

**FIRST ENGROSSMENT
with House Amendments**

Fifty-sixth
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 crop protection product task force; to provide a statement of
3 legislative intent; to provide for a transfer; to amend and reenact sections 4-01-21 and 19-18-04
4 of the North Dakota Century Code, relating to the salary of the agriculture commissioner and
5 pesticide registration fees; and to declare an emergency.

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 hereby appropriated out of any moneys in the general fund in
9 the state treasury, not otherwise appropriated, and from special funds derived from federal
10 funds and other income, to the commissioner of agriculture for the purpose of defraying the
11 expenses of the commissioner of agriculture for the biennium beginning July 1, 1999, and
12 ending June 30, 2001, as follows:

13 AGRICULTURE COMMISSIONER	
14 Salaries and wages	\$3,083,452
15 Operating expenses	628,957
16 Equipment	22,900
17 Grants	161,700
18 Board of animal health	502,922
19 Ag mediation	776,681
20 Ag in the classroom	96,000
21 Anhydrous ammonia storage	8,154
22 Waterbank program	414,000
23 Pride of Dakota	151,516
24 Wildlife services	779,694

1	Safe send	573,907
2	Noxious weeds	<u>1,174,696</u>
3	Total all funds	\$8,374,579
4	Less estimated income	<u>4,033,216</u>
5	Total general fund appropriation	\$4,341,363

6 **SECTION 2. AMENDMENT.** Section 4-01-21 of the 1997 Supplement to the North
7 Dakota Century Code is amended and reenacted as follows:

8 **4-01-21. Salary of commissioner of agriculture.** The annual salary of the
9 commissioner of agriculture is ~~fifty-five~~ fifty-eight thousand ~~four~~ two hundred ~~sixty-four~~ sixty-two
10 dollars through June 30, ~~1998~~ 2000, fifty-nine thousand four hundred twenty-eight dollars
11 through December 31, 2000, and ~~fifty-seven~~ sixty-four thousand ~~one~~ five hundred ~~twenty~~
12 sixty-nine dollars thereafter.

13 **SECTION 3. AMENDMENT.** Section 19-18-04 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **19-18-04. Registration - Fees.** Any person before selling or offering for sale any
16 pesticide for use within this state shall file biennially with the commissioner an application for
17 registration of the pesticide. The application must:

- 18 1. Give the name and address of each manufacturer or distributor.
- 19 2. Give the name and brand of each product registered.
- 20 3. Be accompanied by a current label of each product so registered.
- 21 4. Be accompanied by a registration fee of ~~three~~ four hundred dollars for each
22 product registered. At the close of each calendar month, the commissioner shall
23 transmit to the state treasurer all moneys received for the registrations. The state
24 treasurer shall credit ~~fifty~~ sixty-seven dollars for each registered product to the
25 general fund in the state treasury and the remainder of the registration fee for each
26 registered product to the environment and rangeland protection fund.
- 27 5. Be accompanied by a material safety data sheet.

28 The commissioner may require an applicant or registrant to provide efficacy, toxicity,
29 residue, and any other data necessary to determine if the pesticide will perform its intended
30 function without unreasonable adverse effects on the environment. If the commissioner finds
31 that the application conforms to law, the commissioner shall issue to the applicant a certificate

1 of registration of the product. If after public hearing before the commissioner the application is
2 denied, the product may not be offered for sale.

3 Each registration covers a two-year period beginning January first and expiring
4 December thirty-first of the following year. A certificate of registration may not be issued for a
5 term longer than two years, and is not transferable from one person to another, or from the
6 ownership to whom issued to another ownership, or from one place to another place or
7 location. A penalty of fifty percent of the license or registration fee must be imposed if the
8 license or certificate of registration is not applied for on or before January thirty-first following
9 the expiration date, or within the same month the pesticides are first manufactured or sold
10 within this state. Each product must go through a two-year discontinuance period in order to
11 clear all outstanding products in the channel of trade.

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

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

15 **PROTECTION FUND.** The estimated income line item in section 1 of this Act includes the sum
16 of \$1,880,576, or so much of the sum as may be necessary, from the environment and
17 rangeland protection fund for the purpose of defraying the expenses of various agriculture
18 department programs, for the biennium beginning July 1, 1999, and ending June 30, 2001.

19 **SECTION 5. ESTIMATED INCOME - ANHYDROUS AMMONIA STORAGE**

20 **INSPECTION FUND.** The estimated income line item in section 1 of this Act includes the sum
21 of \$75,992, or so much of the sum as may be necessary, from the anhydrous ammonia storage
22 inspection fund for the purpose of defraying the expenses of regulating anhydrous ammonia
23 storage facilities, for the biennium beginning July 1, 1999, and ending June 30, 2001.

24 **SECTION 6. ESTIMATED INCOME - GAME AND FISH FUND.** The estimated income

25 line item in section 1 of this Act includes the sum of \$200,000, or so much of the sum as may
26 be necessary, from the game and fish department operating fund for the waterbank program for
27 the biennium beginning July 1, 1999, and ending June 30, 2001.

28 **SECTION 7. LEGISLATIVE INTENT - PROJECT SAFE SEND.** It is the intent of the

29 legislative assembly that the agriculture commissioner not accept products under project safe
30 send from wholesalers or manufacturers unless the full cost of disposal is recovered from the
31 wholesaler or manufacturer. It is also the intent of the legislative assembly that products which

1 are not a direct danger to the public should be disposed of by the owner in a proper manner.
2 The agriculture commissioner may distribute educational materials on the proper and safe
3 disposal of appropriate materials by the original purchaser for the biennium beginning July 1,
4 1999, and ending June 30, 2001.

5 **SECTION 8. PROJECT SAFE SEND - FEES.** The agriculture commissioner may
6 charge wholesalers and manufacturers a fee for the disposal of pesticides located in North
7 Dakota. The fee may not be less than the cost of disposal. All fees collected under this section
8 must be deposited in the environment and rangeland protection fund for the biennium
9 beginning July 1, 1999, and ending June 30, 2001.

10 **SECTION 9. TRANSFER.** The office of management and budget shall transfer
11 \$85,000 from the environment and rangeland protection fund to the minor use pesticide fund for
12 the biennium beginning July 1, 1999, and ending June 30, 2001.

13 **SECTION 10. LINE ITEM TRANSFERS.** Notwithstanding section 54-16-04, the
14 director of the office of management and the state treasurer shall make transfers of funds
15 between line items in section 1 of this Act of up to a cumulative sum of \$100,000 as may be
16 requested by the agriculture commissioner for the biennium beginning July 1, 1999, and ending
17 June 30, 2001.

18 **SECTION 11. CROP PROTECTION PRODUCT TASK FORCE - MEMBERSHIP -**
19 **DUTIES.** The crop protection product task force consists of the agriculture commissioner, the
20 chairman of the house agriculture committee, the chairman of the senate agriculture committee,
21 and three individuals appointed by the governor. The governor shall call the task force together
22 for its initial meeting, at which time the task force members shall select a member to be
23 chairman. Every meeting thereafter is at the call of the chairman. The task force shall:

- 24 1. Identify and prioritize crop protection product labeling needs;
- 25 2. Determine which crop protection compounds should be considered for registration
26 by this state and submitted for environmental protection agency approval and
27 allocate funds, as needed, to accomplish the registration and approval; and
- 28 3. Work in a coordinated and cooperative fashion with the manufacturers of crop
29 protection products to ensure prompt and consistent labeling of products for use in
30 the United States, Canada, and Mexico.

1 **SECTION 12. APPROPRIATION.** There is hereby appropriated out of any moneys in
2 the environment and rangeland protection fund in the state treasury, not otherwise
3 appropriated, the sum of \$300,000, or so much of the sum as may be necessary, to the crop
4 protection product task force for the purpose of addressing crop protection product registration
5 and labeling as provided for in section 11 of this Act for the biennium beginning July 1, 1999,
6 and ending June 30, 2001.

7 **SECTION 13. APPROPRIATION - BOARD OF ANIMAL HEALTH - 1997-99**
8 **BIENNIUM.** There is hereby appropriated out of any moneys in the general fund in the state
9 treasury, not otherwise appropriated, the sum of \$25,000, or so much of the sum as may be
10 necessary, to the agriculture commissioner for the purpose of paying an indemnity and other
11 expenses associated with destroying a herd of cattle infected with bovine tuberculosis for the
12 period beginning with the effective date of this Act and ending June 30, 1999.

13 **SECTION 14. EMERGENCY.** Section 13 of this Act is declared to be an emergency
14 measure.