17.0210.03000

FISCAL NOTE

Requested by Legislative Council
12/23/2016

Amendment to: SB 2027

1 A. **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.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 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

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

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 Biennium
Counties	$0	$0	$0
Cities	$0	$0	$0
School Districts	$0	$0	$0
Townships	$0	$0	$0

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

SB 2027 is part of the agriculture law rewrite process. The bill is submitted by Legislative Management on behalf of the Agriculture and Natural Resources Committee.

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.*

N/A

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.*

N/A

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.*

N/A

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 or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

N/A

Name: Junkert/Baumiller
Agency: Agriculture
Telephone: 328-4756/328-1960
Date Prepared: 12/29/2016

17.0210.02000

FISCAL NOTE

Requested by Legislative Council
12/23/2016

Amendment to: SB 2027

1 A. **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.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 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

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

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 Biennium
Counties	$0	$0	$0
Cities	$0	$0	$0
School Districts	$0	$0	$0
Townships	$0	$0	$0

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

SB 2027 is part of the agriculture law rewrite process. The bill is submitted by Legislative Management on behalf of the Agriculture and Natural Resources Committee.

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.*

N/A

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.*

N/A

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.*

N/A

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 or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

N/A

Name: Junkert/Baumiller
Agency: Agriculture
Telephone: 328-4756/328-1960
Date Prepared: 12/29/2016

17.0210.01000

FISCAL NOTE

Requested by Legislative Council
12/23/2016

Bill/Resolution No.: SB 2027

1 A. **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.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 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

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

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 Biennium
Counties	$0	$0	$0
Cities	$0	$0	$0
School Districts	$0	$0	$0
Townships	$0	$0	$0

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

SB 2027 is part of the agriculture law rewrite process. The bill is submitted by Legislative Management on behalf of the Agriculture and Natural Resources Committee.

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.*

N/A

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.*

N/A

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.*

N/A

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 or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

N/A

Name: Junkert/Baumiller
Agency: Agriculture
Telephone: 328-4756/328-1960
Date Prepared: 12/29/2016

2017 SENATE AGRICULTURE

SB 2027

2017 SENATE STANDING COMMITTEE MINUTES

Agriculture Committee
Roosevelt Park Room, State Capitol

SB 2027
1/5/2017
Job # 26606

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature Emmery Brotherg

Explanation or reason for introduction of bill/resolution:

Pesticide and fertilizer laws revision.

Minutes: *Attachments: #1, #2 a and b*

Dustin Assel introduced SB 2027. (See attachment #1)

(4:05) **Senator Larsen** asked if there had been changes to the amount of anhydrous which was permitted to be stored.

Dustin Assel: For purposes of the rewrite, we asked the interim to refrain from putting in the rewrite chapters although that doesn't prevent agency personnel from requesting amendments to update laws. Capacity changes were discussed, but not included in the rewrite.

Chairman Luick: The question had come to me about adding amendments other than language changes to this bill. In my opinion we should not allow that. Any substantive changes should be presented in their own bill.

Senator Piepkorn: Did the topic of security concerns about storage on farms come up in your conversation about anhydrous ammonia?

Dustin Assel: It may have, there were many topics of discussion. If there were discussion son security regarding anhydrous ammonia, they did not result in any substantive changes to the law in these bills.

Chairman Luick asked Erik Delzer to provide information.

Erik Delzer, Fertilizer Program Director, NDDA: Senator Larsen, there has been no talk about changing the storage capacity and there has been no talk of changing licensing. Nationally OSHA was trying to force some rules on anhydrous facilities that didn't involve capacity but did discuss playing stringent rules on facilities. The rules were challenged by the

Agriculture Retailers Association with a lawsuit. They won the lawsuit and OSHA was forced to withdraw those policies.

Senator Piepkorn: we haven't discussed storage security. As far as this rewrite, we focused on cleaning up the language. There was talk of a substantive change for the fertilizer and soil conditioner law, but no substantive changes to anhydrous ammonia section were mentioned.

Senator Larsen asked Mr. Delzer to review OSHA policies. He also asked if anhydrous storage units had to be locked.

(9:10) **Erik Delzer:** In the 1990s, OSHA changed a policy under the Clean Act rules which involved process safety management which focused primarily on large chemical facilities and retail facilities had been exempted from the policy. OSHA dropped the exemption causing 3,800 retail anhydrous ammonia facilities were under the new regulatory scheme. The policy was very complex and included regulations similar to large chemical plants. The extended policy doubled the written safety program work and large associated cost. The implementation of the new rules per facility would have cost $25,000 - $50,000. The main complaint was there was no worker benefit derived from the new rules.

(In reference to Senator Larsen's question) Century code does require valves at any unattended facility to be locked. It does not specify what kind of lock. If the tank is not within sight of the farmyard, it would need to be locked.

Senator Larsen: I thought the tanks on the back of equipment was required to be locked.

Erik Delzer: That was the case in several counties in the Northwestern part of the state; the rule was recently repealed.

Chairman Luick asked if Mr. Delzer would like anything else changed in the draft.

Mr. Delzer was satisfied with the draft passed in the interim.

Jessie Pfaff, Senior Policy Analyst, NDDA: Proposed amendment (see attachment #2a and #2b).

Chairman Luick closed the hearing on SB 2027.

Senator Klein moved to Adopt Amentment.

Senator Larsen seconded the motion.

A Roll Call Vote Was Taken: 6 yeas, 0 nays, 0 absent.

Motion carried.

2017 SENATE STANDING COMMITTEE MINUTES

Agriculture Committee
Roosevelt Park Room, State Capitol

SB 2027
1/13/2017
Job # 26862

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature Emmery Brotherg

Explanation or reason for introduction of bill/resolution:

Pesticide and fertilizer laws revision.

Minutes:

Chairman Luick: Opened the discussion on SB 2027.

Senator Myrdal: Moved Do Pass As Amended.

Senator Piepkorn: Seconded the Motion.

Senator Piepkorn: It is helpful to review these bills before voting on them.

A Roll Call Vote Was Taken: 6 yeas, 0 nays, 0 absent.

Motion Carried.

Senator Myrdal will carry the bill to the floor.

1/13/17 DA

17.0210.01001
Title.02000

Adopted by the Agriculture Committee

January 13, 2017

PROPOSED AMENDMENTS TO SENATE BILL NO. 2027

Page 1, line 19, remove "nursery stock"

Page 8, line 8, replace "and" with "or"

Renumber accordingly

Date: 1/5
Roll Call Vote #: 1

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2097

Senate Agriculture Committee

☐ Subcommittee

Amendment LC# or Description: 17.0210.01001

Recommendation: ☑ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Klein Seconded By Larsen

Senators	Yes	No	Senators	Yes	No
Senator Luick	✓		Senator Piepkorn	✓	
Senator Myrdal	✓				
Senator Klein	✓				
Senator Larsen	✓				
Senator Osland	✓				

Total Yes 6 No 0

Absent 0

Floor Assignment _____

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

Date: 1/13/16
Roll Call Vote #: 1

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2027

Senate Agriculture Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☑ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☑ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Myrdal Seconded By Piepkorn

Senators	Yes	No	Senators	Yes	No
Senator Luick	✓		Senator Piepkorn	✓	
Senator Myrdal	✓				
Senator Klein	✓				
Senator Larsen	✓				
Senator Osland	✓				

Total Yes _____ No _____

Absent _____

Floor Assignment Sen Myrdal

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

REPORT OF STANDING COMMITTEE

SB 2027: Agriculture Committee (Sen. Luick, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2027 was placed on the Sixth order on the calendar.

Page 1, line 19, remove "nursery stock"

Page 8, line 8, replace "and" with "or"

Renumber accordingly

2017 HOUSE AGRICULTURE

SB 2027

2017 HOUSE STANDING COMMITTEE MINUTES

Agriculture Committee
Peace Garden Room, State Capitol

SB 2027
3/9/2017
Job #28972

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature Re Mae Kuch

Explanation or reason for introduction of bill/resolution:

Revisions of laws regarding plant pests, pesticides, chemigation regulation, pesticide container disposal, anhydrous ammonia facilities, anhydrous ammonia risk management, crop protection products, and the fertilizer and soil conditioner law; and to provide a penalty.

Minutes: Attachments 1-3

Dustin Assel, Attorney: (Attachment #1) Explains rewrite.
Handed out amendment (Attachment #2) adds a repeal section to the bill with four additional chapters. We tried to incorporate all the repeals of the rewrite chapters in SB 2026 but four were accidentally left out of the repeal section. Without those repeals we would have duplication in the code.

Jessie Pfaff, North Dakota Department of Agriculture: (Attachment #3)

Chairman Dennis Johnson: There is a lot of work on the rewrite during the interim. Terminology changes and yet same focus/policy is kept.

Opposition: None

Chairman Dennis Johnson: Closed the hearing.

2017 HOUSE STANDING COMMITTEE MINUTES

Agriculture Committee
Peace Garden Room, State Capitol

SB 2027—Committee Work
3/23/2017
Job #29611

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature Le Mae Kuehn

Explanation or reason for introduction of bill/resolution:

Revisions of laws regarding plant pests, pesticides, chemigation regulation, pesticide container disposal, anhydrous ammonia facilities, anhydrous ammonia risk management, crop protection products, and the fertilizer and soil conditioner law; and to provide a penalty.

Minutes:

Representative Headland: Moved amendment #17.0210.02001.

Representative Satrom: Seconded the motion

Voice Vote. Motion passed.

Representative Boschee: Moved Do Pass as amended

Representative Oliver: Seconded the motion.

A Roll Call vote was taken: Yes 12, No 0, Absent 2.

Do Pass as amended carries.

Representative Howe will carry the bill.

3/23/17 DF

17.0210.02001
Title.03000

Prepared by the Legislative Council staff for
House Agriculture Committee
March 23, 2017

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2027

Page 1, line 5, after the semicolon insert "to amend and reenact subsection 19 of section 19-02.1-01 and sections 23-01-01.1 and 23-01-25 of the North Dakota Century Code, relating to the definition of a pesticide chemical and the state department of health; to repeal chapters 19-18, 19-20.1, 19-20.2, and 19-20.3 of the North Dakota Century Code, relating to pesticides, fertilizers and soil conditioners, anhydrous ammonia facilities, and anhydrous ammonia risk management;"

Page 62, after line 16, insert:

"**SECTION 10. AMENDMENT.** Subsection 19 of section 19-02.1-01 of the North Dakota Century Code is amended and reenacted as follows:

19. "Pesticide chemical" means any substance which, alone, in chemical combination, or in formulation with one or more other substances is a pesticide within the meaning of chapter ~~19-18~~4.1-34, and which is used in the production, storage, or transportation of raw agricultural commodities.

SECTION 11. AMENDMENT. Section 23-01-01.1 of the North Dakota Century Code is amended and reenacted as follows:

23-01-01.1. State department of health to replace state department of health and consolidated laboratories.

Wherever the terms "North Dakota state department of health", "department of health", "health department", "state department of health and consolidated laboratories", "North Dakota state laboratories department", "state laboratories department", "state laboratories department director", or "state laboratories director" appear in this code, the term "state department of health" must be substituted therefor.

~~Wherever the terms "state food commissioner and chemist" and "commissioner" when referring to the state food commissioner and chemist appear in chapters 19-17 and 19-18, the term "state department of health" must be substituted therefor.~~

SECTION 12. AMENDMENT. Section 23-01-25 of the North Dakota Century Code is amended and reenacted as follows:

23-01-25. Commercial feed, insecticide, fungicide, rodenticide, fertilizer, and soil conditioner laws - Laboratory function.

Notwithstanding any other provision of law, any laboratory test or analysis required under chapter 4.1-34, 4.1-40, or 19-13.1~~, 19-18, or 19-20.1~~ must be performed by the state department of health for the agriculture commissioner at no charge.

SECTION 13. REPEAL. Chapters 19-18, 19-20.1, 19-20.2, and 19-20.3 of the North Dakota Century Code are repealed."

Renumber accordingly

Date: 3/23/2017

Roll Call Vote #: 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2027

House **Agriculture** Committee

☐ Subcommittee

Amendment LC# or Description: #17.0210.02001

Recommendation:
☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep. Headland Seconded By Rep. Satrom

Representatives	Yes	No	Representatives	Yes	No
Chairman Dennis Johnson			Rep. Joshua Boschee		
Vice Chairman Wayne Trottier			Rep. Kathy Hogan		
Rep. Jake Blum					
Rep. Craig Headland					
Rep. Michael Howe					
Rep. Dwight Kiefert					
Rep. Jeffery Magrum					
Rep. Aaron McWilliams					
Rep. Bill Oliver					
Rep. Bernie Satrom					
Rep. Cynthia Schreiber Beck					
Rep. Kathy Skroch					

Voice Vote — passed

Total Yes _____ **No** _____

Absent _____

Floor Assignment Rep. _____

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

Date: 3/23/2017

Roll Call Vote #: 2

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2027

House **Agriculture** Committee

☐ Subcommittee

Amendment LC# or Description:

Recommendation:
☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐

Motion Made By Rep. Boschee Seconded By Rep. Oliver

Representatives	Yes	No	Representatives	Yes	No
Chairman Dennis Johnson	X		Rep. Joshua Boschee	X	
Vice Chairman Wayne Trottier	X		Rep. Kathy Hogan	AB	
Rep. Jake Blum	X				
Rep. Craig Headland	X				
Rep. Michael Howe	X				
Rep. Dwight Kiefert	X				
Rep. Jeffery Magrum	X				
Rep. Aaron McWilliams	AB				
Rep. Bill Oliver	X				
Rep. Bernie Satrom	X				
Rep. Cynthia Schreiber Beck	X				
Rep. Kathy Skroch	X				

Total Yes 12 **No** 0

Absent 2

Floor Assignment Rep. Howe

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

REPORT OF STANDING COMMITTEE

SB 2027, as engrossed: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2027 was placed on the Sixth order on the calendar.

Page 1, line 5, after the semicolon insert "to amend and reenact subsection 19 of section 19-02.1-01 and sections 23-01-01.1 and 23-01-25 of the North Dakota Century Code, relating to the definition of a pesticide chemical and the state department of health; to repeal chapters 19-18, 19-20.1, 19-20.2, and 19-20.3 of the North Dakota Century Code, relating to pesticides, fertilizers and soil conditioners, anhydrous ammonia facilities, and anhydrous ammonia risk management;"

Page 62, after line 16, insert:

"**SECTION 10. AMENDMENT.** Subsection 19 of section 19-02.1-01 of the North Dakota Century Code is amended and reenacted as follows:

19. "Pesticide chemical" means any substance which, alone, in chemical combination, or in formulation with one or more other substances is a pesticide within the meaning of chapter ~~19-18~~4.1-34, and which is used in the production, storage, or transportation of raw agricultural commodities.

SECTION 11. AMENDMENT. Section 23-01-01.1 of the North Dakota Century Code is amended and reenacted as follows:

23-01-01.1. State department of health to replace state department of health and consolidated laboratories.

Wherever the terms "North Dakota state department of health", "department of health", "health department", "state department of health and consolidated laboratories", "North Dakota state laboratories department", "state laboratories department", "state laboratories department director", or "state laboratories director" appear in this code, the term "state department of health" must be substituted therefor.

~~Wherever the terms "state food commissioner and chemist" and "commissioner" when referring to the state food commissioner and chemist appear in chapters 19-17 and 19-18, the term "state department of health" must be substituted therefor.~~

SECTION 12. AMENDMENT. Section 23-01-25 of the North Dakota Century Code is amended and reenacted as follows:

23-01-25. Commercial feed, insecticide, fungicide, rodenticide, fertilizer, and soil conditioner laws - Laboratory function.

Notwithstanding any other provision of law, any laboratory test or analysis required under chapter 4.1-34, 4.1-40, or 19-13.1~~, 19-18, or 19-20.1~~ must be performed by the state department of health for the agriculture commissioner at no charge.

SECTION 13. REPEAL. Chapters 19-18, 19-20.1, 19-20.2, and 19-20.3 of the North Dakota Century Code are repealed."

Renumber accordingly

2017 TESTIMONY

SB 2027

- Mr. Chairman and members of the committee, for the record my name is Dustin Assel.
    - I am an attorney with the Legislative Council
        - I staffed the most recent interim Agriculture and Natural Resources committee and I worked on the drafts of SB's 2026, 2027, 2028, and 2029 that were recommended to the Legislative Management and are now before you today.
- I will start by saying that I am here to testify in a purely non-partisan capacity.
    - I am neither in support for nor against these bills, but rather I am here to provide background and information on these bills
- I will address each bill individually at their allotted times, but first, by way of general background:
    - Section 1 of 2015 House Bill No. 1028 directed a continued study of North Dakota Century Code provisions that relate to agriculture, for the purposes of eliminating provisions that are irrelevant or duplicative, clarifying provisions that are inconsistent or unclear in their intent and direction, and rearranging provisions in a logical order. **The bills are not intended to change the substantive effect of the law...they are only meant to clean up the statutes that deal with Agriculture.**
        - The Century Code contains more than 90 chapters that pertain to agriculture. Many of those sections within those chapters contain material that is irrelevant, duplicative, inconsistent, illogically arranged, or otherwise unclear in its intent and direction. The Legislative Assembly called for a detailed examination of the state's agriculture laws, with the ultimate goal being to clarify and consolidate the multitude of statutory directives within that topic area.
    - The 2007-08 interim agriculture committee began the work of rewriting the sections of the century code pertaining to agriculture.

That committee determined that the rewritten sections be placed in a new title of the century code. That title is 4.1.

- **Prior to this interim, 27 chapters of the century code had been rewritten.**
  - **The 2015-16 interim agriculture and natural resources committee rewrote 40 chapters and over 480 sections of century code.**
    - **Following the conclusion of committee work, the rewrite project has been deemed complete.**
      - **I did say there were over 90 chapters that pertain to agriculture, however a number of the chapters are under the authority of the Bank of North Dakota or the Public Service Commission, and the committee did not see fit to include those chapters in the rewrite project. They were removed from the project...the numbers of those chapters can be found in the final report.**
- **Upon completion of rewriting the 40 chapters this interim, the committee determined that it would not be feasible to track that many individual bills during the session. The committee therefore recommended that the bills be consolidated into 4 bills containing similar subject matter. Those bills are the ones you see before you today.**
  - Basically, what the rewrite boils down to is cleaning up the language in the agriculture chapters and moving them into title 4.1 so that they are easier to find. Now I am not going to go over these bills line by line today, as for the most part, the law is the exact same as it was before...it is just moved into a new location in the century code. I will however, give a broad overview of what is included in each bill.

<u>SB 2026: Administrative Authority Bill- Deals with administrative authority chapters related to agriculture</u>

- The bill creates 9 new chapters of century code and 1 new section to an existing chapter
  - The bill also repeals 28 chapters of century code

- The reason there are more repeals than creates is because SB 2026 repeals all of the remaining chapters of title 4. After the completion of the rewrite, all of the relevant chapters of title 4 will now be contained in title 4.1. However, we do not repeal titles of the century code, so the individual chapters had to be repealed. Some of the new chapters were created and addressed in 2027, 2028, and 2029, but for simplicity all of the repeals in title 4 were addressed in 2026. There is also not always a one-to-one correlation between the chapters being repealed and the chapters being created. In some instances, the committee determined that some chapters of the century code could be combined when they were moved into title 4.1. If you would like to see exactly where every single section of century code went during the rewrite process this interim, we have tables in the legislative management final report online on our website detailing each change.

- **4.1-01 Agriculture Commissioner**
  - **(pg. 1-11 create the new chapter housing the agriculture commissioner chapter)**
- **4.1-15 Northern Crops Institute**
  - **(pg. 12- 14)**
- **4.1-19 Poultry**
  - **(pg. 14-16)**
- **4.1-54 Miscellaneous Agricultural Provisions**
  - **(pg. 16-22)**
- **4.1-55 State Fair Association**
  - **(pg. 22-30)**
- **11-38 County Extension Agents**
  - **(30-34) as you can see the county extension agent chapter was moved into a new chapter 11-38 rather than into title 4.1. This was because the committee determined that the chapter relates more**

closely with NDSU and the Ag. Commissioner has no involvement of the administration of the chapter.

- **11-39 County Fair Associations**
  - **(pg. 34- 38) the committee felt that this chapter was better suited under title 11 regarding counties**
- **15-12.1 Agricultural Experiment Station**
  - **(pg. 38-46)**
- **19-02.1 Egg Labeling**
  - **(pg. 46)**
- **54-60.3 Agricultural Products Utilization Commission**
  - **(pg. 46-49)**
- **Redesignation of Century Code Chapters**
  - **Finally SB 2026 renumbers chapters in title 4.1. In previous interims there were gaps left in the numbering of chapters with the intention of filling them at a later point. With the rewrite at an end, the committee determines the chapters could be redesignated.**

SB 2027: Fertilizer and Pesticide- cleans up and moves the chapters related to pesticides

- The bill creates 9 new chapters of century code. It does not repeal any chapters because as you recall, all of the repealing in title 4 is addressed in SB 2026.
- **4.1-23 Plant Pests**
  - Pg. 1-6
- **4.1-33 Pesticides**
  - Pg. 6-22
- **4.1-34 Pesticide Registration**
  - Pg. 22-36
- **4.1-35 Chemigation**
  - Pg. 36-38
- **4.1-36 Pesticide and Pesticide Container Disposal**
  - Pg. 38-39

- **4.1-37 Anhydrous Ammonia**
  - Pg. 39-46
- **4.1-38 Anhydrous Ammonia Risk Management**
  - Pg. 46-47
- **4.1-39 Crop Product Protection and Harmonization Board**
  - Pg. 47-50
- **4.1-40 Fertilizer**
  - Pg. 50-62

SB 2028: Livestock and Other Animals:

- This bill creates 8 chapters in title 4.1. The also amends a number of chapters in title 36 that the committee felt needed to be updated, but should not be moved into title 4.1. The bill also repeals 8 chapters of century code mostly in title 36 for the chapters that were moved into title 4.1
- **4.1-25 Dairy Regulation**
  - Pg. 1-21
- **4.1-27 Livestock Auction Markets**
  - Pg. 21-30
- **4.1-28 Internet Livestock Auctions**
  - Pg. 30-34
- **4.1-30 Livestock Packing Plants**
  - Pg. 33-34
- **4.1-31 Meat Inspection**
  - Pg. 34-44
- **4.1-32 Rendering Plants**
  - Pg. 44-47
- **4.1-41 Animal Feed Requirements**
  - Pg. 47-59
- **4.1-53 Livestock Medicine**
  - Pg. 59-62

SB 2029: Plants and trees

- This bill creates 5 new chapters of century code in title 4.1.
- **4.1-18 Industrial Hemp**
  - Pg. 1-3
- **4.1-20 Soil Conservation**
  - Pg. 3-29
- **4.1-21 Forestry**
  - Pg. 29-32
- **4.1-22 Nurseries**
  - Pg. 32-35
- **4.1-48 Potato Production Contracts**
  - Pg. 35-37

COMMISSIONER
DOUG GOEHRING

ndda@nd.gov
www.nd.gov/ndda

NORTH DAKOTA
DEPARTMENT OF AGRICULTURE
STATE CAPITOL
600 E BOULEVARD AVE DEPT 602
BISMARCK ND 58505-0020

Testimony of Jessie Pfaff
Senior Policy Analyst
Senate Bill 2027
Senate Agriculture Committee
Roosevelt Park Room
January 5, 2017

Chairman Luick and members of the Senate Agriculture Committee, I am Jessie Pfaff, Senior Policy Analyst for the North Dakota Department of Agriculture (NDDA), and I am representing Agriculture Commissioner Doug Goehring. I am here today in support of Senate Bill 2027 with the following two amendments.

Page 1, line 19, remove "nursery stock"

The addition of the words "nursery stock" drastically changes what can be regulated in the event a damaging plant pest being found in North Dakota, and would limit regulation to only nursery stock which means "all trees, shrubs, and woody vines and parts thereof which are capable of propagation or growth, except seed" and would exclude any weeds, diseases or insects of agriculture commodities.

Page 8, line 8, replace "and" with "or"

The definition of "labeling" is included twice in this rewrite, once in 4.1-33, and once in 4.1-34, and the definitions vary slightly. To be consistent, the NDDA believes the "Labeling" definition

found on Page 8, line 8 should be the same as the "Labeling" definition found on page 24, line 29.

Thank you for your time and I would be happy to answer any questions.

1/5 SB 2027 #26

PROPOSED AMENDMENTS TO SENATE BILL NO. 2027

Page 1, line 19, remove "nursery stock"

Page 8, line 8, replace "and" with "or"

Renumber accordingly

#1
3/9/17
SB 2027

- Mr. Chairman and members of the committee, for the record my name is Dustin Assel.
    - I am an attorney with the Legislative Council
        - I staffed the most recent interim Agriculture and Natural Resources committee and I worked on the drafts of SB's 2026, 2027, 2028, and 2029 that were recommended to the Legislative Management and are now before you today.
- I will start by saying that I am here to testify in a purely non-partisan capacity.
    - I am neither in support for nor against these bills, but rather I am here to provide background and information on these bills
- I will address each bill individually at their allotted times, but first, by way of general background:
    - Section 1 of 2015 House Bill No. 1028 directed a continued study of North Dakota Century Code provisions that relate to agriculture, for the purposes of eliminating provisions that are irrelevant or duplicative, clarifying provisions that are inconsistent or unclear in their intent and direction, and rearranging provisions in a logical order. **The bills are not intended to change the substantive effect of the law...they are only meant to clean up the statutes that deal with Agriculture.**
        - The Century Code contains more than 90 chapters that pertain to agriculture. Many of those sections within those chapters contain material that is irrelevant, duplicative, inconsistent, illogically arranged, or otherwise unclear in its intent and direction. The Legislative Assembly called for a detailed examination of the state's agriculture laws, with the ultimate goal being to clarify and consolidate the multitude of statutory directives within that topic area.
    - The 2007-08 interim agriculture committee began the work of rewriting the sections of the century code pertaining to agriculture.

That committee determined that the rewritten sections be placed in a new title of the century code. That title is 4.1.

- **Prior to this interim, 27 chapters of the century code had been rewritten.**
  - **The 2015-16 interim agriculture and natural resources committee rewrote 40 chapters and over 480 sections of century code.**
    - **Following the conclusion of committee work, the rewrite project has been deemed complete.**
      - **I did say there were over 90 chapters that pertain to agriculture, however a number of the chapters are under the authority of the Bank of North Dakota or the Public Service Commission, and the committee did not see fit to include those chapters in the rewrite project. They were removed from the project...the numbers of those chapters can be found in the final report.**
- **Upon completion of rewriting the 40 chapters this interim, the committee determined that it would not be feasible to track that many individual bills during the session. The committee therefore recommended that the bills be consolidated into 4 bills containing similar subject matter. Those bills are the ones you see before you today.**
  - Basically, what the rewrite boils down to is cleaning up the language in the agriculture chapters and moving them into title 4.1 so that they are easier to find. Now I am not going to go over these bills line by line today, as for the most part, the law is the exact same as it was before...it is just moved into a new location in the century code. I will however, give a broad overview of what is included in each bill.

SB 2026: Administrative Authority Bill- Deals with administrative authority chapters related to agriculture

- The bill creates 9 new chapters of century code and 1 new section to an existing chapter
  - The bill also repeals 28 chapters of century code

- The reason there are more repeals than creates is because SB 2026 repeals all of the remaining chapters of title 4. After the completion of the rewrite, all of the relevant chapters of title 4 will now be contained in title 4.1. However, we do not repeal titles of the century code, so the individual chapters had to be repealed. Some of the new chapters were created and addressed in 2027, 2028, and 2029, but for simplicity all of the repeals in title 4 were addressed in 2026. There is also not always a one-to-one correlation between the chapters being repealed and the chapters being created. In some instances, the committee determined that some chapters of the century code could be combined when they were moved into title 4.1. If you would like to see exactly where every single section of century code went during the rewrite process this interim, we have tables in the legislative management final report online on our website detailing each change.

- **4.1-01 Agriculture Commissioner**
  - **(pg. 1-11 create the new chapter housing the agriculture commissioner chapter)**
- **4.1-15 Northern Crops Institute**
  - **(pg. 12- 14)**
- **4.1-19 Poultry**
  - **(pg. 14-16)**
- **4.1-54 Miscellaneous Agricultural Provisions**
  - **(pg. 16-22)**
- **4.1-55 State Fair Association**
  - **(pg. 22-30)**
- **11-38 County Extension Agents**
  - **(30-34) as you can see the county extension agent chapter was moved into a new chapter 11-38 rather than into title 4.1. This was because the committee determined that the chapter relates more**

closely with NDSU and the Ag. Commissioner has no involvement of the administration of the chapter.

- **11-39 County Fair Associations**
  - **(pg. 34- 38) the committee felt that this chapter was better suited under title 11 regarding counties**
- **15-12.1 Agricultural Experiment Station**
  - **(pg. 38-46)**
- **19-02.1 Egg Labeling**
  - **(pg. 46)**
- **54-60.3 Agricultural Products Utilization Commission**
  - **(pg. 46-49)**
- **Redesignation of Century Code Chapters**
  - **Finally SB 2026 renumbers chapters in title 4.1. In previous interims there were gaps left in the numbering of chapters with the intention of filling them at a later point. With the rewrite at an end, the committee determines the chapters could be redesignated.**

SB 2027: Fertilizer and Pesticide- cleans up and moves the chapters related to pesticides

- The bill creates 9 new chapters of century code. It does not repeal any chapters because as you recall, all of the repealing in title 4 is addressed in SB 2026.
- **4.1-23 Plant Pests**
  - Pg. 1-6
- **4.1-33 Pesticides**
  - Pg. 6-22
- **4.1-34 Pesticide Registration**
  - Pg. 22-36
- **4.1-35 Chemigation**
  - Pg. 36-38
- **4.1-36 Pesticide and Pesticide Container Disposal**
  - Pg. 38-39

- **4.1-37 Anhydrous Ammonia**
  - Pg. 39-46
- **4.1-38 Anhydrous Ammonia Risk Management**
  - Pg. 46-47
- **4.1-39 Crop Product Protection and Harmonization Board**
  - Pg. 47-50
- **4.1-40 Fertilizer**
  - Pg. 50-62

SB 2028: Livestock and Other Animals:

- This bill creates 8 chapters in title 4.1. The also amends a number of chapters in title 36 that the committee felt needed to be updated, but should not be moved into title 4.1. The bill also repeals 8 chapters of century code mostly in title 36 for the chapters that were moved into title 4.1
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#2
3/9/17

17.0210.02001
Title.

Prepared by the Legislative Council staff for SB 2027
House Agriculture Committee
March 8, 2017

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2027

Page 1, line 5, after the semicolon insert "to repeal chapters 19-18, 19-20.1, 19-20.2, and 19-20.3 of the North Dakota Century Code, relating to pesticides, fertilizers and soil conditioners, anhydrous ammonia facilities, and anhydrous ammonia risk management;"

Page 62, after line 16, insert:

"**SECTION 10. REPEAL.** Chapters 19-18, 19-20.1, 19-20.2, and 19-20.3 of the North Dakota Century Code are repealed."

Renumber accordingly

#3

COMMISSIONER
DOUG GOEHRING

ndda@nd.gov
www.nd.gov/ndda

NORTH DAKOTA
DEPARTMENT OF AGRICULTURE
STATE CAPITOL
600 E BOULEVARD AVE DEPT 602
BISMARCK ND 58505-0020

Testimony of Jessie Pfaff
Senior Policy Analyst
Senate Bill 2027
House Agriculture Committee
Peace Garden Room
March 9, 2017

Chairman Johnson and members of the Senate Agriculture Committee, I am Jessie Pfaff, Senior Policy Analyst for the North Dakota Department of Agriculture (NDDA), and I am representing Agriculture Commissioner Doug Goehring. I am here today in support of Senate Bill 2027.

NDDA program staff are here today and would be happy to answer any questions you may have pertaining to the NDDA programs outlined in SB 2027.