

Sixtieth  
Legislative Assembly  
of North Dakota

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

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	\$5,783,517
10 Operating expenses	4,255,875
11 Capital assets	5,000
12 Grants	1,774,225
13 Board of animal health	2,036,027
14 Wildlife services contingency	130,000
15 Crop harmonization board	<u>25,000</u>
16 Total all funds - Base level	\$14,009,644
17 Less estimated income - Base level	<u>9,486,532</u>
18 Total general fund - Base level	\$4,523,112

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

23 Salaries and wages	\$1,196,923
24 Operating expenses	1,442,058

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1	Grants	150,000
2	Board of animal health	263,675
3	Wildlife services contingency	(130,000)
4	Wildlife services	200,000
5	Crop harmonization board	<u>25,000</u>
6	Total all funds - Adjustments/enhancements	\$3,147,656
7	Less estimated income - Adjustments/enhancements	<u>1,604,602</u>
8	Total general fund - Adjustments/enhancements	\$1,543,054

9           **SECTION 3. APPROPRIATION.** The funds provided in this section, or so much of the  
10 funds as may be necessary, are appropriated out of any moneys in the general fund in the state  
11 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
12 other income, to the agriculture commissioner for the purpose of defraying the expenses of that  
13 agency, for the biennium beginning July 1, 2007, and ending June 30, 2009, as follows:

14	Salaries and wages	\$6,980,440
15	Operating expenses	5,697,933
16	Capital assets	5,000
17	Grants	1,924,225
18	Board of animal health	2,299,702
19	Wildlife services	200,000
20	Crop harmonization board	<u>50,000</u>
21	Total all funds	\$17,157,300
22	Less estimated income	<u>11,091,134</u>
23	Total general fund appropriation	\$6,066,166

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

25 **PROTECTION FUND.** The estimated income line item in section 3 of this Act includes the sum  
26 of \$3,042,109, or so much of the sum as may be available, from the environment and  
27 rangeland protection fund for the purpose of defraying the expenses of various agriculture  
28 department programs, for the biennium beginning July 1, 2007, and ending June 30, 2009.

29           **SECTION 5. ANHYDROUS AMMONIA STORAGE INSPECTION FUND.** The  
30 estimated income line item in section 3 of this Act includes the sum of \$65,912, or so much of  
31 the sum as may be available, from the anhydrous ammonia storage inspection fund for the

1 purpose of defraying the expenses of regulating anhydrous ammonia storage facilities, for the  
2 biennium beginning July 1, 2007, and ending June 30, 2009.

3 **SECTION 6. ESTIMATED INCOME - GAME AND FISH FUND.** The estimated income  
4 line item in section 3 of this Act includes the sum of \$889,684, or so much of the sum as may  
5 be necessary, from the game and fish department operating fund for the purpose of defraying  
6 the expenses of various agriculture department programs for the biennium beginning July 1,  
7 2007, and ending June 30, 2009.

8 **SECTION 7. INTENT - SALARY EQUITY.** The sum of \$318,138 included in the  
9 salaries and wages line item in section 3 of this Act is for salary equity increases, which must  
10 be based on market.

11 **SECTION 8. TRANSFER.** The commissioner shall transfer \$200,000 from the  
12 environment and rangeland protection fund to the minor use pesticide fund.

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

15 **4-01-21. Salary of agriculture commissioner.** The annual salary of the agriculture  
16 commissioner is ~~seventy-two~~ seventy-eight thousand ~~six~~ five hundred ~~sixty-nine~~ ninety-nine  
17 dollars through June 30, ~~2006~~ 2008, and ~~seventy-five~~ eighty-one thousand ~~five~~ seven hundred  
18 ~~seventy-six~~ forty-three dollars thereafter.

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

21 **19-18-04. (~~Effective through June 30, 2007~~) Registration - Fees.**

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

- 25 a. Give the name and address of each manufacturer or distributor.  
26 b. Give the name and brand of each product to be registered.  
27 c. Be accompanied by a current label of each product to be registered.  
28 d. Be accompanied by a registration fee of three hundred fifty dollars for each  
29 product to be registered. At the close of each calendar month, the  
30 commissioner shall transmit to the state treasurer all moneys received for the  
31 registrations. The state treasurer shall credit fifty dollars for each registered

1 product to the general fund in the state treasury and the remainder of the  
2 registration fee for each registered product to the environment and rangeland  
3 protection fund.

4 e. Be accompanied by a material safety data sheet for each product to be  
5 registered.

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

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

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