

February 5, 2001

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1009

Page 1, line 2, after the semicolon insert "to provide project safe send user fees;", replace "section" with "sections", and after "4-01-21" insert ", 19-18-02.1, and 19-18-04"

Page 1, line 3, after "commissioner" insert ", uses of the environment and rangeland protection fund, and pesticide registration fees"

Page 1, line 11, replace "3,519,782" with "3,513,495"

Page 1, line 18, replace "711,964" with "631,750"

Page 1, line 24, replace "11,278,574" with "11,192,073"

Page 2, line 1, replace "6,638,291" with "6,798,184"

Page 2, line 2, replace "4,640,283" with "4,393,889"

Page 2, after line 9, insert:

"SECTION 3. 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 4. 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, 2001) Registration - Fees.~~

4. ~~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:~~
 - a. ~~Give the name and address of each manufacturer or distributor.~~
 - b. ~~Give the name and brand of each product registered.~~
 - c. ~~Be accompanied by a current label of each product so registered.~~
 - d. ~~Be accompanied by a registration fee of three hundred fifty 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 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.~~

- e. ~~Be accompanied by a material safety data sheet.~~
- 2. ~~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.~~
- 3. ~~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.~~
- 4. ~~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.~~

~~(Effective July 1, 2004) 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 hundred fifty 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 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 21, replace "\$468,000" with "\$668,000"

Page 2, after line 24, insert:

"SECTION 8. 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 select chemicals during the biennium beginning July 1, 2001, and ending June 30, 2003. The fees must be established at a level that will generate an estimated \$100,000 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 9. 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."

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1009 - Department of Agriculture - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$3,519,782	(\$6,287)	\$3,513,495
Operating expenses	1,361,357		1,361,357
Equipment	30,400		30,400
Grants	161,700		161,700
Board of Animal Health	538,614		538,614
Ag mediation	1,075,808		1,075,808
Ag in the classroom	96,000		96,000
State meat inspection	711,964	(80,214)	631,750
Waterbank program	900,000		900,000
Pride of Dakota	157,050		157,050
Wildlife services	779,694		779,694
Safe Send	599,369		599,369
Noxious weeds	<u>1,346,836</u>		<u>1,346,836</u>
Total all funds	\$11,278,574	(\$86,501)	\$11,192,073
Less estimated income	<u>6,638,291</u>	<u>159,893</u>	<u>6,798,184</u>
General fund	\$4,640,283	(\$246,394)	\$4,393,889
FTE	55.50	0.00	55.50

Dept. 602 - Department of Agriculture - Detail of House Changes

	ADJUST MARKET EQUITY SALARY INCREASE ¹	UNFUND 1 FTE MEAT INSPECTOR POSITION	FUNDING SOURCE CHANGE ²	TOTAL HOUSE CHANGES
Salaries and wages	(\$6,287)			(\$6,287)
Operating expenses				
Equipment				
Grants				
Board of Animal Health				
Ag mediation				
Ag in the classroom				
State meat inspection		(\$80,214)		(80,214)
Waterbank program				
Pride of Dakota				
Wildlife services				
Safe Send				
Noxious weeds				
Total all funds	(\$6,287)	(\$80,214)	\$0	(\$86,501)
Less estimated income		(40,107)	200,000	159,893
General fund	(\$6,287)	(\$40,107)	(\$200,000)	(\$246,394)
FTE	0.00	0.00	0.00	0.00

¹ This amendment reduces, from \$12,969 to \$6,682, the amount provided for a market equity salary increase for the commissioner and deputy commissioner. The amount included in the bill will provide for a monthly increase of \$166.25 for the commissioner and \$151.67 for the deputy commissioner and related fringe benefits for the last 18 months of the biennium.

² This is Governor Hoeven's recommended change from Governor Schafer's budget recommendation for the Department of Agriculture. This proposed amendment replaces \$200,000 of general fund moneys with game and fish funds for the wildlife services line item. The total amount from the game and fish fund for the wildlife services line item is \$400,000.

A section is added authorizing funds from the environment and rangeland protection fund to be used for harmonization of crop protection product standards.

A section is added continuing the \$350 biennial pesticide product registration fee. Under current law, the fee would have reverted on July 1, 2001.

A section is added requiring the Agriculture Commissioner, in consultation with the advisory board for the Safe Send program, to establish fees for collection of select chemicals. The fees are to be established at a level sufficient to generate \$100,000 during the 2001-03 biennium, to be deposited in the environment and rangeland protection fund, to defray the costs of Project Safe Send.

A section is added requiring the Agriculture Commissioner, in consultation with the advisory board for the Safe Send program, to research the potential of recycling selected products collected under Project Safe Send.