

# ANALYSIS OF THE ENVIRONMENT AND RANGELAND PROTECTION FUND FOR THE 2007-09 AND 2009-11 BIENNIUMS

	2007-09 Biennium Actual		2009-11 Biennium Estimated	
Beginning balance		\$979,801		\$1,358,407
Add estimated revenues				
Pesticide registration fees	\$3,499,066 <sup>1</sup>		\$3,885,000 <sup>1</sup>	
Transfer from general fund (2007 SB 2009)	150,000 <sup>2</sup>			
Transfer from pesticide enforcement fund (2007 SB 2009)	50,000 <sup>3</sup>			
Weed seed-free forage (2009 HB 1270)	1,062		48,922 <sup>6</sup>	
Total estimated revenues		3,700,128		3,933,922
Total available		\$4,679,929		\$5,292,329
Less estimated expenditures and transfers				
Agriculture Commissioner				
Noxious weed control (2007 SB 2009; 2009 HB 1009)	\$1,530,517		\$1,794,069	
Pesticide disposal project (Safe Send) (2007 SB 2009; 2009 HB 1009)	540,912		609,346	
Pesticide programs (2007 SB 2009; 2009 HB 1009)	400,658		909,700	
Agriculture in the Classroom project (2007 SB 2009; 2009 HB 1009)	107,019		110,000	
Farmer's market	31,225		29,500	
Endangered species (2007 SB 2009; 2009 HB 1009)	141,761		287,041	
Blackbird research (2007 SB 2179)	79,500			
Livestock pollution prevention (2009 HB 1009)			50,000	
Crop Protection Product Harmonization and Registration Board <sup>4</sup>				
Crop protection product registration, labeling, and grants (2007 SB 2009; 2009 HB 1009)	23,811		50,000	
Minor use pesticide registration (2007 SB 2009)	200,000 <sup>5</sup>			
Weed seed-free forage (2009 HB 1270; 2009 HB 1009)			48,922 <sup>6</sup>	
State Department of Health				
Ground water testing (2007 HB 1004; 2009 SB 2004)	216,119		222,310	
North Dakota Stockmen's Association environmental services program (2007 HB 1004; 2009 SB 2004)	50,000		50,000	
Total estimated expenditures and transfers		3,321,522		4,160,888
Estimated ending balance		\$1,358,407		\$1,131,441

<sup>1</sup>The 1999 Legislative Assembly approved Senate Bill No. 2009, which included a provision increasing the biennial pesticide registration fee by \$50, from \$300 to \$350, only for the 1999-2001 biennium. The \$350 pesticide registration fee was extended for the 2001-03 biennium (2001 House Bill No. 1009), the 2003-05 biennium (2003 Senate Bill No. 2319), and the 2005-07 biennium (2005 House Bill No. 1009). The \$350 pesticide registration fee was continued, without an expiration date, by 2007 Senate Bill No. 2323. The 2009 Legislative Assembly approved House Bill No. 1009, which deposits all pesticide registration fees in the environment and rangeland protection fund rather than a portion in the general fund. The estimated effect of this change is an additional \$550,000 of deposits in the environment and rangeland protection fund each biennium.

<sup>2</sup>Transfer from the general fund - Senate Bill No. 2009 (2007) provided for a transfer of \$150,000 from the general fund to the environment and rangeland protection fund for the endangered species program for the 2007-09 biennium.

<sup>3</sup>Transfer from the pesticide enforcement fund - Senate Bill No. 2009 (2007) provided for a transfer of \$50,000 from the North Dakota State University Extension Service pesticide enforcement fund to the environment and rangeland protection fund for the endangered species program for the 2007-09 biennium.

<sup>4</sup>North Dakota Century Code Section 4-35-30, as created by House Bill Nos. 1328 and 1009 (2001), created the Crop Protection Product Harmonization and Registration Board. The duties of the board consist of:

- Identifying and prioritizing crop protection product labeling needs.
- Exploring the extent of authority given to North Dakota under the federal Insecticide, Fungicide, and Rodenticide Act.
- Identifying the data necessary to enable registration of a use to occur in a timely manner.
- Determining what research, if any, is necessary to fulfill data requirements for responsibilities of the board.
- Requesting the Agriculture Commissioner to pursue specific research funding options from public and private sources.
- Requesting the Agricultural Experiment Station to pursue specific research to coordinate registration efforts.
- Pursuing any opportunities to make more crop protection product options available to agriculture producers in this state through any means the board determines advisable.
- Administering a grant program through which agriculture commodity groups may apply for funds to be used to address issues related to the registration of crop protection products.

The members of the Crop Protection Product Harmonization and Registration Board consist of:

- The Governor or the Governor's designee (chairman).
- The Agriculture Commissioner or the commissioner's designee.
- The chairman of the House Agriculture Committee or the chairman's designee.
- The chairman of the Senate Agriculture Committee or the chairman's designee.
- A member of the House or Senate Agriculture Committee who is not a member of the faction in which the committee chairman is a member, appointed by the Legislative Council chairman.
- A crop protection product dealer in the state appointed by the Governor from a list of three nominees submitted by the North Dakota Agricultural Association.
- A consumer of crop protection products appointed by the Governor from a list of three nominees submitted by the North Dakota Grain Growers Association.
- A consumer of crop protection products appointed by the Governor from a list of three nominees submitted by the North Dakota Oilseed Council.
- A representative of the crop protection product manufacturing industry appointed by the chairman of the Legislative Council (nonvoting).
- The director of the Agricultural Experiment Station (nonvoting).

<sup>5</sup>This amount was transferred to the minor use pesticide fund and appropriated to the Crop Protection Product Harmonization and Registration Board on a continuing basis. House Bill No. 1328 (2001) changed the control of the minor use pesticide fund from the Agriculture Commissioner to the Crop Protection Product Harmonization and Registration Board.

<sup>6</sup>House Bill No. 1270 (2009) allows the Agriculture Commissioner to certify forage acreage as being free of certain weeds and weed seed. The appropriation provided to the department for the program is the amount that is anticipated to be received from fees charged for certifications.

**NOTE:** The estimated June 30, 2011, balance made at the end of the 2009 legislative session was \$270,107. The increase in the estimated balance of \$861,334 is primarily due to increased numbers of pesticide products registered in the state.

### **FUND HISTORY**

North Dakota Century Code Section 19-18-02.1, created by 1991 Senate Bill No. 2451, establishes the environment and rangeland protection fund. The fund contains collections from pesticide registration fees. During the 2007-09 biennium, the biennial fee was \$350 per pesticide product registered in the state. Of this amount, \$300 was deposited in the environment and rangeland protection fund and \$50 in the general fund. Pursuant to provisions of 2009 House Bill No. 1009, beginning with the 2009-11 biennium, the entire pesticide registration fee is deposited in the environment and rangeland protection fund rather than a portion in the general fund.