

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1085

2007 HOUSE AGRICULTURE

HB 1085

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB1085

House Agriculture Committee

Check here for Conference Committee

Hearing Date: 1-4-07

Recorder Job Number: 599

Committee Clerk Signature

Marilyn Kierke for Ed Ellefson

Minutes:

Relating to making permanent law of agricultural pesticide and pesticide container disposal program and provide an effective date.

Rep. Aarsvold: Read attached testimony pertaining to the bill presented.

Rep. Headland: Questioned cost which Aarsvold did not have answer.

Rep. Mueller: Inquired as to how it is funded. Aarsvold explained the funding came from Environmental Grassland Protections fund. A fee is attached to farm chemical sales.

Kayla Pulvermacher: Representing over 35,000 members of the North Dakota Farmers Union. Her attached testimony is in support of House Bill 1085.

Judy Carlson: She is representing the Department of Agriculture. She is the Program Coordinator for the Ag. Dept. The Department is in support of this bill which removes the Sunset Clause, of the agriculture pesticide and pesticide container program. This program is Project Safe send. See attached testimony which is a booklet.

She answered the questions as to where the funding comes from, (by the Manufacture Fee) and accessibility to disposal sites (there are 6 of them).

Martin Leithold: N.D. Weed Control Association. We support this bill to help get rid of pesticides for landowners. The Wheat commission is also in support of this bill.

Garry Knutson: Representing ND Agriculture Association. The Association feels this makes good sense and support this legislation.

Rep. Johnson: We will closed HB 1085.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1085

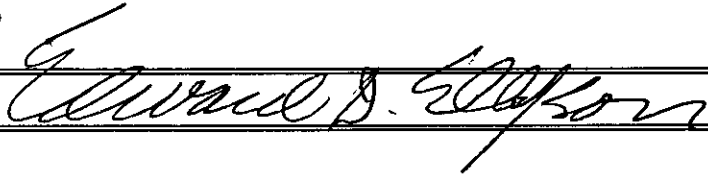
House Agriculture Committee

Check here for Conference Committee

Hearing Date: 1-12-2007

Recorder Job Number: 1023

Committee Clerk Signature



Minutes:

Chairman Johnson: Reopened the HB 1085.

Rep. Belter: Made a motion that we add the amendment to the bill. The amendment is relating to a report by the Agriculture Commissioner on the status of the pesticide container disposal program; The Agriculture Commissioner shall submit a biennial report to a joint meeting of the house of representative and senate agriculture committees on the status of the pesticide container disposal program.

Rep. Brandenburg: Second the motion.

Voice vote on amendment was passed.

Rep. Belter; Made a motion for a do pass as amended.

Rep Mueller; second the motion for a do pass.

No discussion and vote was passed as 13 yeas, 0 nays and 0 absent.

Rep Boe will carry the bill.

FISCAL NOTE
 Requested by Legislative Council
 01/03/2007

REVISION

Bill/Resolution No.: HB 1085

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The bill removes the sunset on Project Safe Send - the program to collect and dispose of unusable pesticides and pesticide containers. Because this is an ongoing program and funded under SB2009, there is no fiscal impact of this bill.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Name:	Jeff K. Weispfenning	Agency:	Agriculture Department
Phone Number:	328-4758	Date Prepared:	12/29/2006

FISCAL NOTE
 Requested by Legislative Council
 12/27/2006

Bill/Resolution No.: HB 1085

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The bill removes the sunset on Project Safe Send - the program to collect and dispose of unusable pesticides and pesticide containers. Because this is an ongoing program and funded under SB2009, there is no fiscal impact of this bill.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Expenditures are for contracting with a hazardous waste disposal company to collect, transport and dispose of the unusable pesticides, including .95 FTE to coordinate and administer the activities of the program.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The funds are appropriated from the Environment and Rangeland Protection Fund. The appropriation is included in the executive recommendation in the Safe Send line of the Agriculture Commissioner budget SB 2009.

Name:	Jeff K. Weispfenning	Agency:	Agriculture Department
Phone Number:	328-4758	Date Prepared:	12/29/2006

House Amendments to HB 1085 (78129.0101) - Agriculture Committee 01/12/2007

Page 1, line 1, after "Act" insert "; to create and enact a new section to chapter 4-35.2 of the North Dakota Century Code, relating to a report by the agriculture commissioner on the status of the pesticide container disposal program;"

House Amendments to HB 1085 (78129.0101) - Agriculture Committee 01/12/2007

Page 2, after line 28, insert:

"SECTION 4. A new section to chapter 4-35.2 of the North Dakota Century Code is created and enacted as follows:

Report on pesticide container disposal program. The agriculture commissioner shall submit a biennial report to a joint meeting of the house of representatives and senate agriculture committees on the status of the pesticide container disposal program."

Renumber accordingly

HB 1085
1-12-07

Date:
Roll Call Vote #:

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

House AGRICULTURE Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken TO AMEND

Motion Made By BELTER Seconded By BRANDENBURG

Representatives	Yes	No	Representatives	Yes	No
Dennis Johnson, Chairman			Tracy Boe		
Joyce Kingsbury Vice Chairman			Rodney J Froelich		
Wesley Belter			Phillip Mueller		
Mike Brandenburg			Kenton Onstad		
Mike Brandenburg			Ben Vig		
Craig Headland					
Brenda Heller					
John D Wall					
Gerry Uglen					

VOICE
VOTE

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

HB 1085
1-12-07

Date:
Roll Call Vote #:

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

House AGRICULTURE Committee

Check here for Conference Committee

Legislative Council Amendment Number 78129 0101 0208

Action Taken DO PASS AS AMENDED

Motion Made By BELTER Seconded By MUELLER

Representatives	Yes	No	Representatives	Yes	No
Dennis Johnson, Chairman	✓		Tracy Boe	✓	
Joyce Kingsbury Vice Chairman	✓		Rodney J Froelich	✓	
Wesley Belter	✓		Phillip Mueller	✓	
Mike Brandenburg	✓		Kenton Onstad	✓	
Mike Brandenburg	✓		Ben Vig	✓	
Craig Headland	✓				
Brenda Heller	✓				
John D Wall	✓				
Gerry Uglem	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment BOE

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

REPORT OF STANDING COMMITTEE

HB 1085: Agriculture Committee (Rep. D. Johnson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1085 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "; to create and enact a new section to chapter 4-35.2 of the North Dakota Century Code, relating to a report by the agriculture commissioner on the status of the pesticide container disposal program;"

Page 2, after line 28, insert:

"SECTION 4. A new section to chapter 4-35.2 of the North Dakota Century Code is created and enacted as follows:

Report on pesticide container disposal program. The agriculture commissioner shall submit a biennial report to a joint meeting of the house of representatives and senate agriculture committees on the status of the pesticide container disposal program."

Renumber accordingly

2007 SENATE AGRICULTURE

HB 1085

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1085

Senate Agriculture Committee

Check here for Conference Committee

Hearing Date: February 22, 2007

Recorder Job Number: 3672

Committee Clerk Signature

Cassie Krohn

Minutes:

Sen. Flakoll opened the hearing on HB 1085, a bill relating to a report by the agriculture commissioner on the status of the pesticide container disposal program and making permanent law of the agricultural pesticide and pesticide container disposal program.

Members (6) present, (1) absent- Sen. Taylor.

Judy Carlson, ND Dept of Ag, testified in favor of the bill. See attached testimony.

Sen. Klein- by taking off the sunset, do you have a flow of cash guarantee?

Judy Carlson- there is never a guarantee of any flow of cash.

Sen. Klein- so this would just mean that we wouldn't have to talk about it all the time?

Judy Carlson- right.

Sen. Klein- you wouldn't necessarily have the funding?

Judy Carlson- The EARP fund is set up and there is a program, the legislator can always change that. If you don't want to fund the program you can still do that. But by getting rid of the sunset I would know that I am going to have some type of program this biennium, we also go out on bids.

Sen. Klein- and what could happen is that you wouldn't get the appropriation for one reason or another, and by taking the money out of the EARP fund you are saying this would all be ongoing.

Judy Carlson- this was one of the reasons for creating the EARP fund of course general fund money might be safer and if that is something that you would like to do we would welcome that.

Sen. Klein- I think that the general fund would not be safer for the fact that you have it coming out of a designated area and we may look at those funds for something else.

Judy Carlson- and I think that is why it is important to not take this for granted.

Gary Knutson, ND Ag Association, testified in favor of the bill.

Gary Knutson- We support this bill, we feel that there is going to be an ongoing need for this type of program. We certainly have products that go out of condition for whatever reason. I think that we need to have this program accessible and available to the people. I think to me the pesticide registration fees are a priority.

Merlin Leithold, ND Weed Control Association, testified in favor of the bill.

Merlin Leithold- We utilize this program on a regular basis, this is a good outlet. When it comes to funding the EARP fund was originally set up for that. We are in favor of the bill and ask for your support.

Brian Kramer, NDFB, testified in favor of the bill.

Brain Kramer- I have been in front of you a number of times asking for a continuation of the Safe Send program, hopefully by passing this bill we won't have to do this every session. This program provides the state of ND a way to dispose of hazardous chemicals in a safe way.

Kent Albers, Ag Coalition, testified in favor of the bill. See attached testimony.

Kayla Pulvermacher, NDFU, testified in favor of the bill. See attached testimony.

Mike McEnroe, ND Chapter of the Wildlife Society, testified in favor of the bill. See attached testimony.

No opposition to the bill.

Sen. Flakoll called **Judy Carlson** to the podium.

Sen. Flakoll- is it possible that most people probably do not know when things were discontinued?

Judy Carlson- some things it is hard to find out and a lot of them are on website.

Sen. Flakoll- some of these obviously come in as a liquid, is there any dry down that you do with these?

Judy Carlson- we get different contractors who come in and do all of that, they mostly over pack them in containers in case there is leakage. The liquids are always kept separate then the solids.

Sen. Flakoll- do you know about how many are shipped out of state and how many are stored indefinitely in state?

Judy Carlson- all of the products that we collect are shipped out of state.

Sen. Klein- the dollar amount that we have to spend every year does it vary by pounds.

Judy Carlson- our costs have been going down and may go up a little bit this year due to fuel costs and transportation.

Sen. Flakoll- how much does an incinerator cost?

Judy Carlson- I think with the EP requirements you couldn't even afford to buy one anymore, we are finding that even when we go out on bid that we only have 3 in the US that actually collect it, ship it and own the incinerators.

Sen. Behm- these chemicals on this list have not been outlawed have they?

Judy Carlson- no some have been frozen and cant be, they don't use them anymore, maybe they went into organic farming.

Sen. Flakoll closed the hearing.

Sen. Heckaman motioned for a Do Pass and was seconded by **Sen. Wanzek**, roll call vote 6 yea, 0 nay, 1 absent. **Sen. Heckaman** was designated to carry the bill to the floor.

Date: Feb 22, 2007
 Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 1085

Senate Agriculture Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Heckaman Seconded By Wanzek

Senators	Yes	No	Senators	Yes	No
Tim Flakoll-Chairman	X		Arthur H. Behm	X	
Terry M. Wanzek-Vice Chairman	X		Joan Heckaman	X	
Robert S. Erbele	X		Ryan M. Taylor		
Jerry Klein	X				

Total (Yes) 6 No 0

Absent 1

Floor Assignment Sen. Heckaman

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

REPORT OF STANDING COMMITTEE (410)
February 22, 2007 1:09 p.m.

Module No: SR-37-3681
Carrier: Heckaman
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1085, as engrossed: Agriculture Committee (Sen. Flakoll, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1085 was placed on the Fourteenth order on the calendar.

2007 TESTIMONY

HB 1085

NORTH DAKOTA LEGISLATIVE ASSEMBLY

House Bill 1085

To: House Agriculture Committee
Rep. Dennis Johnson, Chair

From: Rep. Ole Aarsvold
District 20

Re: House Bill 1085

HB 1085 makes no changes to the program authorization for the agricultural pesticide and pesticide container disposal program, commonly called Project Safe Sand. It simply removes to sunset clause which typically is a legislative strategy used to evaluate a program during its early stages. The time has come to recognize Safe Sand as a success and its need will continue into the future. Both producers and farm pesticide dealers recognize the value of the program and utilize it at an ever increasing rate. The agency will offer testimony validating the utilization by agricultural interest.

As our agricultural industry continues to diversify to meet the food, fiber and energy demands of our nation, producers must be given the tools they need to respond. Certainly the safe disposal of unused, unusable and out of condition farm chemicals and containers is essential to their industry.

I encourage the committee's favorable recommendation to HB 1085.



600 E Boulevard Ave., Dept. 602
Bismarck, ND 58505-0020

**Testimony of Judy Carlson, Program Coordinator
House Bill 1085
House Agriculture Committee
Peace Garden Room - January 4, 2007**

Chairman Johnson and members of the House Agriculture Committee, I am Judy Carlson, a Program Coordinator at the department of agriculture. I am here today in support of HB 1085, which removes the sunset of the agricultural pesticide and pesticide container program, Project Safe Send.

This biennium (2005 and 2006), we facilitated 32 collection events throughout the state; 880 participants brought in 343,608 pounds of unusable waste pesticides. When we last testified before this committee in 2003, we reported that during the 2001-2003 biennium we held 37 collection events with over 700 participants that brought in 338,616 pounds of waste pesticides.

The amount of pesticides collected demonstrates the continued need for this program and the concern of North Dakota agricultural producers for the environment. PSS makes it economically feasible for individuals to get rid of their unusable pesticides.

The funding for PSS is included in the department of agriculture's budget (SB 2009). Funding for this program is from pesticide registration fees that are deposited into the Environment and Rangeland Protection (EARP) Fund.

Attached to this testimony are copies of our legislative report on Project Safe Send.

Chairman Johnson and committee members, I urge a do pass on HB 1085. I would be happy to answer any questions you may have.

Judy Carlson

some given to
Senate Agriculture

INTRODUCTION

Since 1992, 5400 participants have used Project Safe Send to safely dispose of nearly 2 million pounds of dangerous, unusable pesticides, such as DDT, chlordane, arsenic and mercury.

In just the past biennium, 880 people, mostly farmers, pesticide dealers and applicators, brought in 343,608 pounds of unusable pesticide to Project Safe Send collection sites.

The need for Project Safe Send is ongoing. Participants and cooperating agencies, such as the North Dakota State University Extension Service and the North Dakota State Health Department, are unanimous in their support for the program. The North Dakota Department of Agriculture (NDDA) receives telephone calls year-around from residents wanting to know the times and locations of the next collection.

This support is understandable—the program is simple, effective and free. Participants bring their unusable pesticides to a scheduled, local collection site. They are asked to complete a voluntary survey and inventory form. A contractor unloads the wastes for the participants and collects any paperwork. The whole process usually takes just a few minutes.

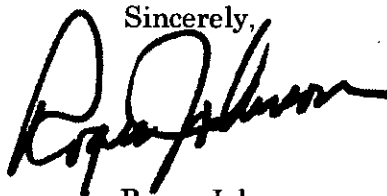
The contractor properly packs the waste pesticides for shipment to out-of-state incinerators and prepares the necessary shipping manifests and bills of lading. NDDA carefully monitors the collection events and documentation, withholding a substantial portion of the payment to the contractor until final certificates of disposal are received.

Thanks to Project Safe Send, a difficult, dangerous and expensive undertaking for individual producers is now easy and affordable. It is a model of sound public policy for dealing with complex environmental issues.

Project Safe Send is strongly supported by pesticide manufacturers and is funded through the fees they pay to register their products in the state.

I encourage the 2007 Legislature to continue Project Safe Send and continue full funding of the program.

Sincerely,



Roger Johnson
Agriculture Commissioner

2005-2007 Project Safe Send Totals

Site	2005 Collections		Site	2006 Collections	
	Users	Pounds		Users	Pounds
Cooperstown	29	9,005	West Fargo	39	48,758
Grafton	27	12,332	Mayville	51	28,771
Grand Forks	47	32,548	Drayton	37	18,917
Casselton	41	30,716	Courtenay	20	4,941
Wahpeton	29	8,093	Minot	58	16,797
Ashley	11	3,041	Langdon	32	10,104
Cando	24	7,142	Bottineau	26	4,253
Medina	21	4,369	Tioga	22	6,789
Harvey	25	12,519	Rugby	27	2,949
Litchville	30	6,919	Killdeer	14	2,276
Garrison	24	3,901	Linton	12	3,692
Minot	38	20,415	Belfield	13	6,165
Williston	37	11,180	Edgeley	22	6,045
Dickinson	26	2,930	Hettinger	9	1,057
Mott	12	1,982	Wyndmere	29	6,957
Bismarck	31	5,699	Glen Ullin	17	2,346
TOTAL	452	172,791	TOTAL	428	170,817

Pesticide Container Recycling Program

The pesticide container collection program is conducted by the Ag Container Research Council (ACRC). The ACRC is a non-profit organization comprised of pesticide manufacturers whose purpose is to promote and support the collection and recycling of properly rinsed HDPE crop protection product containers. Their contractor for our area is TRI-Rinse, Inc., of St. Louis, MO.

The department promotes these collections through news release, the department website, and personal communications with growers. The North Dakota State University Extension Service promotes container rinsing and recycling at pesticide applicator training meetings.

TRI-Rinse reported that 61,939 pounds of plastic were collected in 2005 and that 51,825 pounds were collected in 2006 (biennium total 113,764 pounds). Previously, during the 2001-2003 biennium, 104,901 pounds were collected; and 128,319 pounds were collected in 2003-2005.

1992-2006 Project Safe Send Summary

YEAR	MONTH	NUMBER OF USERS	NUMBER OF SITES	POUNDS COLLECTED
1992	July/Aug	396	3	80,910
1994	June	379	6	71,584
1995	October	229	5	60,254
1996	June	145	3	48,222
1997	Flood	120	4	84,000
1997	Western	142	8	19,402
1997	Central	222	8	63,917
1998	July	367	16	131,709
1999	July	321	16	158,938
2000	July	332	16	166,949
2001	July	369	21	147,857
2002	July	370	16	190,759
2003	July	460	9	155,158
2004	July	326	8	129,994
2005	July	452	16	172,791
2006	July	428	16	170,817
TOTAL		5,399		1,947,650

