

**FIRST ENGROSSMENT
with Conference Committee Amendments**

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 create a legislative council committee; to provide an appropriation to the
3 legislative council; to provide a statement of legislative intent; to provide for a transfer; to create
4 and enact a new subdivision to subsection 1 of section 57-38-01.2 and a new subdivision to
5 subsection 3 of section 57-38-30.3 of the North Dakota Century Code, relating to an income tax
6 exemption for indemnities received for destruction of cattle; to amend and reenact sections
7 4-01-21, 4-35-06.3, and 19-18-04 of the North Dakota Century Code, relating to the minor use
8 pesticide fund, the salary of the agriculture commissioner, and pesticide registration fees; to
9 provide an effective date; to provide an expiration date; and to declare an emergency.

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

11 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the
12 funds as may be necessary, are hereby appropriated out of any moneys in the general fund in
13 the state treasury, not otherwise appropriated, and from special funds derived from federal
14 funds and other income, to the commissioner of agriculture for the purpose of defraying the
15 expenses of the commissioner of agriculture for the biennium beginning July 1, 1999, and
16 ending June 30, 2001, as follows:

17 AGRICULTURE COMMISSIONER	
18 Salaries and wages	\$3,128,452
19 Operating expenses	778,957
20 Equipment	22,900
21 Grants	161,700
22 Board of animal health	502,922
23 Ag mediation	801,681
24 Ag in the classroom	96,000

Fifty-sixth
Legislative Assembly

1	Anhydrous ammonia storage	8,154
2	Waterbank program	414,000
3	Pride of Dakota	151,516
4	Wildlife services	779,694
5	Safe send	573,907
6	Noxious weeds	<u>1,174,696</u>
7	Total all funds	\$8,594,579
8	Less estimated income	<u>4,133,216</u>
9	Total general fund appropriation	\$4,461,363

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

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

17 **SECTION 3. AMENDMENT.** Section 4-35-06.3 of the 1997 Supplement to the North
18 Dakota Century Code is amended and reenacted as follows:

19 **4-35-06.3. Minor use pesticide fund - Continuing appropriation.** The minor use
20 pesticide fund is created as a special fund in the state treasury. All moneys in the fund are
21 appropriated on a continuing basis to the pesticide control board for the purpose of conducting
22 or commissioning studies, investigations, and evaluations regarding the registration and use of
23 pesticides for minor crops, minor uses, and ~~emergency uses~~ other uses as determined by the
24 board.

25 **SECTION 4. AMENDMENT.** Section 19-18-04 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **19-18-04. Registration - Fees.**

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

31 ~~4-~~ a. Give the name and address of each manufacturer or distributor.

- 1 ~~2.~~ b. Give the name and brand of each product registered.
- 2 ~~3.~~ c. Be accompanied by a current label of each product so registered.
- 3 ~~4.~~ d. Be accompanied by a registration fee of three hundred fifty dollars for each
- 4 product registered. At the close of each calendar month, the commissioner
- 5 shall transmit to the state treasurer all moneys received for the registrations.
- 6 The state treasurer shall credit fifty dollars for each registered product to the
- 7 general fund in the state treasury and the remainder of the registration fee for
- 8 each registered product to the environment and rangeland protection fund.
- 9 ~~5.~~ e. Be accompanied by a material safety data sheet.
- 10 2. The commissioner may require an applicant or registrant to provide efficacy,
- 11 toxicity, residue, and any other data necessary to determine if the pesticide will
- 12 perform its intended function without unreasonable adverse effects on the
- 13 environment. If the commissioner finds that the application conforms to law, the
- 14 commissioner shall issue to the applicant a certificate of registration of the product.
- 15 If after public hearing before the commissioner the application is denied, the
- 16 product may not be offered for sale.
- 17 3. Each registration covers a two-year period beginning January first and expiring
- 18 December thirty-first of the following year. A certificate of registration may not be
- 19 issued for a term longer than two years, and is not transferable from one person to
- 20 another, or from the ownership to whom issued to another ownership, or from one
- 21 place to another place or location. A penalty of fifty percent of the license or
- 22 registration fee must be imposed if the license or certificate of registration is not
- 23 applied for on or before January thirty-first following the expiration date, or within
- 24 the same month the pesticides are first manufactured or sold within this state.
- 25 Each product must go through a two-year discontinuance period in order to clear
- 26 all outstanding products in the channel of trade.
- 27 4. This section does not apply to a pesticide sold by a retail dealer if the registration
- 28 fee has been paid by the manufacturer, jobber, or any other person, as required by
- 29 this section.

30 **SECTION 5.** A new subdivision to subsection 1 of section 57-38-01.2 of the 1997

31 Supplement to the North Dakota Century Code is created and enacted as follows:

1 Reduced by an amount equal to any indemnity received under this Act for the
2 destruction of cattle infected or suspected of being infected with bovine
3 tuberculosis.

4 **SECTION 6.** A new subdivision to subsection 3 of section 57-38-30.3 of the 1997
5 Supplement to the North Dakota Century Code is created and enacted as follows:

6 An amount equal to any indemnity received under this Act for the destruction
7 of cattle infected or suspected of being infected with bovine tuberculosis.

8 **SECTION 7. ESTIMATED INCOME - ENVIRONMENT AND RANGELAND**

9 **PROTECTION FUND.** The estimated income line item in section 1 of this Act includes the sum
10 of \$1,925,576, or so much of the sum as may be necessary, from the environment and
11 rangeland protection fund for the purpose of defraying the expenses of various agriculture
12 department programs, for the biennium beginning July 1, 1999, and ending June 30, 2001.

13 **SECTION 8. ESTIMATED INCOME - ANHYDROUS AMMONIA STORAGE**

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

18 **SECTION 9. ESTIMATED INCOME - GAME AND FISH FUND.** The estimated income
19 line item in section 1 of this Act includes the sum of \$200,000, or so much of the sum as may
20 be necessary, from the game and fish department operating fund for the waterbank program for
21 the biennium beginning July 1, 1999, and ending June 30, 2001.

22 **SECTION 10. TRANSFER.** The office of management and budget shall transfer
23 \$285,000 from the environment and rangeland protection fund to the minor use pesticide fund
24 for the biennium beginning July 1, 1999, and ending June 30, 2001.

25 **SECTION 11. LEGISLATIVE COUNCIL - CROP HARMONIZATION COMMITTEE.**

26 The legislative council shall create a crop harmonization committee consisting of the chairman
27 of the house agriculture committee, the chairman of the senate agriculture committee, and
28 three other individuals appointed by the legislative council chairman, one of whom must
29 represent the crop protection manufacturing industry. In consultation with the pesticide control
30 board, the committee shall:

31 1. Identify and prioritize crop protection product labeling needs;

- 1 2. Explore the extent of authority given to this state under the federal Insecticide,
2 Fungicide, and Rodenticide Act;
- 3 3. Identify the data necessary to enable registration of a use to occur in a timely
4 manner;
- 5 4. Determine what research, if any, is necessary to fulfill data requirements for
6 activities listed in this section and communicate its findings to the agriculture
7 commissioner;
- 8 5. Request the agriculture commissioner to pursue specific research funding options
9 from public and private sources; and
- 10 6. Report to the legislative council in the same manner as do other interim legislative
11 council committees.

12 **SECTION 12. APPROPRIATION - LEGISLATIVE COUNCIL.** There is hereby
13 appropriated out of any moneys in the minor use pesticide fund in the state treasury, not
14 otherwise appropriated, the sum of \$15,000, or so much of the sum as may be necessary, out
15 of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of
16 \$15,000, or so much of the sum as may be necessary, and from special funds derived from
17 grants or donation income, the sum of \$150,000, or so much of the sum as may be necessary,
18 to the legislative council for the purpose of addressing crop protection product registration and
19 labeling as provided for in section 11 of this Act for the biennium beginning July 1, 1999, and
20 ending June 30, 2001.

21 **SECTION 13. LEGISLATIVE INTENT.** It is the intent of the fifty-sixth legislative
22 assembly that the agriculture commissioner, agricultural experiment station, and North Dakota
23 state university extension service use resources available to them to assist in the registration of
24 crop protection pesticides in cooperation with the crop protection industry for use in the North
25 Dakota agriculture industry for the biennium beginning July 1, 1999, and ending June 30, 2001.

26 **SECTION 14. APPROPRIATION - BOARD OF ANIMAL HEALTH - 1997-99**
27 **BIENNIUM.** There is hereby appropriated out of any moneys in the general fund in the state
28 treasury, not otherwise appropriated, the sum of \$65,000, or so much of the sum as may be
29 necessary, to the agriculture commissioner for the purpose of paying an indemnity and other
30 expenses associated with destroying a herd of cattle infected with bovine tuberculosis for the
31 period beginning with the effective date of this Act and ending June 30, 1999.

1 **SECTION 15. BUDGET SECTION REPORT.** The agriculture commissioner and the
2 state veterinarian shall periodically report to the budget section on the status of the bovine
3 tuberculosis disease in cattle and associated costs during the 1999-2000 interim.

4 **SECTION 16. EFFECTIVE DATE - EXPIRATION DATE.** Sections 5 and 6 of this Act
5 are effective for the first two taxable years beginning after December 31, 1998, and are
6 thereafter ineffective.

7 **SECTION 17. EXPIRATION DATE.** Section 4 of this Act is effective through June 30,
8 2001, and after that date is ineffective.

9 **SECTION 18. EMERGENCY.** Section 14 of this Act is declared to be an emergency
10 measure.