditures:** Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

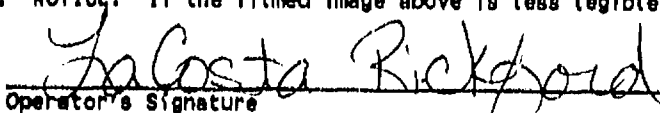
This would have no impact on expenditures.

**C. Appropriations:** Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

This would have no impact on appropriations.

<b>Name:</b>	Jeff K. Weispfenning	<b>Agency:</b>	Agriculture Department
<b>Phone Number:</b>	328-4758	<b>Date Prepared:</b>	01/10/2003

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10/15/03  
 Operator's Signature Date

Date: 1/17/03  
Roll Call Vote #: 2082

**2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO.**

Senate Agriculture Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Klein Seconded By Erbele

Senators	Yes	No	Senators	Yes	No
Senator Tim Flakoll, Chair	✓		Senator Ronald Nichols	✓	
Senator Robert S. Erbele, V. Chair	✓		Senator Tom Seymour	✓	
Senator Jerry Klein	✓				
Senator Herb Urlacher	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Urlacher

If the vote is on an amendment, briefly indicate intent:

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Jacosta Rickford 10/15/03  
Operator's Signature Date

**REPORT OF STANDING COMMITTEE (410)**  
January 17, 2003 10:34 a.m.

**Module No: SR-09-0713**  
**Carrier: Urlacher**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**  
**SB 2082: Agriculture Committee (Sen. Flakoll, Chairman) recommends DO PASS**  
**(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2082 was placed on the**  
**Eleventh order on the calendar.**

(2) DESK, (3) COMM

Page No. 1

SR-09-0713

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Operator's Signature

*10/15/03*  
Date

2003 HOUSE AGRICULTURE

SB 2082

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*Fa Costa Rickford*

10/15/03

Date



2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2082

House Agriculture Committee

Conference Committee

Hearing Date 2--27--03

Tape Number	Side A	Side B	Meter #
ONE	A		24.2 TO 30
Committee Clerk Signature <i>Edward D. Olson</i>			

Minutes:

CHAIRMAN NICHOLAS : Committee Members, we will open the hearing on SB 2082.

JEFF OLSON: I am Program Manager in the Department of Agriculture.

I am testifying in support of SB 2982. [][[PLEASE READ TESTIMONY PRESENTED BY JEFF OLSON]]]

**THE CHAIR WILL ENTERTAIN A MOTION ON 2082.**

**REPRESENTATIVE KREIDT MOVED FOR A DO PASS.**

**REPRESENTATIVE ONSTAD SECONDED THE MOTION.**

**THE ROLL WAS TAKEN. THERE WERE 10 YES 0 NO AND 3 ABSENT.**

**REPRESENTATIVE KREIDT CARRIED THE BILL.**

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*La Costa Rickford* 10/15/03  
Operator's Signature Date

SB 2082

Date: 2-27-03  
Roll Call Vote #:

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO.

House AGRICULTURE COMMITTEE

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DO PASS

Motion Made By KREIDT Seconded By ONSTAD

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN NICHOLAS	✓				
VICE CHAIRMAN POLLERT	✓				
REPRESENTATIVE BELTER	✓				
REPRESENTATIVE BOEHNING	✓				
REPRESENTATIVE KELSCH	✓				
REPRESENTATIVE KINGSBURY	✓				
REPRESENTATIVE KREIDT	✓				
REPRESENTATIVE UGLEM	✓				
REPRESENTATIVE WRANGHAM	✓				
REPRESENTATIVE BOE					
REPRESENTATIVE FROELICH					
REPRESENTATIVE MELLER					
REPRESENTATIVE ONSTAD	✓				

Total (Yes) 10 No 0

Absent 3

Floor Assignment KREIDT

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Operator's Signature LaCosta Rickford Date 10/15/03

**REPORT OF STANDING COMMITTEE (410)**  
February 27, 2003 12:52 p.m.

**Module No: HR-35-3585**  
**Carrier: Kreidt**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2082: Agriculture Committee (Rep. Nicholas, Chairman) recommends DO PASS**  
**(10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2082 was placed on the**  
**Fourteenth order on the calendar.**

(2) DESK, (3) COMM

Page No. 1

HR-35-3505

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Date

2003 TESTIMONY

SB 2082

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Operator's Signature

10/15/03  
Date

Roger Johnson  
Agriculture Commissioner  
www.agdepartment.com



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Toll Free (800) 242-7535  
Fax (701) 328-4567

600 E Boulevard Ave., Dept. 602  
Bismarck, ND 58505-0020

**NORTH DAKOTA DEPARTMENT OF AGRICULTURE  
LEGISLATIVE TESTIMONY**

Testimony of Jeff Olson, Program Manager  
Plant Industries  
North Dakota Department of Agriculture  
Senate Bill 2082  
January 17, 2003  
10:00 a.m.  
Senate Agriculture Committee  
Roosevelt Room

*Same  
testimony to  
House*

Chairman Flakoll and members of the committee. My name is Jeff Olson. I am the Program Manager in the Department of Agriculture. I am here to testify in support of SB 2082. This bill is a housekeeping bill to clean up and clarify language throughout the chapter. This bill was approved by the Pesticide Control Board at its November 14, 2002, meeting.

For brevity, I will discuss each recommended change included in this bill. Section 1 of the bill amends five definitions of terms found in N.D.C.C. 4-35-05. These changes are recommended for clarification and to eliminate confusing language.

Sections 2 to 4 add the term "public" applicator to the certification and records requirements.

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Section 5 adds a section that requires an out-of-state certified applicator to pay a fee when requesting a reciprocal certification in North Dakota. Resident applicators are required to pay a fee to cover the costs of getting certified and it is only appropriate that out-of-state applicators be charged the same fee.

Section 6 was added at the request of the Attorney General's office to clarify the section of when a penalty could be assessed for violating any provision of the chapter.

Thank you for your consideration. I would be happy to answer any questions.

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### Call to Order and Introductions

Roger Johnson called the meeting to order at 10:40 a.m. on November 14. The meeting was held in the Agriculture Commissioner's office in Bismarck. Board members present were **Roger Johnson**, North Dakota Agriculture Commissioner; **Ken Grafton**, NDSU Experiment Station Director; and **Sharon Anderson**, NDSU Extension Service Director. Others present were **Jeff Olson**, ND Department of Agriculture. **Andrew Thostenson** joined the meeting via conference call at 10:53.

**Anderson moved to approve the minutes of the June 10, 2002, PCB meetings. Seconded by Grafton. All members voted "aye."**

Thostenson presented the NDSU Pesticide Program update and activities. Thostenson proposed a one dollar fee increase for certification exams from \$19 to \$20. There were discussions on how much to increase the fee. Anderson stated that instead of increasing it one dollar, that it should be increased to \$25 to cover more of the costs of operating the program. Johnson stated that an Attorney general's opinion in 1999 stated that the board can only increase the fee to cover its actual costs. Anderson stated that \$25 would still be below the actual cost of operating the program. Thostenson was directed by the Board to determine the actual cost of operating the program and report it to the Board. **Anderson moved to approve the fee increase to \$25 from the present \$19 for certification exams on condition that Thostenson's cost evaluation exceeds the \$25 limit. Grafton seconded. All members voted "aye."**

Olson presented to the Board a draft administrative rule covering cheating on certification exams. Olson stated that it was approved by the advisory committee in August to recommend the rule. Thostenson expanded on the background of the discussion and its effectiveness in other states. The reason for the rule is because of an investigation that occurred in Cavalier County earlier this year. Johnson stated that he wasn't opposed to the rule but suggested that the process should wait until after the legislative session is complete in case there are other changes that may need to be made. The decision on the administrative rule was tabled until after the legislative session.

Olson next presented three bill drafts that dealt with N.D.C.C. 4-35 06 (2) and 19-18. One draft would remove the ability of the Board to designate restricted use pesticides. This jurisdiction is found in both NDCC 4-35-06 (2), Pesticide Control Board and 19-18, Agriculture Commissioner. The reason for keeping with the Agriculture Commissioner is because it is more of a registration issue than an enforcement issue. Another issue on the same bill draft would move NDCC 4-35-07 to NDCC 19-18. This section covers the review of experimental use permits. The reason for this move is because it is an experimental registration issue.

North Dakota Century Code 4-35-23 (4) will be amended to clarify language at the recommendation of the Attorney General's Office. NDCC 4-35-05-09, 14, and 18 are

housing cleaning amendments to clarify confusion in the statutes. Grafton moved that the Board approve the bill drafts subject to review and approval of the Attorney General's Office. Anderson seconded. All members voted "aye".

Olson updated the Board on the pesticide enforcement numbers for the past federal fiscal year and was directed to supply the number of outstanding cases to the Board. Olson explained the investigations and enforcement issues relating to the import of Canadian Liberty and the off label application of Round-up on mustard and dry beans. Olson next explained the final investigation to the dinoseb groundwater contamination in Pembina County. Olson explained that the Department's investigation included a fly-over of the vicinity looking for "old" dumps and landfills, the search of the located dumps, and soil sample collection and analysis surrounding the well in question. Olson explained that the soil analysis indicated the residue was found in the soil profile and originated from an area where potato truck boxes were stored on old fifty-five gallon drums during the 1970's. Olson's conclusion was that the dinoseb residue is slowly leaching through the soil profile with residue levels well below the MCL level and there was no danger to human health or the environment. Olson stated that EPA was briefed on these conclusions and was satisfied with the results.

Meeting adjourned at 11:00 a.m.

The minutes were submitted by Jeff Olson.



38202.0100

Fifty-eighth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2083**

Introduced by

Human Services Committee

(At the request of the Department of Human Services)

1 A BILL for an Act to amend and reenact section 50-06.2-03 of the North Dakota Century Code,  
2 relating to the eligibility resource limits of service payments to the elderly and disabled program.

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

4 **SECTION 1. AMENDMENT.** Section 50-06.2-03 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **50-06.2-03. Powers and duties of the state agency.** The state agency has the  
7 following powers or duties under this chapter:

- 8 1. To act as the official agency of the state in the administration of the human  
9 services programs for individuals and families in conformity with state and federal  
10 requirements.
- 11 2. To prepare, at least biennially, a comprehensive human services plan which must:  
12 a. Include human services determined essential in effectuating the purposes of  
13 this chapter.  
14 b. Detail the human services identified by the state agency for provision by  
15 human service centers and the services which the county agencies have  
16 agreed to make available in approved county plans as a condition for the  
17 receipt of any funds allocated or distributed by the state agency.
- 18 3. To make available, through county agencies or human service centers, any or all of  
19 the services set out in the comprehensive human services plan on behalf of those  
20 individuals and families determined to be eligible for those services under criteria  
21 established by the state agency.
- 22 4. To supervise and direct the comprehensive human services administered by  
23 county agencies and human service centers through standard-setting, technical  
24 assistance, approval of county and regional plans, preparation of the

Page No. 1

38202.0100

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