

**FIRST ENGROSSMENT
with House Amendments**

Fifty-eighth
Legislative Assembly
of North Dakota

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 subsection 1 of section 19-13.1-03 and
4 section 19-14-04 of the North Dakota Century Code, relating to pet food and livestock medicine
5 registration fees; to provide for a transfer of funds; and to provide an expiration date.

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

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

13 Salaries and wages	\$4,504,970
14 Operating expenses	3,328,600
15 Capital assets	8,000
16 Grants	100,000
17 Board of animal health	869,464
18 State meat inspection	763,461
19 Pride of Dakota	180,948
20 Wildlife services	800,000
21 Safe send	308,870
22 Noxious weeds	1,346,836
23 Crop protection product	<u>25,000</u>

1	harmonization and registration board	
2	Total all funds	\$12,236,149
3	Less estimated income	<u>7,870,178</u>
4	Total general fund appropriation	\$4,365,971

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

6 **PROTECTION FUND.** The estimated income line item in section 1 of this Act includes the sum
7 of \$2,214,453, or so much of the sum as may be necessary, from the environment and
8 rangeland protection fund for the purpose of defraying the expenses of various agriculture
9 department programs, for the biennium beginning July 1, 2003, and ending June 30, 2005.

10 **SECTION 3. ANHYDROUS AMMONIA STORAGE INSPECTION FUND.** The
11 estimated income line item in section 1 of this Act includes the sum of \$54,496, or so much of
12 the sum as may be necessary, from the anhydrous ammonia storage inspection fund for the
13 purpose of defraying the expenses of regulating anhydrous ammonia storage facilities, for the
14 biennium beginning July 1, 2003, and ending June 30, 2005.

15 **SECTION 4. ESTIMATED INCOME - GAME AND FISH FUND.** The estimated income
16 line item in section 1 of this Act includes the sum of \$400,000, or so much of the sum as may
17 be necessary, from the game and fish department operating fund for the purpose of defraying
18 the expenses of various agriculture department programs for the biennium beginning July 1,
19 2003, and ending June 30, 2005. The agriculture commissioner, including the board of animal
20 health, may spend moneys from the game and fish department operating fund only after costs
21 for the various agriculture department programs have been incurred.

22 **SECTION 5. PESTICIDE AND PESTICIDE CONTAINER DISPOSAL PROGRAM -**
23 **PESTICIDE CONTAINER MANAGEMENT - COMPENSATION.**

- 24 1. The definitions contained in section 4-35-05 apply to this section.
- 25 2. In consultation with an advisory board consisting of the state health officer, director
26 of the North Dakota state university extension service, two individuals representing
27 agribusiness organizations, two individuals representing farm organizations, all of
28 whom must be selected by the agriculture commissioner, the commissioner shall
29 continue to implement the project authorized by section 1 of chapter 77 of the 2001
30 Session Laws, which is known as project safe send. The purpose of the project is
31 to:

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

20 **SECTION 6. PROJECT SCOPE AND EVALUATION.** The project described in
21 section 5 of this Act must occur in areas to be determined by the agriculture commissioner in
22 consultation with the advisory board under subsection 2 of section 5 of this Act and may only
23 be conducted in the fiscal year beginning July 1, 2003, and ending June 30, 2004, and the
24 fiscal year beginning July 1, 2005, and ending June 30, 2006.

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.** Subsection 1 of section 19-13.1-03 of the North Dakota
2 Century Code is amended and reenacted as follows:

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

14 **SECTION 9. AMENDMENT.** Section 19-14-04 of the North Dakota Century Code is
15 amended and reenacted as follows:

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

19 **SECTION 10. TRANSFER.** The state treasurer shall transfer \$200,000, or so much of
20 the sum as may be necessary, from the environment and rangeland protection fund to the
21 minor use pesticide fund, during the biennium beginning July 1, 2003, and ending June 30,
22 2005.

23 **SECTION 11. EXPIRATION DATE.** Sections 5, 6, and 7 of this Act are effective
24 through July 31, 2007, and after that date are ineffective.