

**FIRST ENGROSSMENT  
with Senate Amendments**

Fifty-seventh  
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 provide project safe send user fees; and to amend and reenact sections  
3 4-01-21, 19-18-02.1, and 19-18-04 of the North Dakota Century Code, relating to the salary of  
4 the agriculture commissioner, uses of the environment and rangeland protection fund, and  
5 pesticide registration fees.

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 agriculture commissioner for the purpose of defraying the  
11 expenses of the commissioner of agriculture, for the biennium beginning July 1, 2001, and  
12 ending June 30, 2003, as follows:

13 Salaries and wages	\$3,513,495
14 Operating expenses	1,338,864
15 Equipment	30,400
16 Grants	161,700
17 Board of animal health	538,614
18 Ag mediation	1,075,808
19 Ag in the classroom	96,000
20 State meat inspection	631,750
21 Waterbank program	900,000
22 Pride of Dakota	157,050
23 Wildlife services	779,694
24 Safe send	599,369

1	Noxious weeds	<u>1,346,836</u>
2	Total all funds	\$11,169,580
3	Less estimated income	<u>6,798,184</u>
4	Total general fund appropriation	\$4,371,396

5           **SECTION 2. AMENDMENT.** Section 4-01-21 of the 1999 Supplement to the North  
6 Dakota Century Code is amended and reenacted as follows:

7           **4-01-21. Salary of agriculture commissioner.** The annual salary of the agriculture  
8 commissioner is ~~fifty-eight~~ sixty-six thousand ~~two~~ five hundred ~~sixty-two~~ nine dollars through  
9 ~~June 30, 2000~~ December 31, 2001, ~~fifty-nine~~ sixty-eight thousand ~~four~~ five hundred  
10 ~~twenty-eight~~ four dollars through ~~December 31, 2000~~ June 30, 2002, and ~~sixty-four~~ sixty-nine  
11 thousand ~~five~~ eight hundred ~~sixty-nine~~ seventy-four dollars thereafter.

12           **SECTION 3. AMENDMENT.** Section 19-18-02.1 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14           **19-18-02.1. Environment and rangeland protection fund.** The environment and  
15 rangeland protection fund is a special fund in the state treasury. The moneys in this fund may  
16 be used for rangeland improvement projects and to address issues relating to harmonization of  
17 crop protection product standards. ~~These~~ The rangeland improvement projects may include  
18 noxious weed control; ground water testing, analysis, protection, and improvement; analysis of  
19 food products for residues of pesticides and other materials; and analysis and disposal of  
20 unusable pesticides and pesticide containers.

21           **SECTION 4. AMENDMENT.** Section 19-18-04 of the 1999 Supplement to the North  
22 Dakota Century Code is amended and reenacted as follows:

23           **19-18-04. (Effective through June 30, ~~2004~~ 2003) Registration - Fees.**

- 24           1. Any person before selling or offering for sale any pesticide for use within this state  
25 shall file biennially with the commissioner an application for registration of the  
26 pesticide. The application must:
- 27           a. Give the name and address of each manufacturer or distributor.
  - 28           b. Give the name and brand of each product registered.
  - 29           c. Be accompanied by a current label of each product so registered.
  - 30           d. Be accompanied by a registration fee of three hundred fifty dollars for each  
31 product registered. At the close of each calendar month, the commissioner

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

26 **(Effective July 1, 2004 2003) Registration - Fees.** Any person before selling or  
27 offering for sale any pesticide for use within this state shall file biennially with the commissioner  
28 an application for registration of the pesticide. The application must:

- 29 1. Give the name and address of each manufacturer or distributor.  
30 2. Give the name and brand of each product registered.  
31 3. Be accompanied by a current label of each product so registered.

1           4.    Be accompanied by a registration fee of three hundred dollars for each product  
2                    registered. At the close of each calendar month, the commissioner shall transmit  
3                    to the state treasurer all moneys received for the registrations. The state treasurer  
4                    shall credit fifty dollars for each registered product to the general fund in the state  
5                    treasury and the remainder of the registration fee for each registered product to the  
6                    environment and rangeland protection fund.

7           5.    Be accompanied by a material safety data sheet.

8            The commissioner may require an applicant or registrant to provide efficacy, toxicity,  
9    residue, and any other data necessary to determine if the pesticide will perform its intended  
10   function without unreasonable adverse effects on the environment. If the commissioner finds  
11   that the application conforms to law, the commissioner shall issue to the applicant a certificate  
12   of registration of the product. If after public hearing before the commissioner the application is  
13   denied, the product may not be offered for sale.

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

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

25           **SECTION 5. ESTIMATED INCOME - ENVIRONMENT AND RANGELAND**

26   **PROTECTION FUND.** The estimated income line item in section 1 of this Act includes the sum  
27   of \$2,341,815, or so much of the sum as may be necessary, from the environment and  
28   rangeland protection fund for the purpose of defraying the expenses of various agriculture  
29   department programs, for the biennium beginning July 1, 2001, and ending June 30, 2003.

30           **SECTION 6. ESTIMATED INCOME - ANHYDROUS AMMONIA STORAGE**

31   **INSPECTION FUND.** The estimated income line item in section 1 of this Act includes the sum

1 of \$139,775, or so much of the sum as may be necessary, from the anhydrous ammonia  
2 storage inspection fund for the purpose of defraying the expenses of regulating anyhdrous  
3 ammonia storage facilities, for the biennium beginning July 1, 2001, and ending June 30, 2003.

4 **SECTION 7. ESTIMATED INCOME - GAME AND FISH FUND.** The estimated income  
5 line item in section 1 of this Act includes the sum of \$668,000, or so much of the sum as may  
6 be necessary, from the game and fish department operating fund for the purpose of defraying  
7 the expenses of various agriculture department programs for the biennium beginning July 1,  
8 2001, and ending June 30, 2003.

9 **SECTION 8. SAFE SEND PESTICIDE AND PESTICIDE CONTAINER COLLECTION**  
10 **- USER FEES.** The agriculture commissioner, in consultation with the advisory board for the  
11 safe send pesticide and pesticide container disposal program, shall charge a fee for collection  
12 of select chemicals. Collections from this fee must be deposited in the environment and  
13 rangeland protection fund.

14 **SECTION 9. SAFE SEND PESTICIDE AND PESTICIDE CONTAINER COLLECTION**  
15 **- RECYCLING.** The agriculture commissioner, in consultation with the advisory board for the  
16 safe send pesticide and pesticide container disposal program, shall research the potential of  
17 recycling select products collected during the biennium beginning July 1, 2001, and ending  
18 June 30, 2003.