

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 amend and reenact sections 4-01-21 and 19-18-04 of the North Dakota
3 Century Code, relating to the salary of the agriculture commissioner and pesticide registration
4 fees; to provide for transfers; and to provide an effective date.

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

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

9	Salaries and wages	\$5,783,517
10	Operating expenses	4,255,875
11	Capital assets	5,000
12	Grants	1,774,225
13	Board of animal health	2,036,027
14	Wildlife services contingency	130,000
15	Crop harmonization board	<u>25,000</u>
16	Total all funds - Base level	\$14,009,644
17	Less estimated income - Base level	<u>9,486,532</u>
18	Total general fund - Base level	\$4,523,112

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

23	Salaries and wages	\$878,785
24	Operating expenses	1,262,558

1	Board of animal health	263,675
2	Wildlife services contingency	(130,000)
3	Crop harmonization board	<u>25,000</u>
4	Total all funds - Adjustments/enhancements	\$2,300,018
5	Less estimated income - Adjustments/enhancements	<u>1,392,413</u>
6	Total general fund - Adjustments/enhancements	\$907,605

7 **SECTION 3. 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 that
11 agency, for the biennium beginning July 1, 2007, and ending June 30, 2009, as follows:

12	Salaries and wages	\$6,662,302
13	Operating expenses	5,518,433
14	Capital assets	5,000
15	Grants	1,774,225
16	Board of animal health	2,299,702
17	Crop harmonization board	<u>50,000</u>
18	Total all funds	\$16,309,662
19	Less estimated income	<u>10,878,945</u>
20	Total general fund appropriation	\$5,430,717

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

22 **PROTECTION FUND.** The estimated income line item in section 3 of this Act includes the sum
23 of \$2,962,609, or so much of the sum as may be available, from the environment and rangeland
24 protection fund for the purpose of defraying the expenses of various agriculture department
25 programs, for the biennium beginning July 1, 2007, and ending June 30, 2009.

26 **SECTION 5. ANHYDROUS AMMONIA STORAGE INSPECTION FUND.** The
27 estimated income line item in section 3 of this Act includes the sum of \$65,912, or so much of
28 the sum as may be available, from the anhydrous ammonia storage inspection fund for the
29 purpose of defraying the expenses of regulating anhydrous ammonia storage facilities, for the
30 biennium beginning July 1, 2007, and ending June 30, 2009.

1 **SECTION 6. ESTIMATED INCOME - GAME AND FISH FUND.** The estimated income
2 line item in section 3 of this Act includes the sum of \$889,684, or so much of the sum as may
3 be necessary, from the game and fish department operating fund for the purpose of defraying
4 the expenses of various agriculture department programs for the biennium beginning July 1,
5 2007, and ending June 30, 2009.

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

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

10 **4-01-21. Salary of agriculture commissioner.** The annual salary of the agriculture
11 commissioner is ~~seventy-two~~ seventy-eight thousand ~~six~~ five hundred ~~sixty-nine~~ ninety-nine
12 dollars through June 30, ~~2006~~ 2008, and ~~seventy-five~~ eighty-one thousand ~~five~~ seven hundred
13 ~~seventy-six~~ forty-three dollars thereafter.

14 **SECTION 9. AMENDMENT.** Section 19-18-04 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **19-18-04. (~~Effective through June 30, 2007~~) Registration - Fees.**

- 17 1. Any person before selling or offering for sale any pesticide for use within this state
18 shall file biennially with the commissioner an application for registration of the
19 pesticide. The application must:
- 20 a. Give the name and address of each manufacturer or distributor.
 - 21 b. Give the name and brand of each product to be registered.
 - 22 c. Be accompanied by a current label of each product to be registered.
 - 23 d. Be accompanied by a registration fee of three hundred fifty dollars for each
24 product to be registered. At the close of each calendar month, the
25 commissioner shall transmit to the state treasurer all moneys received for the
26 registrations. The state treasurer shall credit fifty dollars for each registered
27 product to the general fund in the state treasury and the remainder of the
28 registration fee for each registered product to the environment and rangeland
29 protection fund.
 - 30 e. Be accompanied by a material safety data sheet for each product to be
31 registered.

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

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