

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2167

2001 SENATE AGRICULTURE

SB 2167

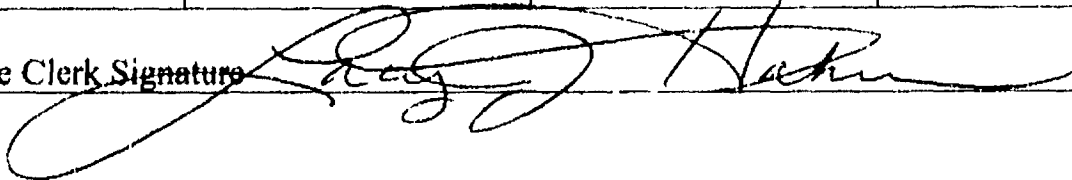
2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2167

Senate Agriculture Committee

Conference Committee

Hearing Date January 11, 2001

Tape Number	Side A	Side B	Meter #
Jan. 11 1		X	32.3 - End
Jan. 18 1		X	22.0 - 30.2
Committee Clerk Signature 			

Minutes:

The hearing was opened on SB 2167 relating to regulation of pesticide applicators.

**Jeff Olson:** Program Manager Plant Industries of North Dakota Department of Agriculture, see attached testimony.

**Senator Wanzek:** Does this amendment exclusively pertain to custom and commercial applicators?

**Jeff Olson:** Only custom and commercial applicators would be required to be certified, not private applicators.

**Senator Wanzek:** If custom and commercial applicators are not using restricted use pesticides they do not need to be certified?

**Jeff Olson:** Currently they do not have to be.

**Senator Urlacher:** Are dealer certified to provide information without liability?

**Jeff Olson:** As long as a dealer is only selling not applying the restricted use pesticide They are not required to be certified. The law only states that when a dealer or consultant applies

restricted use pesticides they need to be certified, if they apply general use pesticide they do not need to be certified and if they sell either of the two they also don't need to be certified.

**Senator Kroeplin:** Is this going to require that at least one person at an elevator, for example, have to be certified?

**Jeff Olson:** Yes that would require at least one person be certified because they are giving recommendations concerning products, amounts and leaf stages. The cost and time of the certification is minimal and a refresher course is required every three years to maintain certification.

**Senator Kroeplin:** In an owner/operator case do they both have to be certified or just one?

**Jeff Olson:** The business has to have certification and most businesses have all of their employees certified. I believe that under the law there is a provision that allows applicators that are not certified to be under the direct supervision of a certified applicator and the actual applicator would not have to be certified.

**Gary Knutson:** North Dakota Agriculture Association, asked for clarification of the pesticide certification.

**Senator Wanzek:** The way this is stated only commercial and custom applicators have to be certified, does crop scouts also have to be certified?

**Jeff Olson:** The intent of this bill was to require anyone who makes a recommendation be certified.

**Senator Wanzek:** What this is saying is that there should be someone at the site that is accountable?

**Jeff Olson:** Yes, a foreman or someone in control.

The hearing was closed.

Committee began discussion on the testimon.,

**Senator Urlacher:** There is a lot of farmer to dealer recommendations, I would assume that those who sell are certified and I wouldn't want to see it stopped because of liability by passing the information or education process.

January 18, 2001, action was taken on this bill as follows:

**Senator Klein:** moved to accept the amendment. **Senator Erbele** seconded. Roll call vote was taken, 6 Yeas, 0 No, 0 Absent and not voting.

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Senate Agriculture Committee

Bill/Resolution Number SB 2167

Hearing Date January 11, 2001

Senator Klein motioned to DO PASS the bill as amended. Senator Nichols seconded the motion. 6 Yeas, 0 No, 0 Absent and not voting. Senator Kroeplin will carry the bill.

**PROPOSED AMENDMENT TO SENATE BILL 2167**

Page 1, line 7, after "commercial" insert "or custom" and remove ",."

Page 1, line 8, remove "recommend," and overstrike "restricted use"

**SECTION 1. AMENDMENT.** Subsection 1 of section 4-35-09 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. ~~No~~ A person who would be a commercial or custom applicator if certified may not purchase or use a ~~restricted-use~~ pesticide without first complying with the certification standards and requirements of this chapter, or other restrictions as may be determined by the board.

**PROPOSED AMENDMENT TO SENATE BILL 2167**

Page 1, line 7, after "commercial" insert "or custom"  
Page 1, line 8, overstrike "restricted use"

**SECTION 1. AMENDMENT.** Subsection 1 of section 4-35-09 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. ~~No~~ A person who would be a commercial or custom applicator if certified may not purchase, recommend, or use a ~~restricted use~~ pesticide without first complying with the certification standards and requirements of this chapter, or other restrictions as may be determined by the board.

Renumber accordingly

Date: 1-18-01  
Roll Call Vote #: /

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2167

Senate Agriculture Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number 18194.0101

Action Taken NO PASS

Motion Made By SENATOR KLEIN Seconded By SENATOR ERBELE

Senators	Yes	No	Senators	Yes	No
	<input checked="" type="checkbox"/>				
Senator Wanzek - Chairman	<input checked="" type="checkbox"/>		Senator Kroeplin	<input checked="" type="checkbox"/>	
Senator Erbele - Vice Chairman	<input checked="" type="checkbox"/>		Senator Nichols	<input checked="" type="checkbox"/>	
Senator Klein	<input checked="" type="checkbox"/>				
Senator Urlacher	<input checked="" type="checkbox"/>				

Total (Yes) 6 No 0

Absent 0

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:



Date: 1-18-01  
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2167

Senate Agriculture Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DO PASS

Motion Made By SENATOR KLEIN Seconded By SENATOR ERBELE

Senators	Yes	No	Senators	Yes	No
Senator Wanzek - Chairman	✓		Senator Kroeplin	✓	
Senator Erbele - Vice Chairman	✓		Senator Nichols	✓	
Senator Klein	✓				
Senator Urlacher	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment SEN. KROEPLIN

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE (410)**  
January 19, 2001 12:53 p.m.

Module No: SR-09-1296  
Carrier: Kroeplin  
Insert LC: 18194.0101 Title: .0200

**REPORT OF STANDING COMMITTEE**

**SB 2167: Agriculture Committee (Sen. Wanzek, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2167 was placed on the Sixth order on the calendar.

Page 1, line 7, after "commercial" insert "or custom" and remove the underscored comma

Page 1, line 8, remove "recommend," and overstrike "restricted use"

Renumber accordingly

2001 HOUSE AGRICULTURE

SB 2167

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2167

House Agriculture Committee

Conference Committee

Hearing Date 3--2--01

Tape Number	Side A	Side B	Meter #
TWO	A		1580 TO 2993
Committee Clerk Signature <i>Edward D. Olson</i>			

Minutes:

1A: 1580 CHAIRMAN NICHOLAS: Committee Members we will open the hearing on SB2167.

JEFF OLSON: Chairman Nicholas and members of the Committee. My name is Jeff Olson I am the Program Manager for the Plant Industries Area in the Department of Agriculture. I am here to testify in support of SB 2167. Printed testimony---please see attachment. Also there was an amendment that was passed out and that proposed amendment is attached. Please see attachments. The amendments dose some house cleaning. Some changes came to light. I thought I had them all covered but I didn't and Sen Wanzek suggested that I submit the amendments to this committee and then got through that process rather then doing another complete bill.. I will take any question that you might have.

REPRESENTATIVE PIETSCH: Even though you do not have any jurisdiction. About how many commercial applicators are there.

JEFF: I am not sure of the number of urban applicators there are but what this Bill would do would bring approximately an additional commercial applicators to require certification. It would increase the pool from approximately 2000 we have now that we are required to be certified would add 1500 or so.

REPRESENTATIVE LEMIEUX: When we talk about the certification process, is there a difference between commercial and private certification. Is there a differential in fees. The availability of schooling. If you are going to put another 1500 people on board what's the impact?

JEFF: There is additional training on commercial applicators and certification then is required for private applicators. In closer group areas. The cost is more for a commercial applicator. \$53.00 for commercial for on category. Most people would only have to be certified for one. The cost is \$19.00 for non-commercial. NDSE EXTENSION SERVICE handles the certification training program. We work in conjunction with them but they are in charge of putting on the classes and they hold classes every Feb. and March across the state.

If you need something outside of the time frame all you have to do is go to the extension service and they can give you one on one testing to get certified..

REPRESENTATIVE LLOYD: Can you be a commercial applicator with out being certified?

JEFF: Mr. Chairman, right now yes you can as long as you apply only for general use pesticide.

REPRESENTATIVE RENNER: Jeff, this farmers that are applying this general use chemical, they would not be impacted by this legislation.

JEFF: You are correct. It only applies to someone that is commercially licensed to apply commercially. Or applies for a fee.

REPRESENTATIVE LLOYD: I still have a problem "C" where it says commercial applicators means a certified applicator. On the engrossed Bill, under the amendment it says commercial applicator gets certified.

JEFF: The language that you see on the bill was reworked up at the the legislative council when it was presented on the engrossed bill. My understanding is that the way it is termed on each one means the same even though the certified statement is a different location.

JEFF: I understand where you are coming from and I agree the word if probably needs to be extracted from the Bill in order to make it fit in with definition that is already occurred.

CHAIRMAN NICHOLAS: Any other questions committee members?

THANK YOU JEFF ANY MORE SUPPORT FOR SB2167?

OPPOSITION? O.K. COMMITTEE MEMBERS WE HAVE 2167. REPRESENTATIVE LLOYD WHY DON'T WE HOLD THIS BILL UNTIL NEXT WEEK. WHY DON'T YOU HAVE THE LEGISLATIVE COUNCIL WORK WITH YOU AND WE CAN GET THAT DRAFTING ALONG WITH THE AGR. DEPARTMENT AND GET THAT DRAFTED PROPERLY. WE WILL CLOSE ON SB 2167 1A:2993

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2167

House Agriculture Committee

Conference Committee

Hearing Date 3--16--01

Tape Number	Side A	Side B	Meter #
ONE	A		2500 TO 3771
Committee Clerk Signature <i>Edward D. Clayton</i>			

Minutes:

CHAIRMAN NICHOLAS: COMMITTEE MEMBERS, WE WILL OPEN ON SB 2167.

JEFF KNUTSON: THIS AMENDMENT THAT YOU ARE LOOKING AT OVER STRIKES THE IF CERTIFIED OFF THE ORIGINAL BILL AND THE REMAINING SECTIONS ON THE AMENDMENTS ARE CLEAN UP ACTIVITIES THAT THIS BILL WOULD AFFECT UNDER OTHER SECTIONS OF THE LAW.

Representative Kingsbury: Dose this apply to aerial applicators.

JEFF KNUTSON: This Bill dose not affect the aril applicators from what they already have to apply for now. The bill brings in lawn and garden that businesses that right now we don't have any jurisdiction over right now. They use general use pesticides and according to the law general use pesticides are not required certification. We are getting more compilations from home owners as to these general use pesticides within the towns. Where children are playing. Wind drift problem.

