

# MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

2398

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10/22/03

Date

2003 SENATE APPROPRIATIONS  
BN 2393

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# 2003 SENATE STANDING COMMITTEE MINUTES

## BILL/RESOLUTION NO. SB 2398

Senate Appropriations Committee

☐ Conference Committee

Hearing Date 2-04-03

Tape Number	Side A	Side B	Meter #
1	X		4039-6209
Committee Clerk Signature <i>Sandra Davis</i>			

Minutes: Chairman Holmberg opened the hearing to SB 2398. A bill relating to provide fro a transfer form the environment and rangeland protection fund to the minor use pesticide fund. (Meter 4097) Senator O'Connell, District 6: Introduced the bill that he sponsored. Handed out some written testimony Exhibit 1. The bill will transfer up to two hundred thousand dollars. This legislation was done in 1997 for funding studies and evaluations regarding the registration processes for minor crop pesticides in '99. (Meter 4237) Senator Krauter, co-sponsor on the bill: The committees reference on this bill, if you go back to SB 2026 it will provide you with some financial analysis of the minor use fund that was presented to us in this committee. It will show you the beginning balance of this fund on June 30, 2001, was one hundred and eighty thousand. Of that current biennium fifty five hundred thousand was transferred from the herb fund into the minor use pesticide fund giving us a total of six hundred and eighty thousand. Through the biennium three hundred and forty thousand was used for projects that left a balance of three hundred and forty thousand. Now going into this next biennium, the three hundred and forty

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Senate Appropriations Committee

Bill/Resolution Number SB 2398

Hearing Date 2-04-03

thousand in the governor's budget there is a two hundred and fifty thousand expenditure to use at the NDSU research center on some pesticide plats/plots. Which brings that count down to ninety thousand. This is a piece of legislation that we see every legislative session, and it needs to be transferred up to two hundred thousand into that fund to build the balance back up in there so it can be used for those minor crops such as canola, sunflowers. (Meter 4470) Jack Dalrymple, Lt. Governor: I agree with the bills sponsor that we are short a couple of hundred grand for the minor use fund in '03-'05. The question becomes how you want to address that - this bill would be one way but what I need to emphasis is that the whole question of the minor use fund balance and appropriations and the herb fund balance in appropriations and another bill in the senate that has to do with the registration fee that would supply new income in herb fund are all interrelated. They need to be address together and the appropriate place to do that is this committee on the Ag commissioner's budget. There are a couple of options, which I considered was the fact that the crop harmonization board itself, of which I am the chairman, will have in this biennium, spending authority that exceeds their needs by about two hundred thousand dollars. I think technically according to the law, the crop harmonization board would have the legal authority to transfer those funds right now to the minor use fund and to continue to oversee their use. But I decided that is something that should be looked at by the legislature, I know how I felt when I was in appropriation and money got hazed in a different way than what people had remember. That was not that was presented at the last session, you do need to approve that if you want to go in that direction. In any case, you wind up in the same place which is that the herb fund will then be short two hundred thousand and you are going to have to figure out where that money is going to have to come from, that registration fee reinstatement or will it come from savings in herb or

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Senate Appropriations Committee  
Bill/Resolution Number SB 2398  
Hearing Date 2-04-03

how will you want to address that? I do agree that the minor use fund is short two hundred thousand. (Meter 4900) Chairman Holmberg announced that this bill will go into a subcommittee that is working on the Ag department's budget. Consisting of Senator Bowman, Thane and Krauter. This will be in their portfolio. (Meter 4942) Senator Krauter: Where do you see the interpretation that the crop product harmonization board has the authority currently to transfer money from the herb fund to the minor use fund. (Meter 4985) Jack Dalrymple: The crop harmonization board has appropriation authority over two hundred and fifty thousand dollars in herb fund in the current biennium. And under the language governing the crop harmonization board, it says that the board may pursue any opportunities to make any crop protection product options available to agricultural producers in this state through any means the board deems advisable. The crop harmonization board has the oversight authority over the minor use fund. That is my personal interpretation. I am not suggesting you do that, in the spirit of cooperation, this is a problem that we need to take care of. (Meter 5228) Jeff Olson, Program Manager at the Department of Agriculture: See written testimony Exhibit 2. (Meter 5570) Senator Bowman: Could someone put together scenario authority of the board to transfer dollars from the crop product harmonization board. (Meter 5688) Jeff Olson: yes. (Meter 5703) Senator Bowman: How much is spent out of the fund? (Meter 5736) Jeff Olson: The governor's budget two hundred thousand dollars is remaining. (Meter 5862) Senator Bowman: We need information to work on the Ag budget. (Meter 5922) Mark Sitz, farmer and ND Farmer's Union: Supports this bill. (Meter 6040) Brian Kramer, ND Farmers Bureau: Spoke on minor use pesticide fund needs to be reinstate those dollars.

(Meter 6209) Chairman Holmberg closed the hearing.

Deanna Dalrymple  
Operator's Signature

10/22/03  
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2398 Votes

Senate Appropriations Committee

☐ Conference Committee

Hearing Date Feb. 17, 2003

Tape Number	Side A	Side B	Meter #
#2		x	4,221 - 5396
Committee Clerk Signature <i>Jan Henderson</i>			

Minutes:

SB 2398 is a bill to transfer from the environment and range land protection fund to the minor use pesticide fund.

Senator Tallackson, moved for a DO PASS, seconded by Senator Robinson.

Roll call vote was taken, which is attached. Total: 11 yes, 0 no and 3 absent and not voting.

Motion carried.

Senator Krauter will carry the bill.

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*10/22/03*  
Date

Date: 2/17/03  
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2398

Senate Appropriations Committee

☐ Check here for Conference Committee

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

Action Taken do pass

Motion Made By Tallackson Seconded By Robinson

Senators	Yes	No	Senators	Yes	No
Senator Holmberg, Chairman	✓				
Senator Bowman, Vice Chair	✓				
Senator Grindberg, Vice Chair					
Senator Andrist	✓				
Senator Christmann					
Senator Kilzer	✓				
Senator Krauter	✓				
Senator Kringstad	✓				
Senator Lindaas	✓				
Senator Mathern	✓				
Senator Robinson	✓				
Senator Schobinger	✓				
Senator Tallackson	✓				
Senator Thane					

Total (Yes) 11 No 0

Absent 3

Floor Assignment Krauter

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

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**REPORT OF STANDING COMMITTEE (410)**  
February 17, 2003 5:15 p.m.

Module No: SR-30-2991  
Carrier: Krauter  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**SB 2398: Appropriations Committee (Sen. Holmberg, Chairman) recommends DO PASS**  
(11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2398 was placed on the  
Eleventh order on the calendar.

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2003 HOUSE APPROPRIATIONS

SB 2398

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2398

House Appropriations Committee

☐ Conference Committee

Hearing Date 03-12-03

Tape Number	Side A	Side B	Meter #
2	X		21 - 34.0
Committee Clerk Signature <i>Chris I. Nygren</i>			

Minutes:

**Chairman Svedjan** Opened the hearing on SB 2398. A quorum was present.

**Senator David O'Connell, District 6** See written testimony.

**Rep. Brusegaard** The EARP fund is from pesticide registration?

**O'Connell** Yes.

**Rep. Brusegaard** What else do we fund with EARP dollars?

**O'Connell** I'm not sure.

**Rep. Skarphol** The dollars they use to fund Safe-Send, the Crop Harmonization Board, the Minor Use Pesticide, and Noxious Weed Fund.

**Rep. Warner** In SB 2319 it also includes an appropriation for the eradication of saltcedar. Is that money accounted for in this bill?

**Chairman Svedjan** Has the section looked at that budget far enough to know?

**Allan Knudson** The analysis that we did after crossover takes that into account.

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*10/22/03*  
Date

Page 2  
House Appropriations Committee  
Bill/Resolution Number SB 2398  
Hearing Date 03-12-03

**Rep. Delzer** I'm looking at the analysis of the EARP fund and it was increased by \$50 last time. \$50 of that went to the general fund and \$300 to the EARP fund. How does 2119 do that? Does it just remove the sunset and keep it the same way it was done last time?

**O'Connell** Yes.

**Rep. Delzer** This analysis shows income in 03-05 of \$2,350,000. Is that at the \$300 level or the \$350?

**Knudson** That is at the \$300 level. It will be \$3,700,000 at \$350.

**Rep. Skarphol** Why don't we make this part of the Agriculture Commissioner's budget and take off the sunset?

**O'Connell** I'm not sure why that hasn't been done.

**Jeff Olson, Program Manager at the Department of Agriculture** See written testimony.

**Chairman Svedjan** Where does this leave us with the Environment and Rangeland Protection Fund?

**Knudson** If SB 2319 passes then there will be about a \$92,000 balance in the fund. If it doesn't then there will be a negative balance of \$110,000. It hinges on the passage of SB 2319.

**Brian Kramer, Lobbyist for the ND Farm Bureau** Voices in favor of the bill.

**Chairman Svedjan** Closed hearing on SB 2398

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2398

House Appropriations Committee  
Government Operations Division

☐ Conference Committee

Hearing Date March 24, 2003

Tape Number	Side A	Side B	Meter #
2	xx		
Committee Clerk Signature <i>Kelly Schmidt</i>			

Minutes: Committee Work

**Legislative Council** advised the committee this is the minor use pesticide fund. The funding has always been done this way, with a separate bill. This is not new money.

**Rep. Carlisle** This always comes up every two years.

**Sandy, OMB** It is my recommendation to kill the bill and amend SB 2009 to include a line item.

**Rep. Skarphol** moved a DO NOT PASS on SB 2398, second by Rep. Thoreson,

Roll Call vote was taken 9 yes 0 no 0 absent.....Motion Carries.

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Date

Date:03-25-03

Roll Call Vote Number #1

**2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES**

**BILL/RESOLUTION NO. SB 2398**

House Appropriations: Government Operations Division Committee

☐ Check here for Conference Committee

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

Action Taken Do Not Pass

Motion Made By Rep. Skarphol Seconded By Rep. Thoreson

Representatives	Yes	No	Representatives	Yes	No
Chairman Carlisle	x				
Vice Chairman Carlson	x				
Rep. Koppelman	x				
Rep. Skarphol	x				
Rep. Thoreson	x				
Rep. Timm	x				
Rep. Glassheim	x				
Rep. Kroeber	x				
Rep. Warner	x				

Total (Yes) 9 No 0

Absent \_\_\_\_\_

Floor Assignment Rep. Carlisle

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

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**SECTION 3. AMENDMENT.** Subsection 1 of section 25-03.1-26 of the North Dakota Century Code is amended and reenacted as follows:

1. A public treatment facility immediately shall accept and a private treatment facility may accept on a provisional basis the application and the person admitted under section 25-03.1-25. The superintendent or director shall require an immediate examination of the subject and, within twenty-four hours after admission, exclusive of weekends and holidays, shall either release the person if the superintendent or director finds that the subject does not meet the emergency commitment standards or file a petition if one has not been filed with the court of the person's residence or the court which directed immediate custody under subsection 2 of section 25-03.1-25, giving notice to the court and stating in detail the circumstances and facts of the case."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2380:** Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO NOT PASS** (10 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). SB 2380 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2394,** as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (15 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2394 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2398:** Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO NOT PASS** (21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2398 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2404,** as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (16 YEAS, 2 NAYS, 5 ABSENT AND NOT VOTING). Engrossed SB 2404 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2409,** as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (20 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2409 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2418,** as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2418 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for the creation of a select committee to study the No Child Left Behind Act of 2001.

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

**SECTION 1. NO CHILD LEFT BEHIND COMMITTEE - APPOINTMENT - POWERS.**

1. The legislative council shall appoint a select committee consisting of five members of the senate and eight members of the house of representatives for the purpose of:
  - a. Monitoring the implementation of the No Child Left Behind Act of 2001 [Pub. L. 107-110; 115 Stat. 1425; 20 U.S.C. 6301 et seq.] and the promulgation of federal regulations implementing the Act;
  - b. Determining the direct and indirect impact of the Act and its regulations on the schools and school districts of this state;

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2003 TESTIMONY

SB 2399

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Exhibit 1

Senator O'Connell

**SB 2398 - minor use pesticide fund**

The bill provides for a transfer of up to \$200,000 from the environment and rangeland protection fund to the minor use fund.

1. The minor use fund was created by the Legislature in 1997 for funding studies and evaluations regarding the registration process for minor crop pesticides. In 1999 minor use pesticides for major crops was added.
2. When current obligations are met (a little over \$130,000) and if the transfer out of the fund to the NDSU budget (proposed in the Governor's budget) there will only be \$90,000 left in the fund.
3. \$90,000 will not adequately fund the demand for minor use pesticide projects in the coming biennium.
4. The fund has worked well - 28 minor pesticides approved, 7 crop protection products made available to North Dakota farmers.
5. Sunflower, canola, pea and lentil producers as well as other minor and major crop producers have benefited greatly from the projects funded by the minor use pesticide fund.
6. Another bill in this session, SB 2319, would lift the sunset on pesticide registration fees and would generate as much as \$450,000 of revenue for the environment and rangeland fund and allow funding for this bill as well.

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10/22/03  
Date



Roger Johnson  
Agriculture Commissioner  
www.agdepartment.com



Phone (701) 328-2231  
Toll Free (800) 242-7535  
Fax (701) 328-4567

*Exhibit 2*

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

Testimony of Jeff Olson, Program Manager  
Plant Industries  
North Dakota Department of Agriculture  
SB 2398  
February 4, 2003  
9:30 a.m.  
Senate Appropriations  
Harvest Room

Chairperson Holmberg and members of the committee, my name is Jeff Olson. I am a Program Manager at the Department of Agriculture, and I administer the Minor Use Fund for the Crop Protection Product Harmonization and Registration Board through a contract between the board and the Department of Agriculture. I am here to testify for Commissioner Johnson in support of SB 2398.

The Minor Use Fund was developed by the 1997 Legislature for the purpose of conducting or commissioning studies, investigations, and evaluations regarding the registration process for crop protection products for minor crops. The Minor Use Fund was initially funded by a \$350,000 transfer from the Environmental and Rangeland Protection (EARP) Fund. Grant expenditures from the Minor Use Fund during the 1997-1999 biennium amounted to \$34,775. The 1999 Legislature authorized a carry-over of \$314,724 into the 1999-2001 biennium and transferred \$285,000 from the EARP Fund creating a balance of \$599,724. During that session, legislation

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to change the definition of the Minor Use Fund to include studies for major crops and minor uses was also approved. At the end of the 1999-2001 biennium, there was a carry-over of \$180,289.

During the 2001 Legislature, \$500,000 was transferred from the EARP Fund to the Minor Use Fund for continued research, and the oversight of the Minor Use Fund was moved from the Pesticide Control Board to the Crop Protection Product Harmonization and Registration Board. To date during the current biennium, \$133,275 has been obligated from this fund and another \$250,000 was transferred from the Minor Use Fund to the NDSU budget in the Governor's budget and SB 1021 to defray expenses of minor use pesticide research. With these obligations and transfers, there is a current balance of \$90,289 in the Minor Use Fund for the remainder of the present biennium. This amount is not adequate for funding the projects that we expect during the coming biennium.

Since the inception of the Fund, there have been 28 minor use projects approved, of which seven crop protection products have been made available for use by ND farmers. Table 1 shows the breakdown of the projects and their progress toward EPA registration. Participants in the program include NDSU, National Sunflower Association, Northern Canola Growers, ND Dry Pea and Lentil Association, U.S. Durum Growers, USDA Wildlife Services, and Dakota Pasta Growers. The program has created enormous interest and response during the previous biennia. Because of this interest and the success of this program, this bill was drafted to request \$200,000 be transferred from the EARP Fund to the Minor Use Fund for research purposes.

Mr. Chairman, another bill that will likely cross your committee is SB 2319 which deals with removing the sunset of the pesticide registration fees and allowing for an allocation of \$250,000 for the noxious Weeds line to be used for saltcedar control. This bill is being heard in the Senate Agriculture Committee on Thursday, February 6. Removing the sunset from the pesticide registration fees would generate approximately \$450,000 of revenue to the EARP Fund and would allow for these two bill to be funded.

Chairperson Holmberg and Committee members, I urge a do pass on SB 2398. I would be happy to answer any questions you may have.

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10/22/03

Date

# Minor Use Project Proposal History

Table 1. Minor Use Projects by biennium

Researcher	Approved	Crop	Pest	Chemical	Product	Chemical Company	Type of Study	Grant To	Minor Use Fund	Community Group	Chemical Company	Available For Grower Use
<b>1987-1988 Biennium</b>												
Zulliger	07-Apr-88	Sunflower		Sulfentrazone	Authority (Spartan)	FMC	Residue trials	Nell Sun	\$75,700	\$18,000	\$150,000	*
McKay, Loney	07-Apr-88	Canda	Sclerotinia		Bentaz & Quadris	Zeneca Agro	Efficacy	NDSU - Minot	\$15,000		\$5,000	*
Enloe, Gardner	07-Apr-88	Borage & Carnation					Efficacy of products tested in Canada and U.K.	NDSU - Carrington	\$8,000			
	Denied Apr 88	Sugarbeets	SBRM	Various insecticides			Basic screening					
	Denied Apr 88	Sunflower					Efficacy for various products					
		Glufosinate tolerant Canda					Influence of timing, row spacing and plant population on weed control					
	Denied Apr 88	Chickpeas & Lentils					Screening of 15 herbicides (tolerance & efficacy)					
	Denied Apr 88	Crambe					Screening of 15 herbicides (tolerance & efficacy)					

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Date

1/20/03

## Minor Use Project Proposal History

Researcher	Approved	Crop	Pest	Chemical	Product	Chemical Company	Type of Study	Grant To	Minor Use Fund	Community Group	Chemical Company	
1999-2001 Biennium												
Zollinger	21-Apr-99	Sunflower			Vektor		Residue	Nell Sun Aasen	\$82,000	\$18,000	\$150,000	
Jenkins, McKay, Riveland, Englund	21-Apr-99	Dry peas, lentils, chickpeas		Sulfentrazone	Spartan		Tolerance and Efficacy	NDSU-Minot	\$15,750	\$0	\$0	*
Richard Zollinger	31-Aug-99		NO Weed Survey				State-Wide Weed Distribution	NDSU-Fargo	\$75,000	\$0	\$0	
Brian Jenks	11-Apr-00	Dry peas, lentils, chickpeas		Sulfentrazone	Spartan		Tolerance and Efficacy	NDSU-Minot	\$19,700	\$3,000	\$0	*
Larry Klengenstein, Tom Gulyen	11-Apr-00	Sunflowers	Downey Mildew	Zoxamide			Efficacy	USDA/Sunflower Assoc	\$ 63,500	\$ 58,000	\$ 150,000	
Larry Klengenstein	11-Apr-00	Sunflowers		IMI Herbicide	Clearfield			Sunflower Association	\$ 60,400	\$ 40,000	\$ 285,000	*
Dakota Peas Growers	03-May-00	Durum Wheat	Fusarium Head Blight	Biological			Efficacy	Dakota Growers Pasta Co.	\$ 13,950	\$ 20,000	\$ 44,000	* Pending for 2003
Brian Jenks	03-May-00	Chickpeas		Isocafitole		Aventis	Tolerance and Efficacy	NDSU-Minot	\$ 7,075	\$ -	\$ -	
Green to Gold Corp	03-May-00	Various	Fungal Diseases	Chlorine Dioxide	Zylox	Green to Gold	Efficacy	Green to Gold Corp.	\$ 18,000	\$ -	\$ 16,000	
APHIS	03-May-00	Sunflowers	Black Birds	DRC-1339		APHIS	Toxicity	NSA, Wildlife Services	\$ 30,000	\$ 13,000	\$ 15,000	
Brian Jenks Northern Crops Institute	03-May-00	Flax, dry bean, crambe		Sulfentrazone	Spartan		Tolerance, Efficacy	NDSU-Minot	\$ 19,240	\$ 3,000	\$ -	*
Phil Grogan	13-Nov-00	State-Wide Survey					Harmonization Pesticide Use and Mgmt Practices	NDSU-Fargo	\$ 37,318	\$ -	\$ -	
Wildlife Services	13-Nov-00	Sunflowers	Black Birds	DRC-1339		APHIS	Efficacy	NSA, Wildlife Services	\$ 63,250	\$ 10,000	\$ 194,800	
Danilee Olson Year 1	28-Nov-00	Canada	Cruifer Flea Beetle	Biological			Efficacy	NDSU-Fargo, Northern Canada Association	\$ 23,703	\$ -	\$ -	
Brian Jenks/Kent McKay	27-Apr-01	Dry Pea/ Chickpea	Weed	sulfentrazone/ isocafitole	Spartan	FMC	Tolerance	NDSU-Minot	\$ 17,100	\$ 3,000	\$ 2,000	

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Operator's Signature

Date

1/29/03

## Minor Use Project Proposal History

West McCoy	27-Apr-01	Crambe	Sclerotinia	Vinclozolin	Ronilan/B AS 510	BASF	Efficacy	NDSU-Minot	\$ 6,000	\$ 3,000		
Richard Zollinger	27-Apr-01	Sunflowers	Weed	Sulfonyleurea	Express	Dupont	Residue	NSA	\$ 31,800	\$ 50,000	\$ 220,000	
Richard Zollinger	27-Apr-01	Weed	Weed				Weed Survey		\$ 20,000			
<b>2001-2003 Biennium</b>												
William Services Year 1	3-Jul-01	Sunflowers	Black Birds	DRC-1339		USDA	Study	NSA	\$ 83,250	\$ 10,000	\$ 195,800	
William Services Year 2 & 3	19-Sep-01	Sunflowers	Black Birds	DRC-1339		USDA	Study	NSA	\$ 49,100	\$ 15,000	\$ 289,800	
National Sunflower Association	25-Mar-02	Sunflowers	Phostoxin	Primiphos- Methyl	Actelle 5E	AgriLance	Tolerance	NSA	\$ 61,000	\$ 5,000	\$ 57,000	
Denise Olson Year 2			Crucifer Flea Beetle	Biological			Efficacy	NDSU- Fargo, Northern Candola Association	\$ 23,703			
National Sunflower Association	3-Jul-02	Candola				Dupont	Tolerance	NDSU	\$ 30,000	37,000	70,000	
	30-Aug-02	Sunflowers	IMI		Express			NDSU- Fargo, Northern Candola Association	\$ 30,900		\$ 13,950	
Denise Olson Year 1	20-Nov-02	Candola	Crucifer Flea Beetle	Biological			Efficacy					

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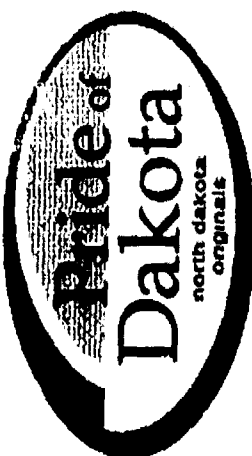
Exhibit 4

## Mark Your Calendars!

**Pride of Dakota  
School Lunch Day  
Tuesday  
March 25, 2003**

For more information contact:

**Chuck Fleming**  
Marketing Coordinator  
ND Department of Agriculture  
600 East Boulevard Avenue, Dept. 602  
Bismarck, ND 58505  
(701) 328-4759  
cfleming@state.nd.us



**Roger Johnson**  
Agriculture Commissioner

**Pizza Corner, Inc.**  
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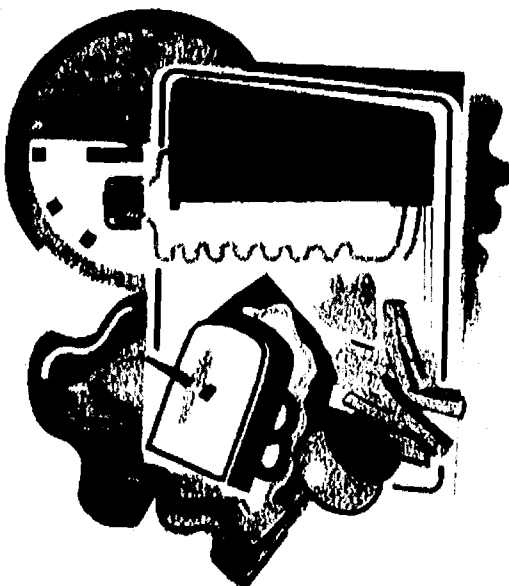
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Web: www.cloverdalefoods.com  
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E-mail: dearle@daktel.com  
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Roger Johnson  
Agriculture Commissioner  
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Fax (701) 328-4567

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

Testimony of Jeff Olson, Program Manager  
Plant Industries  
North Dakota Department of Agriculture  
SB 2398  
March 12, 2003  
4:30 p.m.  
House Appropriations  
Roughrider Room

Chairperson Svedjan and members of the committee, my name is Jeff Olson. I am a Program Manager at the Department of Agriculture, and I administer the Minor Use Fund for the Crop Protection Product Harmonization and Registration Board through a contract between the board and the Agriculture Department. I am here to testify for Commissioner Johnson in support of SB 2398.

The Minor Use Fund was developed by the 1997 Legislature for the purpose of conducting or commissioning studies, investigations, and evaluations regarding the registration process for crop protection products for minor crops. The Minor Use Fund was initially funded by a \$350,000 transfer from the Environmental and Rangeland Protection (EARP) Fund. Grant expenditures from the Minor Use Fund during the 1997-1999 biennium amounted to \$34,775. The 1999 Legislature authorized a carry-over of \$314,724 into the 1999-2001 biennium and transferred \$285,000 from the EARP Fund creating a balance of \$599,724. During that session, legislation to change the definition of the Minor Use Fund to include studies for major crops and minor uses

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*Deanne Hall*  
Operator's Signature

10/22/03

Date

was also approved. At the end of the 1999-2001 biennium, there was a carry-over of \$180,289 of which the majority of these funds had been allocated to research projects.

During the 2001 Legislature, \$500,000 was transferred from the EARP Fund to the Minor Use Fund for continued research, and the oversight of the Minor Use Fund was moved from the Pesticide Control Board to the Crop Protection Product Harmonization and Registration Board. To date during the current biennium, \$133,275 has been obligated from this fund and another \$250,000 was transferred from the Minor Use Fund to the NDSU budget in the Governor's proposed budget in SB 1021 to defray expenses of minor use pesticide research. With these obligations and transfers, there is a current balance of \$90,289 in the Minor Use Fund for the remainder of the present biennium. This amount is not adequate for funding the projects that we expect during the coming biennium.

Since the inception of the Fund, there have been 28 minor use projects approved, of which seven crop protection products have been made available for use by ND farmers. Table 1 shows the breakdown of the projects and their progress toward EPA registration. Participants in the program include NDSU, National Sunflower Association, Northern Canola Growers, ND Dry Pea and Lentil Association, U.S. Durum Growers, USDA Wildlife Services, and Dakota Pasta Growers. The program has created enormous interest and response during the previous biennia. Because of this interest and the success of this program, this bill was drafted to request \$200,000 be transferred from the EARP Fund to the Minor Use Fund for research purposes.

Mr. Chairman, another bill that will likely cross your committee is SB 2319 which deals with removing the sunset of the pesticide registration fees and allowing for an allocation of \$250,000 for the Noxious Weeds line to be used for Saltcedar control. This bill is being heard in the House Agriculture Committee on Thursday, March 13. Amending the sunset for the pesticide registration fees would generate approximately \$450,000 of revenue to the EARP Fund and would allow for these two bill to be funded.

Chairperson Svedjan and Committee members, I urge a do pass on SB 2398. I would be happy to answer any questions you may have.

The Minor Use Fund was established in 1997 by the 55th legislative assembly to conduct studies, investigations, and evaluations regarding the registration process for crop protection products for minor crops and minor uses. The Minor Use Fund was initially funded by a \$350,000 transfer from the Environment and Rangeland Protection (EARP) Fund.

During the 2001 Legislature, \$500,000 was transferred from the EARP Fund to the Minor Use Fund for continued research. After transfers to NDSU in the proposed executive budget and SB 1021 to defray expenses of minor use pesticide research at NDSU the balance in the fund will drop to about \$90,000. Anticipated costs for projects in the next biennium will exceed the remaining balance of the fund, meaning that some of those projects will have to be abandoned.

Sunflower; canola; durum; pea and lentil commodity groups as well as NDSU and federal agencies have utilized funding from the minor pesticide use fund. Seven crop protection products have been made available for use by ND farmers since the inception of the fund. Because of the interest in and utility of the program we felt it was important to ensure that adequate resources are available. SB 2398 transfers \$200,000 from the EARP (environment and rangeland protection) Fund to the Minor Use Fund for research purposes.

[SB 2319 removes the sunset on the pesticide registration fees. That bill is being heard in the House Agriculture Committee on Thursday, March 13. Removing the sunset from the pesticide registration fees would generate approximately \$450,000 of revenue to the EARP Fund and would allow for both SB 2398 and SB 2319 to be funded.]