

Fifty-ninth  
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 amend and reenact sections 4-01-19, 4-01-21, 4-22-22, 4-37-03, 4-37-04,  
3 and 19-18-04 of the North Dakota Century Code, relating to the pride of Dakota program, the  
4 salary of the agriculture commissioner, compensation of supervisors of soil conservation  
5 districts, the agriculture in the classroom program, and pesticide registration fees; and to  
6 provide for transfers.

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

8 **SECTION 1. BASE LEVEL FUNDING INFORMATION.** The amounts identified in this  
9 section represent the base level funding component appropriated to the agriculture  
10 commissioner in section 3 of this Act as follows:

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

1	Less estimated income - Base level	<u>8,318,849</u>
2	Total general fund - Base level	\$4,233,525

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

7	Salaries and wages	\$1,211,582
8	Operating expenses	822,550
9	Capital assets	(3,000)
10	Grants	1,674,225
11	Board of animal health	1,310,099
12	State meat inspection	(763,461)
13	Pride of Dakota	(180,948)
14	Wildlife services	(800,000)
15	Safe send	(308,870)
16	Noxious weeds	(1,596,836)
17	Crop harmonization board	200,000
18	Agriculture in the classroom	<u>(45,000)</u>
19	Total all funds - Adjustments/enhancements	\$1,520,341
20	Less estimated income - Adjustments/enhancements	<u>1,318,026</u>
21	Total general fund - Adjustments/enhancements	\$202,315

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

27	Salaries and wages	\$5,706,552
28	Operating expenses	4,182,375
29	Capital assets	5,000
30	Grants	1,774,225
31	Board of animal health	2,179,563

1	Crop harmonization board	<u>225,000</u>
2	Total all funds	\$14,072,715
3	Less estimated income	<u>9,636,875</u>
4	Total general fund appropriation	\$4,435,840

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

6   **PROTECTION FUND.** The estimated income line item in section 3 of this Act includes the sum  
7 of \$2,805,077, or so much of the sum as may be available, from the environment and  
8 rangeland protection fund for the purpose of defraying the expenses of various agriculture  
9 department programs, for the biennium beginning July 1, 2005, and ending June 30, 2007.

10           **SECTION 5. ANHYDROUS AMMONIA STORAGE INSPECTION FUND.** The  
11 estimated income line item in section 3 of this Act includes the sum of \$61,410, or so much of  
12 the sum as may be available, from the anhydrous ammonia storage inspection fund for the  
13 purpose of defraying the expenses of regulating anhydrous ammonia storage facilities, for the  
14 biennium beginning July 1, 2005, and ending June 30, 2007.

15           **SECTION 6. ESTIMATED INCOME - GAME AND FISH FUND.** The estimated income  
16 line item in section 3 of this Act includes the sum of \$700,000, or so much of the sum as may  
17 be necessary, from the game and fish department operating fund for the purpose of defraying  
18 the expenses of various agriculture department programs for the biennium beginning July 1,  
19 2005, and ending June 30, 2007.

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

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

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

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

3           **4-01-21. Salary of agriculture commissioner.** The annual salary of the agriculture  
4 commissioner is ~~sixty-six thousand five hundred nine dollars through December 31, 2001,~~  
5 ~~sixty-eight~~ seventy-one thousand ~~five~~ nine hundred ~~four~~ seventy dollars through June 30, ~~2002~~  
6 2006, and ~~sixty-nine~~ seventy-four thousand eight hundred ~~seventy-four~~ forty-nine dollars  
7 thereafter.

8           **SECTION 10. AMENDMENT.** Section 4-22-22 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10           **4-22-22. Supervisors - Terms of office - Vacancies - Removal - Compensation -**  
11 **Expenses.** At the general election to be held in 1972, three district supervisors must be  
12 elected. The candidate receiving the largest number of votes is elected for a six-year term; the  
13 candidate receiving the second highest number of votes is elected for a four-year term; and the  
14 candidate receiving the third highest number of votes is elected for a two-year term. At each  
15 succeeding general election, one supervisor must be elected for a term of six years, or until the  
16 successor is duly elected and qualified, to each expiring or vacant term. In newly formed  
17 districts, three supervisors must be elected at the first general election following the district's  
18 organization. The candidate receiving the largest number of votes is elected for a six-year  
19 term; the candidate receiving the second highest number of votes is elected for a four-year  
20 term; and the candidate receiving the third highest number of votes is elected for a two-year  
21 term. At each succeeding general election, one supervisor must be elected for a term of six  
22 years, or until the successor is duly elected and qualified, to each expiring or vacant term. The  
23 county auditor of the county or counties in which the district lies shall return to the secretary of  
24 state before four p.m. on the tenth day following any general election a certified abstract of the  
25 votes cast in the county at the election for each candidate for district supervisor. The secretary  
26 of state shall canvass the returns and issue certificates of election under chapter 16.1-15.

27           In order to be eligible for election to the office of supervisor, candidates must be land  
28 occupiers and physically living in the district. Candidates must be elected on a nonpartisan  
29 ballot. In case the office of any supervisor, for any reason, becomes vacant, the remaining  
30 members of the board of supervisors shall, with the advice and consent of the committee, fill  
31 the vacancy by appointment. If vacancies occur in the office of two supervisors, the remaining

1 supervisor and the committee shall fill the vacancy; and in case the offices of all supervisors of  
2 a district become vacant, the committee shall fill the vacancies by appointment. A supervisor  
3 appointed to fill a vacancy holds office until the next general election. A supervisor elected to  
4 fill a vacancy serves the balance of the unexpired term in which the vacancy occurred.

5 Any soil conservation district, upon resolution of the three elected supervisors, may  
6 appoint two additional supervisors who shall serve for a term of one year from and after the  
7 date of their appointment. Such supervisors must be appointed by a majority of the three  
8 elected supervisors and have all the powers, voting privileges, duties, and responsibilities of  
9 elected supervisors, except that the expense allowances of the appointed supervisors must be  
10 paid by the local soil conservation district concerned. As far as possible, the appointed  
11 supervisors shall represent interests within the district which are not represented by the elected  
12 supervisors.

13 Any supervisor of a soil conservation district may, after notice given and hearing held in  
14 accordance with chapter 28-32, be removed from office by the committee.

15 The supervisors of soil conservation districts are entitled to receive, upon a majority  
16 vote of the supervisors, up to ~~twenty-five~~ sixty-two dollars and fifty cents for attending each  
17 regular or special meeting or for attending other meetings or events in the performance of their  
18 official duties as compensation for their services. Supervisors of soil conservation districts are  
19 entitled to receive travel and subsistence expenses necessarily incurred in attending district,  
20 state, or other meetings. The compensation and all other expenses including travel incurred by  
21 district supervisors while transacting district business must be paid from district funds.

22 **SECTION 11. AMENDMENT.** Section 4-37-03 of the North Dakota Century Code is  
23 amended and reenacted as follows:

24 **4-37-03. Purpose - Powers and duties.** The agriculture in the classroom council ~~shall~~  
25 may provide grants and contracts to individuals and organizations that conduct contract with  
26 any person for the provision of an agriculture in the classroom program to develop, the  
27 development of agricultural curriculum activities and train applicable to students from  
28 kindergarten through grade twelve, and the training of teachers in these agricultural curriculum  
29 activities for grades kindergarten through twelve in this state's public school system. The  
30 council shall work with ~~all educators, including~~ teachers, the superintendent of public  
31 instruction, the department of career and technical education, the United States department of

1 agriculture, and the state agriculture commissioner in accomplishing ~~its~~ this purpose. The  
2 council ~~shall render services consistent with this purpose which include~~ may:

- 3 1. ~~Consultations~~ Consult with the state superintendent of public instruction, the  
4 department of career and technical education, the state agriculture commissioner,  
5 and the United States department of agriculture.
- 6 2. ~~Preparation of~~ Prepare instructional, informational, and reference publications on  
7 the North Dakota agricultural economy and rural lifestyles.
- 8 3. Provide training programs for public school teachers in ~~developed~~ agricultural  
9 curriculum activities.
- 10 4. Encourage research on and identification of new instructional, informational, and  
11 reference publications relating to this state's agricultural economy and rural  
12 lifestyles.
- 13 5. Monitor the quality and condition of the agriculture in the classroom program.

14 **SECTION 12. AMENDMENT.** Section 4-37-04 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16 **4-37-04. Gifts and grants.** ~~In order to carry out its duties under this chapter, the~~ The  
17 agriculture in the classroom council may contract for and accept and expend private  
18 contributions, gifts, and grants-in-aid from the federal government, private industry, and other  
19 sources. Additional income must be spent The council shall expend any moneys received  
20 under this section for the designated purpose designated, if any, in if a purpose is included as a  
21 condition of the gift, grant, or donation. The funds must be used to contract with individuals or  
22 organizations that conduct an agriculture in the classroom program council may use all other  
23 moneys received under this section to carry out the purposes of this chapter.

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

26 **19-18-04. (Effective through June 30, 2005 2007) Registration - Fees.**

- 27 1. Any person before selling or offering for sale any pesticide for use within this state  
28 shall file biennially with the commissioner an application for registration of the  
29 pesticide. The application must:
  - 30 a. Give the name and address of each manufacturer or distributor.
  - 31 b. Give the name and brand of each product to be registered.

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

28 **(Effective July 1, 2005 2007) Registration - Fees.** Any person before selling or  
29 offering for sale any pesticide for use within this state shall file biennially with the commissioner  
30 an application for registration of the pesticide. The application must:

- 31 1. Give the name and address of each manufacturer or distributor.

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

- 9           5.    Be accompanied by a material safety data sheet for each product to be registered.  
10          The commissioner may require an applicant or registrant to provide efficacy, toxicity,  
11    residue, and any other data necessary to determine if the pesticide will perform its intended  
12    function without unreasonable adverse effects on the environment. If the commissioner finds  
13    that the application conforms to law, the commissioner shall issue to the applicant a certificate  
14    of registration of the product.

15          Each registration covers a designated two-year period beginning January first of each  
16    even-numbered year and expiring December thirty-first of the following year. A certificate of  
17    registration may not be issued for a term longer than two years, and is not transferable from  
18    one person to another, or from the ownership to whom issued to another ownership. A penalty  
19    of fifty percent of the license or registration fee must be imposed if the license or certificate of  
20    registration is not applied for on or before January thirty-first following the expiration date. Each  
21    product must go through a two-year discontinuance period in order to clear all outstanding  
22    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.