

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
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ROLL NUMBER

DESCRIPTION

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2001 HOUSE AGRICULTURE

HB 1328

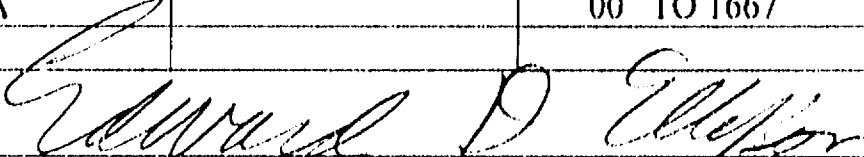
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1328

House Agriculture Committee

Conference Committee

Hearing Date 2--09--01

Tape Number	Side A	Side B	Meter #
ONE	A		1860 TO 6020
TWO	A		00 TO 1667
Committee Clerk Signature 			

Minutes:

CHAIRMAN NICHOLAS: We will open the hearing on HB 1328.

Representative Brandenburg: I am happy to be here today to talk about crop harmonization.

As you recall last session there was a lot of discussion about harmonization and crop protection and the trying to come up with a solution to come a working group that may be able to work on these issues. I am happy to report that this committee was quite successful in working in the harmonization issues working with both industry and EPA. Everybody worked together on this Bill as to sponsors of the Bill. We all came from a little bit different concerns, I think we are all trying to resolve the harmonization issue. We want to add another member to the committee from the Governors Office. So that we have impute from the Governors office.

Representative Brandenburg went through the Bill {{please read the Bill}}. Rep. Brandenburg also talked about an amendment to add to the Bill which is attached. Please read amendment.

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Representative Brandenburg talked about the conola people, what they have done. They have hired people to work with EPA AND PRMA as to getting chemicals, crop protection products pushed along with NAFTA labels. Something that we would like to be able to do is a group that comes to our committee that would like to have a particular crop or chemical that is being used on our crops that we would be able to hire a consultant to work on this issue and be able to harmonize and help them with the harmonization of that particular chemical.

REPRESENTATIVE LEMIEUX: Your new language on page two here suggests that we are going to set up a granting program. Is there a fiscal note that goes with this.

REPRESENTATIVE BRANDENBURG: Yes this BILL has to go on to appropriations. The sum of \$300,000.00 that would be put into the crop harmonization committee which would be able to administer these grants to different Agr. Groups that would come in and ask that they be worked. Some of the harmonization issues that they would like and they could approve or disapprove.

LEMIEUX: Is there not already an entity that grants money for to the conola people etc. Are we doing a duplication of services by creating another granting entity.

BRANDENBURG: There is another Bill going around which I am signed on, That is for \$500,000.00.

LEMIEUX: My friends in the conola are able to apply for grants to do these things. Do you as the harmonization committee realize the obligations that go into administering a granting program. What is going to be the cost of establishing. It cost us forty to fifty thousand dollars to administer the granting program.

BRANDENBURG: The idea behind this is not to take away from any other fund but to add to it. We would have different growers of different varieties of crops that would be able to come and get a grant to work on a particular chemical that they would like to have harmonized. They have a plan to do this and we could or would be able to grant that money to them. The canola people may have another issue that they want to work on and they could come to the Crop Harmonization committee and request that we work with that particular chemical that they want worked on.

REPRESENTATIVE MUELLER: Plea see your amendment. Page two line three.

Harmonization may study. The crop harmonization committee may study and, with the approval of the chairman of the legislative council, may take any action necessary to address international trade issues affecting agriculture in this state. Why does this group want to get involved with that?

BRANDENBURG: I think it is necessary that that language be there. We may be requested to testify at a meeting, trade issues etc. Not only dose harmonization deal with crop protection. It also deals with trade issues. We want to have the authority that we may be able to go and testify and talk to these people with trade issues as well as harmonization issues. The issues go hand and hand. There is language there that we can clearly do that. We want the authority to do that.

MUELLER;: Do you need to put that into statue?

BRANDENBURG: We are working on harmonization issues. If we are going to make a trip out to Washington and there may be a meeting in Denver or somewhere in Canada. where there are trade issues along with harmonization. They tie together and cross over.

We need the authority.

LLOYD: I am concerned about the granting aspect. I think you might be biting off more than you can chew. The second thing I think I might object to is I think that if you wanted to do that it can be duck-tailed with the money going to SBAR and working with that group to get it done. I think that is the proper approach.

BRANDENBURG: By no means are these the final amendments to the Bill. We have ideas to how we should handle this. At this point we are trying to work through those ideas. We need not only work on minor crops but also major crops that we have to work on. The harmonization, we are looking at this so that we have some approval authority at what is happening within the harmonization issues. Not necessary do we want to administer all of these programs because we all farm, we are busy, but we want to be a part of the process. Have approval authority as to where this money goes.

BERG: We don't want to create another administrative operation but I think in practice what you could do is have ESBAR do the administration and granting and the harmonization committee could contract to them to administer and distribute it. You would also have the authority to contract with someone else as well. There may be other groups that you could do that as well. I think you can do that in the statute the way it is written here.

BRANDENBURG: We get all our minds going and we can figure out a way to do this.

BERG: The appropriation on here make this a two year Bill. We are breaking some new ground. We will learn as we go on this.

CHAIRMAN NICHOLAS: Any other questions? Testimony in favor of HB 1328?

ROGER JOHNSON: If I may, I am not here to testify either in support or opposition.

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Please see printed testimony of Rogers. There is a lot of information in the attachment. SIX PAGES. TABLES ETC.

WE have done everything that we can to keep the committee informed as to what was going on in our office. So that we can work together. One of the significant things we got from last session was a fellow sitting over here. Jim Gray, is not our pesticide registration specialist. The last legislature session gave us some money and authority to hire a person to Deal with these issues. He is really the states expert on this issue in my judgment. He dose a lot of the section 18's now that we used to do in conjunction with NDSU. We still work very closely with NDSU. A lot of tend to moving into our office and into his lap. We at the secretaries suggestion, about a year and half ago, at your first harmonization committee meeting in Minot we appropriated EPA, got a grant from EPA to provide 100 of a portion of his salary. About half of that in fact, so EPA is on board in financing a lot of the work that we are doing as well.

CHAIRMAN NICNOLAS: ANY QUESTIONS.

REPRESENTATIVE LEMIUEX. Explain granting for minor use pesticide fund.

ROGER: The grants are approved through the pesticide control board. This is by statue. This is myself, Cole Guftason and S. Anderson, extension research at NDSU. We put out a list with rules, procedures, terms that need to be applied in terms of those dollars, we receive applications, review those applications and approve or deny based on what is provided in the law. This fund is only about four years old. We deal with sunflowers a number of others, primarily specialty crops. That is the focus.

CHAIRMAN NICHOLAS: Thank you Roger. We will take further testimony on HB 1328.

PAUL THOMAS: I am here representing the Canola Growers Association. We are in support of this Bill. We are in favor of more funds being used. Minnesota Groups were give an appropriation of \$500,000.00 and they have done a lot of work on this. Labeling and that type of thing. WE feel that this legislation and wording would help for a much need process of harmonization.

JEFF OLSON: Expanded on Roger Johnson testimony. Relating to salaries. Minor use projects can only be used on research projects. Not salaries.

GARY KUNUTSON: Mr Chairman and committee members. I am with the N.D.

AGRICULTURE ASSOCIATION. We represent the dealers and distributors of pesticides, and seeds in the crop production of the state. We have a numeral position. We have a concern that we maintain adequate dollars in the minor use program. We are talking minor use, not minor acres. Everybody needs to work together. We need to main so that we have adequate funding for minor use.

STEVE STRAGIE: I am with the N.D. GRAIN DEALERS ASSOCIATION. We think the Bill is a positive step. We support.

BRANT OMRENKEN: <<<spelling<<< One additional comment about minor use, I thin there are some differences between the harmonization initiative, the minor use initiative, there are also similarities. Both initiatives need to be continues.

LEMIEUX; The question has to do with the language in the Bill. Establishing a granting committee. Or doing Granting. Are you as a member of the committee will to put time in to do grants?

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BRANT: I think certainly the current Bill greatly expands the work and the focus and harmonization committee and I think there is going to be a lot of debate amongst this committee. We will have to see how that plays out. I think in the end the best discussion is going to get made, what ever that decision is. Our committee will rise to the task. Get the job done. Increased skill a ability with have to be a factor in the committee.

CHAIRMAN NICHOLAS: One of the things we were told at our hearing in March. in Washington and also a follow up meeting that is was at but in the March meeting. The EPA told us that within two years they hoped that new chemicals coming to the market would be harmonized at that time. I did follow up on that question in September at a follow up meeting and I again asked the question with some of the EPA people and that is what the goal is.

At least for new chemicals coming to the market.

LLOYD: Just in the last two months I am aware of at least 60 applications for registration. from several countries. They want joint registration in both Canada and US. Also for the benefit of the committee members, a year ago I did a research project which was the first on done where the material I applied to the crops was to be registered in Canada, the US and Mexico. The registration went to all three countries at the exact same date. Progress is being done here.

BRANDENBURG: We need to keep working on the bill.

CHAIRMAN NICHOLAS: Anyone else wishing to appear in support of this Bill. Anyone wishing to appear in opposition.

THE COMMITTEE WILL CLOSE THE HEARING ON HB 1328. 1A:1667

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1328

Page 1, line 1, after "to" insert "create and enact a new section to chapter 19-18 of the North Dakota Century Code, relating to creation of a chemical and rebate equity fund; to amend and reenact section 19-18-04 of the North Dakota Century Code and to"

Page 1, line 2, after the first "to" insert "pesticide registration fees and"

Page 1, line 3, replace "an" with "a continuing"

Page 2, line 3, replace "administer a grant program through which" with "provide recommendations regarding:

- a. Registration fees for products if identical or substantially similar products are marketed in Canada.
- b. The manner in which funds collected under section 19-18-04 are to be rebated to consumers.

SECTION 2. AMENDMENT. Section 19-18-04 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

19-18-04. (~~Effective July 1, 2001~~) Registration - Fees.

1. Any ^{Registrant} person before selling or offering for sale any pesticide for use within this state shall file biennially with the commissioner an application for registration of the pesticide. The application must:
 - ~~1.~~ a. ~~Give~~ Include the name and address of each manufacturer or distributor.
 - ~~2.~~ b. ~~Give~~ Include the name and brand of each product registered.
 - ~~3.~~ c. Be accompanied by a current label of each product so registered.
 - d. Include the name and brand of any identical or substantially similar product marketed in Canada.
 - e. Include information regarding the wholesale price in Canada of products named under subdivision d.
 - f. Include use and wholesale price information from this state for each product registered.
 - ~~4.~~ g. Be accompanied by a registration fee of at least three hundred dollars for each product registered, except if an identical or substantially similar product is available in Canada and the commissioner determines that a significant price difference exists between the product marketed in this country and that marketed in Canada, the registration fee must be equivalent to the difference between the price at which the product is marketed in this country and the price at which

