

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

3042

2001 HOUSE AGRICULTURE

HCR 3042

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3042

House Agriculture Committee

Conference Committee

Hearing Date 2--16--01

Tape Number	Side A	Side B	Meter #
TWO	A		2086 TO 3876
THREE	A		1328 TO 2464
Committee Clerk Signature			

Minutes:

1A:2086 VICE CHAIRMAN JOHNSON: We will open hearing on HCR 3042.

Representative Lemieux: This a concurrent resolution urging Congress to ensure the economic viability and competitiveness of American farmers by the adopting legislation that would grant states the authority to issue state registrations to parties who wish to import Canadian crop protection products that are identical or substantially similar to products registered with the Environmental Protection agency for use in the United States. Two years ago this assembly voted on legislation enabling the Agricultural Commissioner permission to register products with and there were strings attached, as to what can happen and what can't happen. AS we all know the environmental protection agency after commissioner Johnson issued a registration for a herbicide, within a short period of time the environmental protection agency said you can not do that. There was legislation introduced after that happened in the one hundredth and sixth congress of the US and that legislation is going to be reintroduced

There is not a number on it but Congress Man Pomoroy has guaranteed us that he will introduce that legislation.

ROGER JOHNSON: Printed testimony attached. Please see. I support this resolution.

My testimony goes into some detail about some of the fine points of it. I want to just highlight three quick principles before I conclude. First of all the legislation if it is going to be effective, it must address several key issues and the first one is a party must be allowed to serve as a registrant without the primary registrant consent. If we are going to be successful in allowing Canadian Imports to come down here to be used you have to be able to do it. You have to be able to go there and buy it and not allow the pesticide registrant to veto the purchase. The purposed legislation dose do that. It also deals with compensation. With respect to access to proprietary chemical composition data. This is really a safety issue. As it exists right now, if you are a manufacture of a chemical product, you have a what is called a confidential statement of formula. It belongs to you and you give it to EPA and no one else. EPA cannot even share it with a state agency that is delegated with laws. We need to have access to that confidential information. We do not want to be importing unsafe products. Thirdly we want access to these products in the US we don't want to have to go to Canada to buy these products. The final point that I would make. There are two things that I think you should consider. Adopt this legislation. We want to change the law. We should pass HB 1445. The pestieides that we use is about 42 million dollars annually, so this is not small potatoes. The price differentials are huge.

REP LLOYD; What dose it cost for a registrant to get a registration of a product to market in Canada?

Roger Johnson: That cost varies substantially depending on the product. The cost is substantially the same between the two countries. You can't answer it directly. The US system works different then the Canadian. To register a new product the cost is about nine hundred thousand.

1A: 3870 VICE CHAIRMAN JOHNSON: Other questions. Others to offer support for 3042. Opposition? WE WILL CLOSE THE HEARING ON HCR 3042

VICE CHAIRMAN JOHNSON: We will reopen a hearing on HCR 3042.

REPRESENTATIVE LEMIEUX: I would urge, if I may. The group that has been working on harmonization and the Bill that came before us in the last session empowered the state to register products. This is basically Federal Legislation that is being put forward. At the request of some of the people that put forth that legislation or worked on the legislation and so on so forth. I would think that we are taking a step backwards in harmonization, the thrust of the legislation is to promote harmonization, on both sides of the boarder. Going back to the argument, if we in the US are to participate in free world market we have got to have access to the imputes of our world market price. Therefore I would like you to vote yes on a motion.

REPRESENTATIVE BERG: I don't know if I ever had any success with resolutions sent to congress but just read it, we are telling congress to let us, the states grant the authority to registration. I just don't think they would ever do it.

REPRESENTATIVE BRANDENBURG: I understand what this resolution is trying to do. The resolution keep every body talking.

REPRESENTATIVE MUELLER: Why would we not send it forward. It dose draw attention that there are problems with chemical harmonization. I guess for that reason I would like a do pass.

REPRESENTATIVE LLOYD: I guess my concern is with lines 12 and 13. I am not saying that you don't need access to them but I'm saying COMPARABLE price fixing and I am against it. I don't think that is the issue. I think being able to purchase the product if it is cheaper that is fine. To have the prices equal, I think that is wrong. The consumer dictates the purchases. If you want to change the price in the US then you should go to Canada and buy all the products up there then the price in the US will conform. I have no problem with that if that is appropriate.

VICE CHAIRMAN JOHNSON That is the problem we can't do that.

REPRESENTATIVE ONSTAD: Access to comparably priced, maybe that was a term probably, I think there kind of saying that access to crop protection products as thought those are available to Canadians producers. I don't mean access to comparably priced. Maybe that is not stated right. Canadians have a comparable product that is cheaper in Canada, there saying let us go up there and get it.

REPRESENTATIVE LLOYD: I agree with Rep Onstad because that is the issue. I think that they should have that access especially since the products in Canada. The products have been used that we want to purchase.

REPRESENTATIVE RENNER: What if we changed line 12, take out the words comparably priced and put in the word comparable. Is that helpful.

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House Agriculture Committee

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REPRESENTATIVE LEMIEUX: Vice Chairman Johnson, if we just struck the words comparatively priced out of the language we would say that farmers need access to crop protection products.

REPRESENTATIVE FROELICH: I agree if we take the words out but I think the whole crux of the matter is between line 14 and 16.

REPRESENTATIVE MUELLER: I think that Rep. Froelich is right. I think that this resolution before us without any changes dose talk about both those issues of price and availability of products. Maybe we only want to talk about availability of products but if we do that then this resolution needs to be restructured. Significantly.

REPRESENTATIVE JOHNSON: What does the author want to do?

REPRESENTATIVE LEMIEUX: I would like to strike on lines 12 comparably priced and strike out all line 14, 15, and 16. And then we talk strictly about availability protection products. and we talk about the federal law that restricts the use of crop protection without the the product registrant.

VICE CHAIRMAN JOHNSON: Would someone like to make a motion.

REPRESENTATIVE LEMIEUX: I would like make a motion on line 12 page one strike the words comparably priced and strike the words all of the words on line 14, 15 and 16.

REPRESENTATIVE JOHNSON: Are you sure that you want to strike comparable? Do you mean farmers need access to comparable protection products just strike price.

We could leave crop in there to.

REPRESENTATIVE LEMIEUX MAKES A MOTION THAT THE AMENDMENTS BE ADDED AND IT WAS SECONDED BY REPRESENTATIVE PIETSCH.

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House Agriculture Committee

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VICE CHAIRMAN JOHNSON: O.K. we have before us HCR 3042 as amended.

Representative moves a DO PASS AND REP. LLOYD SECONDED. WE WILL TAKE THE

ROLL. THE ROLL WAS 13 YES.....0 NO..... AND 2 ABSENT.

REPRESENTATIVE LLOYD WILL CARRY HCR 3042.

VICE CHAIRMAN JOHNSON CLOSED THE HEARING ON HCR3042



13086.0101  
Title.0200

Adopted by the Agriculture Committee  
February 16, 2001

VR  
2/16/01

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3042

HOUSE AMENDMENTS TO HCR 3042  
Page 1, line 12, remove "comparably priced"

HOUSE AGR. 2-16-01

Page 1, remove lines 14 through 16

Renumber accordingly

2-16-01

Date:  
Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO.

HCR 3042

House AGRICULTURE

Committee

Subcommittee on \_\_\_\_\_

or

Conference Committee

House on P.R. 18/19

Legislative Council Amendment Number

Amendment

Action Taken

DR. 19/18

Motion Made By

Froelich

Seconded By

Lloyd

Representatives	Yes	No	Representatives	Yes	No
Eugene Nicholas, Chairman			Rod Froelich	✓	
Dennis E. Johnson - Vice Chairman	✓		Doug Lemieux	✓	
Rick Berg	✓		Philip Mueller	✓	
Michael Brandenburg	✓		Kenton Onstad	✓	
Joyce Kingsbury	✓		Sally M. Slandvig	✓	
Myron Koppang	✓		Dennis J. Renner	✓	
Edward H. Lloyd	✓		Dwight Wrangham		
Bill Pietsch	✓				

Total (Yes)

13  
2

No

Absent

Floor Assignment

Lloyd

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

REPORT OF STANDING COMMITTEE (410)  
February 19, 2001 4:06 p.m.

Module No: HR-30-3916  
Carrier: Lloyd  
Insert LC: 13086.0101 Title: .0200

**REPORT OF STANDING COMMITTEE**

HCR 3042: Agriculture Committee (Rep. Nicholas, Chairman) recommends  
**AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**  
(13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3042 was placed on the  
Sixth order on the calendar.

Page 1, line 12, remove "comparably priced"

Page 1, remove lines 14 through 16

Renumber accordingly

2001 SENATE AGRICULTURE

HCR 3042

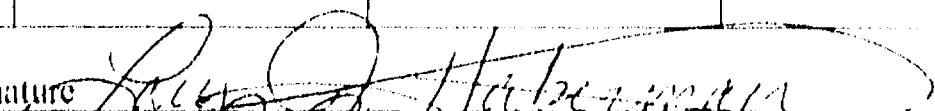
2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3042

Senate Agriculture Committee

Conference Committee

Hearing Date March 22, 2001

Tape Number	Side A	Side B	Meter #
March 22 1	X		6.8 - 26.1
March 29 1	X		13.6 - 17.8
Committee Clerk Signature 			

Minutes:

**March 22, 2001**

REP. LEMIEUX; Sponsor, introduced the resolution to the committee. This is a request that the North Dakota Legislature support the action of allowing the state of North Dakota or other states to register chemicals.

ROGER JOHNSON; Agriculture Commissioner, testified in support of this resolution. See attached testimony.

SENATOR WANZEK; With the registration was there any discussion of liability?

ROGER JOHNSON; There has been a lot of debate on that issue.

JIM GRAY; ND Dept. of Agriculture, testified in support of this resolution. For the enforcement side the policy that ND Dept. of Ag. has used and what EPA has used is that liability on the enforcement side will lie with that party that had knowledge or control of that stage of production.

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Senate Agriculture Committee  
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GARY KNUTSON: North Dakota Agriculture Assoc., testified in the neutral position on this resolution. We are concern about the economic liability of the dealers in the state.

The hearing was closed.

March 29, 2001

Discussion was held.

SENATOR NICHOLS moved for a DO PASS and be placed on the Consent Calendar.

SENATOR URLACHER seconded the motion.

Roll call vote: 6 Yeas, 0 No, 0 Absent and Not voting.

SENATOR WANZEK will carry the bill.



