

**FIRST ENGROSSMENT  
with Senate Amendments**

Fifty-ninth  
Legislative Assembly  
of North Dakota

**ENGROSSED HOUSE BILL NO. 1009**

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 amend and reenact sections 4-01-21, 4-22-22, 4-37-03, 4-37-04, and  
3 19-18-04 of the North Dakota Century Code, relating to the salary of the agriculture  
4 commissioner, compensation of supervisors of soil conservation districts, the agriculture in the  
5 classroom program, and pesticide registration fees; to provide a contingent appropriation; and  
6 to provide for transfers.

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

8 **SECTION 1. BASE LEVEL FUNDING INFORMATION.** The amounts identified in this  
9 section represent the base level funding component appropriated to the agriculture  
10 commissioner in section 3 of this Act as follows:

11 Salaries and wages	\$4,494,970
12 Operating expenses	3,359,825
13 Capital assets	8,000
14 Grants	100,000
15 Board of animal health	869,464
16 State meat inspection	763,461
17 Pride of Dakota	180,948
18 Wildlife services	800,000
19 Safe send	308,870
20 Noxious weeds	1,596,836
21 Crop harmonization board	25,000
22 Agriculture in the classroom	<u>45,000</u>
23 Total all funds - Base level	\$12,552,374

1	Less estimated income - Base level	<u>8,318,849</u>
2	Total general fund - Base level	\$4,233,525

3           **SECTION 2. FUNDING ADJUSTMENTS OR ENHANCEMENTS INFORMATION.** The  
4 amounts identified in this section represent the funding adjustments or enhancements to the  
5 base funding level for the agriculture commissioner which are included in the appropriation in  
6 section 3 of this Act as follows:

7	Salaries and wages	\$1,243,463
8	Operating expenses	896,050
9	Capital assets	(3,000)
10	Grants	1,624,225
11	Board of animal health	1,309,224
12	Contingent appropriation - wildlife services	130,000
13	State meat inspection	(763,461)
14	Pride of Dakota	(180,948)
15	Wildlife services	(800,000)
16	Safe send	(308,870)
17	Noxious weeds	(1,596,836)
18	Agriculture in the classroom	<u>(45,000)</u>
19	Total all funds - Adjustments/enhancements	\$1,504,847
20	Less estimated income - Adjustments/enhancements	<u>1,244,916</u>
21	Total general fund - Adjustments/enhancements	\$259,931

22           **SECTION 3. APPROPRIATION.** The funds provided in this section, or so much of the  
23 funds as may be necessary, are appropriated out of any moneys in the general fund in the state  
24 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
25 other income, to the agriculture commissioner for the purpose of defraying the expenses of that  
26 agency, for the biennium beginning July 1, 2005, and ending June 30, 2007, as follows:

27	Salaries and wages	\$5,738,433
28	Operating expenses	4,255,875
29	Capital assets	5,000
30	Grants	1,724,225
31	Board of animal health	2,178,688

1	Contingent appropriation - wildlife services	130,000
2	Crop harmonization board	<u>25,000</u>
3	Total all funds	\$14,057,221
4	Less estimated income	<u>9,563,765</u>
5	Total general fund appropriation	\$4,493,456

6           **SECTION 4. ESTIMATED INCOME - ENVIRONMENT AND RANGELAND**

7 **PROTECTION FUND.** The estimated income line item in section 3 of this Act includes the sum  
8 of \$2,805,077, or so much of the sum as may be available, from the environment and  
9 rangeland protection fund for the purpose of defraying the expenses of various agriculture  
10 department programs, for the biennium beginning July 1, 2005, and ending June 30, 2007.

11           **SECTION 5. ANHYDROUS AMMONIA STORAGE INSPECTION FUND.** The  
12 estimated income line item in section 3 of this Act includes the sum of \$61,410, or so much of  
13 the sum as may be available, from the anhydrous ammonia storage inspection fund for the  
14 purpose of defraying the expenses of regulating anhydrous ammonia storage facilities, for the  
15 biennium beginning July 1, 2005, and ending June 30, 2007.

16           **SECTION 6. ESTIMATED INCOME - GAME AND FISH FUND.** The estimated income  
17 line item in section 3 of this Act includes the sum of \$700,000, or so much of the sum as may  
18 be necessary, from the game and fish department operating fund for the purpose of defraying  
19 the expenses of various agriculture department programs for the biennium beginning July 1,  
20 2005, and ending June 30, 2007.

21           **SECTION 7. TRANSFER.** The commissioner shall transfer \$200,000 from the  
22 environment and rangeland protection fund to the minor use pesticide fund.

23           **SECTION 8. AMENDMENT.** Section 4-01-21 of the North Dakota Century Code is  
24 amended and reenacted as follows:

25           **4-01-21. Salary of agriculture commissioner.** The annual salary of the agriculture  
26 commissioner is ~~sixty six thousand five hundred nine dollars through December 31, 2001,~~  
27 ~~sixty eight~~ seventy-one thousand five nine hundred four ~~seventy~~ dollars through June 30, ~~2002~~  
28 2006, and ~~sixty nine~~ seventy-four thousand eight hundred seventy-four forty-nine dollars  
29 thereafter.

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

1           **4-22-22. Supervisors - Terms of office - Vacancies - Removal - Compensation -**  
2 **Expenses.** At the general election to be held in 1972, three district supervisors must be  
3 elected. The candidate receiving the largest number of votes is elected for a six-year term; the  
4 candidate receiving the second highest number of votes is elected for a four-year term; and the  
5 candidate receiving the third highest number of votes is elected for a two-year term. At each  
6 succeeding general election, one supervisor must be elected for a term of six years, or until the  
7 successor is duly elected and qualified, to each expiring or vacant term. In newly formed  
8 districts, three supervisors must be elected at the first general election following the district's  
9 organization. The candidate receiving the largest number of votes is elected for a six-year  
10 term; the candidate receiving the second highest number of votes is elected for a four-year  
11 term; and the candidate receiving the third highest number of votes is elected for a two-year  
12 term. At each succeeding general election, one supervisor must be elected for a term of six  
13 years, or until the successor is duly elected and qualified, to each expiring or vacant term. The  
14 county auditor of the county or counties in which the district lies shall return to the secretary of  
15 state before four p.m. on the tenth day following any general election a certified abstract of the  
16 votes cast in the county at the election for each candidate for district supervisor. The secretary  
17 of state shall canvass the returns and issue certificates of election under chapter 16.1-15.

18           In order to be eligible for election to the office of supervisor, candidates must be land  
19 occupiers and physically living in the district. Candidates must be elected on a nonpartisan  
20 ballot. In case the office of any supervisor, for any reason, becomes vacant, the remaining  
21 members of the board of supervisors shall, with the advice and consent of the committee, fill  
22 the vacancy by appointment. If vacancies occur in the office of two supervisors, the remaining  
23 supervisor and the committee shall fill the vacancy; and in case the offices of all supervisors of  
24 a district become vacant, the committee shall fill the vacancies by appointment. A supervisor  
25 appointed to fill a vacancy holds office until the next general election. A supervisor elected to  
26 fill a vacancy serves the balance of the unexpired term in which the vacancy occurred.

27           Any soil conservation district, upon resolution of the three elected supervisors, may  
28 appoint two additional supervisors who shall serve for a term of one year from and after the  
29 date of their appointment. Such supervisors must be appointed by a majority of the three  
30 elected supervisors and have all the powers, voting privileges, duties, and responsibilities of  
31 elected supervisors, except that the expense allowances of the appointed supervisors must be

1 paid by the local soil conservation district concerned. As far as possible, the appointed  
2 supervisors shall represent interests within the district which are not represented by the elected  
3 supervisors.

4 Any supervisor of a soil conservation district may, after notice given and hearing held in  
5 accordance with chapter 28-32, be removed from office by the committee.

6 The supervisors of soil conservation districts are entitled to receive, upon a majority  
7 vote of the supervisors, up to ~~twenty-five~~ sixty-two dollars and fifty cents for attending each  
8 regular or special meeting or for attending other meetings or events in the performance of their  
9 official duties as compensation for their services. Supervisors of soil conservation districts are  
10 entitled to receive travel and subsistence expenses necessarily incurred in attending district,  
11 state, or other meetings. The compensation and all other expenses including travel incurred by  
12 district supervisors while transacting district business must be paid from district funds.

13 **SECTION 10. AMENDMENT.** Section 4-37-03 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15 **4-37-03. Purpose - Powers and duties.** The agriculture in the classroom council ~~shall~~  
16 may provide grants and contracts to individuals and organizations that conduct contract with  
17 any person for the provision of an agriculture in the classroom program to develop, the  
18 development of agricultural curriculum activities and train applicable to students from  
19 kindergarten through grade twelve, and the training of teachers in these agricultural curriculum  
20 activities for grades kindergarten through twelve in this state's public school system. The  
21 council shall work with ~~all educators, including teachers,~~ the superintendent of public  
22 instruction, the department of career and technical education, the United States department of  
23 agriculture, and the state agriculture commissioner in accomplishing ~~its~~ this purpose. The  
24 council ~~shall render services consistent with this purpose which include~~ may:

- 25 1. ~~Consultations~~ Consult with the state superintendent of public instruction, the  
26 department of career and technical education, the state agriculture commissioner,  
27 and the United States department of agriculture.
- 28 2. ~~Preparation of~~ Prepare instructional, informational, and reference publications on  
29 the North Dakota agricultural economy and rural lifestyles.
- 30 3. Provide training programs for public school teachers in ~~developed~~ agricultural  
31 curriculum activities.

1           4. Encourage research on and identification of new instructional, informational, and  
2           reference publications relating to this state's agricultural economy and rural  
3           lifestyles.

4           5. Monitor the quality and condition of the agriculture in the classroom program.

5           **SECTION 11. AMENDMENT.** Section 4-37-04 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7           **4-37-04. Gifts and grants.** ~~In order to carry out its duties under this chapter, the~~ The  
8 agriculture in the classroom council may ~~contract for and~~ accept and expend private  
9 contributions, gifts, and grants-in-aid from the federal government, private industry, and other  
10 sources. ~~Additional income must be spent~~ The council shall expend any moneys received  
11 under this section for the designated purpose ~~designated, if any, in~~ if a purpose is included as a  
12 condition of the gift, grant, or donation. ~~The funds must be used to contract with individuals or~~  
13 ~~organizations that conduct an agriculture in the classroom program~~ council may use all other  
14 moneys received under this section to carry out the purposes of this chapter.

15           **SECTION 12. AMENDMENT.** Section 19-18-04 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17           **19-18-04. (Effective through June 30, 2005 2007) Registration - Fees.**

18           1. Any person before selling or offering for sale any pesticide for use within this state  
19 shall file biennially with the commissioner an application for registration of the  
20 pesticide. The application must:

- 21           a. Give the name and address of each manufacturer or distributor.  
22           b. Give the name and brand of each product to be registered.  
23           c. Be accompanied by a current label of each product to be registered.  
24           d. Be accompanied by a registration fee of three hundred fifty dollars for each  
25 product to be registered. At the close of each calendar month, the  
26 commissioner shall transmit to the state treasurer all moneys received for the  
27 registrations. The state treasurer shall credit fifty dollars for each registered  
28 product to the general fund in the state treasury and the remainder of the  
29 registration fee for each registered product to the environment and rangeland  
30 protection fund.

- 1 e. Be accompanied by a material safety data sheet for each product to be  
2 registered.
- 3 2. The commissioner may require an applicant or registrant to provide efficacy,  
4 toxicity, residue, and any other data necessary to determine if the pesticide will  
5 perform its intended function without unreasonable adverse effects on the  
6 environment. If the commissioner finds that the application conforms to law, the  
7 commissioner shall issue to the applicant a certificate of registration of the product.
- 8 3. Each registration covers a designated two-year period beginning January first of  
9 each even-numbered year and expiring December thirty-first of the following year.  
10 A certificate of registration may not be issued for a term longer than two years, and  
11 is not transferable from one person to another, or from the ownership to whom  
12 issued to another ownership. A penalty of fifty percent of the license or registration  
13 fee must be imposed if the license or certificate of registration is not applied for on  
14 or before January thirty-first following the expiration date. Each product must go  
15 through a two-year discontinuance period in order to clear all outstanding products  
16 in the channel of trade.
- 17 4. This section does not apply to a pesticide sold by a retail dealer if the registration  
18 fee has been paid by the manufacturer, jobber, or any other person, as required by  
19 this section.

20 **(Effective July 1, 2005 2007) Registration - Fees.** Any person before selling or  
21 offering for sale any pesticide for use within this state shall file biennially with the commissioner  
22 an application for registration of the pesticide. The application must:

- 23 1. Give the name and address of each manufacturer or distributor.
- 24 2. Give the name and brand of each product to be registered.
- 25 3. Be accompanied by a current label of each product to be registered.
- 26 4. Be accompanied by a registration fee of three hundred dollars for each product to  
27 be registered. At the close of each calendar month, the commissioner shall  
28 transmit to the state treasurer all moneys received for the registrations. The state  
29 treasurer shall credit fifty dollars for each registered product to the general fund in  
30 the state treasury and the remainder of the registration fee for each registered  
31 product to the environment and rangeland protection fund.

1           5. Be accompanied by a material safety data sheet for each product to be registered.  
2           The commissioner may require an applicant or registrant to provide efficacy, toxicity,  
3 residue, and any other data necessary to determine if the pesticide will perform its intended  
4 function without unreasonable adverse effects on the environment. If the commissioner finds  
5 that the application conforms to law, the commissioner shall issue to the applicant a certificate  
6 of registration of the product.

7           Each registration covers a designated two-year period beginning January first of each  
8 even-numbered year and expiring December thirty-first of the following year. A certificate of  
9 registration may not be issued for a term longer than two years, and is not transferable from  
10 one person to another, or from the ownership to whom issued to another ownership. A penalty  
11 of fifty percent of the license or registration fee must be imposed if the license or certificate of  
12 registration is not applied for on or before January thirty-first following the expiration date. Each  
13 product must go through a two-year discontinuance period in order to clear all outstanding  
14 products in the channel of trade.

15           This section does not apply to a pesticide sold by a retail dealer if the registration fee  
16 has been paid by the manufacturer, jobber, or any other person, as required by this section.

17           **SECTION 13. CONTINGENT APPROPRIATION - WILDLIFE SERVICES.** The  
18 contingent appropriation - wildlife services contained in section 3 of this Act is a contingent  
19 appropriation out of any moneys in the game and fish fund, not otherwise appropriated, to the  
20 agriculture commissioner for the wildlife services program. This funding is in addition to the  
21 funding identified in section 6 of this Act. If the federal funding for the cooperative wildlife  
22 damage management program for North Dakota wildlife services for federal fiscal year 2006 is  
23 less than \$400,000, then \$65,000 of the appropriation is available for wildlife service programs  
24 and if the same federal funding is less than \$400,000 for federal fiscal year 2007, an additional  
25 \$65,000 of the appropriation is available for wildlife service programs.