

**FIRST ENGROSSMENT
with Conference Committee Amendments**

ENGROSSED SENATE BILL NO. 2009

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the agriculture
2 commissioner; to provide for the continuation of an agricultural pesticide and pesticide
3 container disposal program; to amend and reenact sections 4-37-03 and 4-37-04, subsection 1
4 of section 19-13.1-03, and section 19-14-04 of the North Dakota Century Code, relating to
5 powers, duties, and funding for the agriculture in the classroom program and pet food and
6 livestock medicine registration fees; to provide for a transfer of funds; and to provide an
7 expiration date.

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

9 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the
10 funds as may be necessary, are appropriated out of any moneys in the general fund in the state
11 treasury, not otherwise appropriated, and from special funds derived from federal funds and
12 other income, to the agriculture commissioner for the purpose of defraying the expenses of the
13 agriculture commissioner, for the biennium beginning July 1, 2003, and ending June 30, 2005,
14 as follows:

15	Salaries and wages	\$4,494,970
16	Operating expenses	3,359,825
17	Capital assets	8,000
18	Grants	100,000
19	Board of animal health	869,464
20	State meat inspection	763,461
21	Pride of Dakota	180,948
22	Wildlife services	800,000
23	Safe send	308,870

1	Noxious weeds	1,346,836
2	Crop protection product harmonization	<u>25,000</u>
3	and registration board	
4	Total all funds	\$12,257,374
5	Less estimated income	<u>8,068,849</u>
6	Total general fund appropriation	\$4,188,525

7 **SECTION 2. ESTIMATED INCOME - ENVIRONMENT AND RANGELAND**

8 **PROTECTION FUND.** The estimated income line item in section 1 of this Act includes the sum
9 of \$2,264,453, or so much of the sum as may be necessary, from the environment and
10 rangeland protection fund for the purpose of defraying the expenses of various agriculture
11 department programs, for the biennium beginning July 1, 2003, and ending June 30, 2005.

12 **SECTION 3. ANHYDROUS AMMONIA STORAGE INSPECTION FUND.** The

13 estimated income line item in section 1 of this Act includes the sum of \$54,496, or so much of
14 the sum as may be necessary, from the anhydrous ammonia storage inspection fund for the
15 purpose of defraying the expenses of regulating anhydrous ammonia storage facilities, for the
16 biennium beginning July 1, 2003, and ending June 30, 2005.

17 **SECTION 4. ESTIMATED INCOME - GAME AND FISH FUND.** The estimated income

18 line item in section 1 of this Act includes the sum of \$700,000, or so much of the sum as may
19 be necessary, from the game and fish department operating fund for the purpose of defraying
20 the expenses of various agriculture department programs for the biennium beginning July 1,
21 2003, and ending June 30, 2005. The agriculture commissioner, including the board of animal
22 health, may spend moneys from the game and fish department operating fund only after costs
23 for the various agriculture department programs have been incurred.

24 **SECTION 5. PESTICIDE AND PESTICIDE CONTAINER DISPOSAL PROGRAM -**
25 **PESTICIDE CONTAINER MANAGEMENT - COMPENSATION.**

- 26 1. The definitions contained in section 4-35-05 apply to this section.
- 27 2. In consultation with an advisory board consisting of the state health officer, director
28 of the North Dakota state university extension service, two individuals representing
29 agribusiness organizations, and two individuals representing farm organizations,
30 all of whom must be selected by the agriculture commissioner, the commissioner
31 shall continue to implement the project authorized by section 1 of chapter 77 of the

- 1 2001 Session Laws, which is known as project safe send. The purpose of the
2 project is to:
- 3 a. Collect and either recycle or dispose of unusable pesticides and unusable
4 pesticide containers. The commissioner shall provide for the establishment
5 and operation of temporary collection sites for the pesticides and pesticide
6 containers. The commissioner may limit the type and quantity of pesticides
7 and pesticide containers acceptable for collection.
- 8 b. Promote proper pesticide container management. In consultation with the
9 director of the North Dakota state university extension service, the
10 commissioner shall evaluate and promote proper methods of pesticide
11 container management, including information on the variety of pesticide
12 containers available.
- 13 3. Any entity collecting pesticide containers or unusable pesticides shall manage and
14 dispose of the containers and pesticides in compliance with applicable federal and
15 state requirements. When called upon, any state agency shall assist the
16 commissioner in implementing the project.
- 17 4. For services rendered in connection with the design and implementation of this
18 project, the members selected by the commissioner are entitled to reimbursement
19 for mileage and travel expenses in the same manner and for the same amounts
20 provided for state employees and officials. Compensation and expense
21 reimbursement must be paid from the environment and rangeland protection fund.

22 **SECTION 6. PROJECT SCOPE AND EVALUATION.** The project described in
23 section 5 of this Act must occur in areas to be determined by the agriculture commissioner in
24 consultation with the advisory board under subsection 2 of section 5 of this Act.

25 **SECTION 7. PROJECT SAFE SEND PESTICIDE AND PESTICIDE CONTAINER**
26 **COLLECTION - USER FEES.** The agriculture commissioner, in consultation with the advisory
27 board for the project safe send pesticide and pesticide container disposal program, may charge
28 a fee for collection of rinsate. The fees must be established at a level that will generate enough
29 revenue to cover the cost of disposal associated with the rinsate that is collected. Collections
30 from this fee must be deposited in the environment and rangeland protection fund.

1 **SECTION 8. AMENDMENT.** Section 4-37-03 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **4-37-03. Purpose - Powers and duties.** The agriculture in the classroom council shall
4 provide grants and contracts to individuals and organizations that conduct an agriculture in the
5 classroom program to develop agricultural curriculum activities and train teachers in these
6 agricultural curriculum activities for grades kindergarten through twelve in this state's public
7 school system. The council shall work with all educators, including the superintendent of public
8 instruction, the state board for vocational and technical education, the United States
9 department of agriculture, and the state agriculture commissioner in accomplishing its purpose.
10 The council shall render services consistent with this purpose which include:

- 11 1. Consultations with the state superintendent of public instruction, the state board for
12 vocational and technical education, the state agriculture commissioner, and the
13 United States department of agriculture.
- 14 2. Preparation of instructional, informational, and reference publications on the North
15 Dakota agricultural economy and rural lifestyles.
- 16 3. Provide training programs for public school teachers in developed agricultural
17 curriculum activities.
- 18 4. Encourage research on and identification of new instructional, informational, and
19 reference publications relating to this state's agricultural economy and rural
20 lifestyles.
- 21 5. Monitor the quality and condition of the agriculture in the classroom program.

22 **SECTION 9. AMENDMENT.** Section 4-37-04 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **4-37-04. Gifts and grants.** In order to carry out its duties under this chapter, the
25 agriculture in the classroom council may contract for and accept private contributions, gifts, and
26 grants-in-aid from the federal government, private industry, and other sources. Additional
27 income must be spent for the purpose designated, if any, in the gift, grant, or donation. The
28 funds must be used to contract with individuals or organizations that conduct an agriculture in
29 the classroom program to carry out the purposes of this chapter.

30 **SECTION 10. AMENDMENT.** Subsection 1 of section 19-13.1-03 of the North Dakota
31 Century Code is amended and reenacted as follows:

1 1. Each pet food and specialty pet food must be registered before being distributed in
2 this state. The application for registration must be submitted on forms furnished by
3 the commissioner. The application must be accompanied by a label and any other
4 printed matter describing each product and the registration fee of ~~fifty~~ one hundred
5 dollars per product. Upon approval by the commissioner, a certificate of
6 registration must be furnished to the applicant. Registrations are not transferable.
7 Registration covers a two-year period beginning January first and ending
8 December thirty-first. Registration renewals received after January thirty-first must
9 be assessed a penalty fee of ten dollars per product. Products found marketed in
10 this state without proper registration must be assessed the penalty fee of
11 twenty-five dollars.

12 **SECTION 11. AMENDMENT.** Section 19-14-04 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **19-14-04. Registration fee.** Prior to each two-year registration, a registration fee of
15 ~~twenty~~ forty dollars must be paid to the ~~commissioner of agriculture~~ commissioner for each
16 livestock medicine that is registered.

17 **SECTION 12. AGRICULTURE IN THE CLASSROOM - 2003-05 BIENNIUM**

18 **CONTRACTS.** The department of agriculture shall contract for a minimum of \$100,000 of
19 services with individuals or organizations for the agriculture in the classroom program during
20 the 2003-05 biennium.

21 **SECTION 13. TRANSFER.** The state treasurer shall transfer \$200,000, or so much of
22 the sum as may be necessary, from the environment and rangeland protection fund to the
23 minor use pesticide fund, during the biennium beginning July 1, 2003, and ending June 30,
24 2005.

25 **SECTION 14. EXPIRATION DATE.** Sections 5, 6, and 7 of this Act are effective
26 through July 31, 2007, and after that date are ineffective.