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OMB/RECORDS MANAGEMENT DIVISION
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ROLL NUMBER

DESCRIPTION

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10-16-03
Date

2003 SENATE AGRICULTURE

SB 2110

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2110

Senate Agriculture Committee

Conference Committee

Hearing Date 1/09/03

Tape Number	Side A	Side B	Meter #
1	X		6015
1		X	0
Committee Clerk Signature 			

Minutes:


Chairman Flakoll opened the hearing on SB 2110.

Garry Wagner, Registration Coordinator for the North Dakota Department of Agriculture, testified in favor of the bill (written testimony attached). The purpose of the bill is to clarify when registration fees become due and to set a minimum tonnage reporting fee to cover costs of administering the program.

Senator Flakoll referred to the fiscal note showing revenue of \$600 and asked if it could be higher. Mr. Wagner stated there will be very few minimum fees, usually lawn care specialty products. Senator Flakoll asked if there was a problem with the stagger on an every other year fee. Mr. Wagner stated there would be no problem, they are already operating on an every other year system, this is just a clarification.

Senator Urlacher asked what type of inspection is referred to by the bill. Mr. Wagner stated it is an analytical inspection of fertilizer and fertilizer mixes.

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Page 2

Senate Agriculture Committee
Bill/Resolution Number SB 2110
Hearing Date 1/09/03

Senator Flakoll closed the hearing on SB 2110.

Senator Nichols clarified that this bill will not affect dealers selling fertilizer in small packages under 25# and involves only 50 or 60 businesses, primarily lawn care, that sell bulk fertilizer.

It was moved by Senator Nichols, seconded by Senator Klein and passed on a roll call vote that the committee take a Do Pass action on SB 2110. Voting in favor were Senator Flakoll, Senator Erbele, Senator Klein, Senator Urlacher, Senator Nichols, Senator Seymour. No negative votes were cast.

The meeting was adjourned.

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FISCAL NOTE

Requested by Legislative Council
01/03/2003

Bill/Resolution No.: SB 2110

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
Revenues	\$0	\$0	\$600	\$0	\$600	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$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 bill recommends setting a minimum inspection fee of ten dollars per year for all fertilizers, soil amendments, and plant amendments to cover processing and handling costs associated with each application.

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, et.

An increase in revenue to the general fund of approximately \$600 by adding a minimum fee. This is based on an average of 60 registrants per biennium who pay less than ten dollars in fees.

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.

No expected additional 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.

No expected additional appropriations.

Name: Jeff K. Welspenning	Agency: Agriculture Department
----------------------------------	---------------------------------------

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10-16-03
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Phone Number: 328-4758

Date Prepared: 01/06/2003

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Date: 1/9/03
Roll Call Vote #: 210

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 Nichols Seconded By Klein

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 Senator Nichols

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

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Yvonne J. Lee 10-16-03
Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)
January 9, 2003 11:22 a.m.

Module No: SR-03-0403
Carrier: Nichols
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
SB 2110: Agriculture Committee (Sen. Flakoll, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2110 was placed on the
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-03-0403

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10-16-03
Date

2003 HOUSE AGRICULTURE

SB 2110

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10-16-03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2110

House Agriculture Committee

Conference Committee

Hearing Date 2--27--03

Tape Number	Side A	Side B	Meter #
ONE	A		34.7 TO 41
Committee Clerk Signature <i>Edward D. Olson</i>			

Minutes:

CHAIRMAN NICHOLAS: Committee Members, we will open the hearing on SB 2110

JEFF OLSON: Program Manager North Dakota Department of Agriculture. {{{{PLEASE READ JEFF'S TESTIMONY}}}} I am here in support of this bill.

REPRESENTATIVE POLLERT: Jeff, the way you are currently doing now without the ten dollar minimum fee. Is the commission running in the whole?

JEFF OLSON: No but what it dose is creates confusion. Sometimes we get checks in for \$.20 cents. The money we get from this goes into the general fund. For the time it takes our accounts to do a one time report as it dose for a one hundred time report. It is more efficient and economically feasible for the state. Makes sense to do that.

REPRESENTATIVE POLLERT: Why ten dollars instead of five dollars.?

JEFF OLSON: There is no magic number.

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10-16-03
Date

Page 2

House Agriculture Committee

Bill/Resolution Number SB 2110

Hearing Date 2--27--03

REPRESENTATIVE BELTER: How many fees do you collect annually now.

JEFF OLSON. Gary Wagner is present. I have him explain it.

GARY WAGNER: Approximately \$200,000.00 dollars.

CHAIRMAN NICHOLAS: Any one else to offer support for SB 2110.

CHAIRMAN NICHOLAS: I WILL ENTERTAIN A MOTION ON SB 2110.

REPRESENTATIVE BOE MOVED FOR A DO PASS.

REPRESENTATIVE UGLEM SECONDED THE MOTION.

THE ROLL WAS TAKEN. THE VOTE WAS 10 YES 2 NO 1 ABSENT

REPRESENTATIVE BOE CARRIED THE BILL.

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10-16-03
Date

SB 2110
2-27-03

Date:
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 BOE Seconded By UGLEM

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN NICHOLAS	L				
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 2

Absent 1

Floor Assignment BOE

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10-16-03
Date

REPORT OF STANDING COMMITTEE (410)
February 27, 2003 1:02 p.m.

Module No: HR-35-3587
Carrier: Boe
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
SB 2110: Agriculture Committee (Rep. Nicholas, Chairman) recommends DO PASS
(10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2110 was placed on the
Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-35-3587

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2003 TESTIMONY

SB 2110

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10-16-03
Date

Roger Johnson
Agriculture Commissioner
www.agdepartment.com



Phone (701) 328-2231
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 Garry Wagner,
Registration Coordinator
North Dakota Department of Agriculture
Senate Bill 2110
January 9, 2003
9:30 a.m.
Senate Agriculture Committee
Roosevelt Room

Chairman Flakoll and members of the committee, my name is Garry Wagner. I am the Registration Coordinator for Feed, Fertilizer and Livestock Medicine for the Plant Industries Program Area in the Department of Agriculture. I am here to testify in support of SB 2110 that amends chapter 19-20.1 of the North Dakota Century Code. This bill relates to registration and inspection fees of fertilizers and soil conditioners.

This amendment will clarify the fertilizer registration, and licensing renewal period. The change would establish a registration period of two years but all registrations expire on June 30th of "every even number year". This has been the interpretation of the law by our staff for many years, but a recent request from a registrant and discussions with the assistant attorney general assigned to our office suggested that the current law is unclear. Clarification of a two year period for fertilizer registration and licensing allows the department to maintain a registration process

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Date

that is more cost effective and time efficient. This allows the department to coordinate registration renewals.

The amendment also sets a minimum tonnage reporting fee of ten dollars in order to help defray the costs of processing and maintaining the program. Currently the state collects a fee of twenty cents per ton with no minimum fee. A company that sells specialty fertilizers such as lawn care products may sell only a ton of fertilizer but submits a fee of twenty cents. It takes as much time and work to process the one ton reports as it does the reports for larger amounts. This amendment allows the department to set a minimum fee of ten dollars for tonnage reports to offset administrative costs.

Thank you for considering SB 2110. I would be happy to answer any questions.

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**NORTH DAKOTA DEPARTMENT OF AGRICULTURE
LEGISLATIVE TESTIMONY**

Testimony of Jeff Olson,
Program Manager
North Dakota Department of Agriculture
Senate Bill 2110
February 27, 2003
10:30 a.m.
House Agriculture Committee
Peace Garden Room

Chairman Nicholas and members of the committee, my name is Jeff Olson. I am the Program Manager for the Plant Industries Program Area in the Department of Agriculture. I am here to testify in support of SB 2110 that amends chapter 19-20.1 of the North Dakota Century Code. This bill relates to registration and inspection fees of fertilizers and soil conditioners.

This amendment will clarify the fertilizer registration, and licensing renewal period. The change would establish a registration period of two years but all registrations expire on June 30th of "every even number year". This has been the interpretation of the law by our staff for many years, but a recent request from a registrant and discussions with the assistant attorney general assigned to our office suggested that the current law is unclear. Clarification of a two year period for fertilizer registration and licensing allows the department to maintain a registration process that is more cost effective and time efficient. This also allows the department to coordinate registration renewals.

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Date

38138.0100

Fifty-eighth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2111

Introduced by

Industry, Business and Labor Committee

(At the request of the Agriculture Commissioner)

1 A BILL for an Act to amend and reenact section 19-20.2-03 of the North Dakota Century Code,
2 relating to licensing of anhydrous ammonia facilities.

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

4 **SECTION 1. AMENDMENT.** Section 19-20.2-03 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **19-20.2-03. License required - ~~Construction of anhydrous~~ Anhydrous ammonia**
7 **facilities constructed after June 30, 1985.** No anhydrous ammonia storage facility may be
8 ~~constructed or operated~~ without a license issued by the commissioner of agriculture and the
9 board of county commissioners of the county in which the facility is to be constructed. An
10 application for a license to site and operate an anhydrous ammonia storage facility must be
11 made to the commissioner of agriculture and to the board of county commissioners. The
12 commissioner or the board may deny a license for failure to remit the proper fee to the
13 commissioner of agriculture, for failure to comply with the siting requirements of this chapter
14 and rules adopted pursuant to this chapter if constructed after June 30, 1985, or for failure to
15 comply with local siting requirements. The commissioner of agriculture also may deny a license
16 if the chief boiler inspector does not certify that the facility meets the initial inspection standards
17 required by this chapter and by any rules adopted pursuant to this chapter. In order to obtain a
18 license, an individual shall submit two sets of drawings or photographs and signed affidavits
19 stating and showing the facility has been measured and meets the siting requirements along
20 with the application for license. The drawings or photographs must show the proposed location
21 of the tank, the locations, and the surroundings in all directions. One set of drawings or
22 photographs is for the commissioner of agriculture and the other is for the board of county
23 commissioners.

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