

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

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	\$4,494,970
10 Operating expenses	3,359,825
11 Capital assets	8,000
12 Grants	100,000
13 Board of animal health	869,464
14 State meat inspection	763,461
15 Pride of Dakota	180,948
16 Wildlife services	800,000
17 Safe send	308,870
18 Noxious weeds	1,596,836
19 Crop harmonization board	25,000
20 Agriculture in the classroom	<u>45,000</u>
21 Total all funds - Base level	\$12,552,374
22 Less estimated income - Base level	<u>8,318,849</u>
23 Total general fund - Base level	\$4,233,525

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

5 Salaries and wages	\$1,271,667
6 Operating expenses	998,453
7 Capital assets	(3,000)
8 Grants	1,424,225
9 Board of animal health	1,505,368
10 State meat inspection	(763,461)
11 Pride of Dakota	(180,948)
12 Wildlife services	(800,000)
13 Safe send	(308,870)
14 Noxious weeds	(1,596,836)
15 Crop harmonization board	200,000
16 Agriculture in the classroom	<u>(45,000)</u>
17 Total all funds - Adjustments/enhancements	\$1,701,598
18 Less estimated income - Adjustments/enhancements	<u>1,049,165</u>
19 Total general fund - Adjustments/enhancements	\$652,433

20 **SECTION 3. APPROPRIATION.** The funds provided in this section, or so much of the
21 funds as may be necessary, are appropriated out of any moneys in the general fund in the state
22 treasury, not otherwise appropriated, and from special funds derived from federal funds and
23 other income, to the agriculture commissioner for the purpose of defraying the expenses of that
24 agency, for the biennium beginning July 1, 2005, and ending June 30, 2007, as follows:

25 Salaries and wages	\$5,766,637
26 Operating expenses	4,358,278
27 Capital assets	5,000
28 Grants	1,524,225
29 Board of animal health	2,374,832
30 Crop harmonization board	<u>225,000</u>
31 Total all funds	\$14,253,972

1	Less estimated income	<u>9,368,014</u>
2	Total general fund appropriation	\$4,885,958

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

4 **PROTECTION FUND.** The estimated income line item in section 3 of this Act includes the sum
5 of \$2,725,077, or so much of the sum as may be available, from the environment and rangeland
6 protection fund for the purpose of defraying the expenses of various agriculture department
7 programs, for the biennium beginning July 1, 2005, and ending June 30, 2007.

8 **SECTION 5. ANHYDROUS AMMONIA STORAGE INSPECTION FUND.** The

9 estimated income line item in section 3 of this Act includes the sum of \$61,410, or so much of
10 the sum as may be available, from the anhydrous ammonia storage inspection fund for the
11 purpose of defraying the expenses of regulating anhydrous ammonia storage facilities, for the
12 biennium beginning July 1, 2005, and ending June 30, 2007.

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

14 line item in section 3 of this Act includes the sum of \$700,000, or so much of the sum as may
15 be necessary, from the game and fish department operating fund for the purpose of defraying
16 the expenses of various agriculture department programs for the biennium beginning July 1,
17 2005, and ending June 30, 2007.

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

20 **SECTION 8. AMENDMENT.** Section 4-01-19 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **4-01-19. Marketing bureau.** The agriculture commissioner of this state shall establish
23 and maintain a marketing bureau for the purpose of gathering and disseminating statistical
24 information on agricultural marketing problems of the state and engaging in marketing services
25 of agricultural products. Any moneys received or generated by the pride of Dakota program
26 must be deposited in the general fund in the state treasury. General fund expenditures for
27 pride of Dakota conferences are limited to the amount of revenue deposited in the general fund
28 for this purpose.

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

1 **4-01-21. Salary of agriculture commissioner.** The annual salary of the agriculture
2 commissioner is ~~sixty-six thousand five hundred nine dollars through December 31, 2001,~~
3 ~~sixty-eight~~ seventy-two thousand five six hundred four ~~sixty-nine~~ dollars through June 30, ~~2002~~
4 2006, and ~~sixty-nine~~ may not exceed seventy-five thousand eight five hundred seventy-four
5 seventy-six dollars thereafter.

6 **SECTION 10. AMENDMENT.** Section 19-18-04 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **19-18-04. (~~Effective through June 30, 2005~~) Registration - Fees.**

- 9 1. Any person before selling or offering for sale any pesticide for use within this state
10 shall file biennially with the commissioner an application for registration of the
11 pesticide. The application must:
- 12 a. Give the name and address of each manufacturer or distributor.
 - 13 b. Give the name and brand of each product to be registered.
 - 14 c. Be accompanied by a current label of each product to be registered.
 - 15 d. Be accompanied by a registration fee of three hundred fifty dollars for each
16 product to be registered. At the close of each calendar month, the
17 commissioner shall transmit to the state treasurer all moneys received for the
18 registrations. The state treasurer shall credit fifty dollars for each registered
19 product to the general fund in the state treasury and the remainder of the
20 registration fee for each registered product to the environment and rangeland
21 protection fund.
 - 22 e. Be accompanied by a material safety data sheet for each product to be
23 registered.
- 24 2. The commissioner may require an applicant or registrant to provide efficacy,
25 toxicity, residue, and any other data necessary to determine if the pesticide will
26 perform its intended function without unreasonable adverse effects on the
27 environment. If the commissioner finds that the application conforms to law, the
28 commissioner shall issue to the applicant a certificate of registration of the product.
- 29 3. Each registration covers a designated two-year period beginning January first of
30 each even-numbered year and expiring December thirty-first of the following year.
31 A certificate of registration may not be issued for a term longer than two years, and

1 is not transferable from one person to another, or from the ownership to whom
2 issued to another ownership. A penalty of fifty percent of the license or registration
3 fee must be imposed if the license or certificate of registration is not applied for on
4 or before January thirty-first following the expiration date. Each product must go
5 through a two-year discontinuance period in order to clear all outstanding products
6 in the channel of trade.

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

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Fifty-ninth
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