

Legislature, I would like to reopen the discussion a little bit on FIFRA this morning. This first amendment is essentially an amendment that would put the program under the Department of Environmental Quality instead of the Department of Agriculture. And Senator Baack is quite correct in indicating that it seems a majority of the states have put this program under the Department of Agriculture. However, I think it's also true, at least it's been true insofar as I have been able to explore the situation, that the programs that they have put into effect under the Department of Agriculture have been much more limited programs dealing with the certification of applicators of pesticide products and didn't get into general storage, transportation, use, the whole broad area of pesticide regulation. Not only that, but I think another extremely important difference is that we have already set up in this state a basic regulatory structure that is designed to deal with contamination of ground water generally. And what we're doing with FIFRA is injecting a sixth, sixth governmental agency into the process of the regulation of the contamination of ground water. And what I'm trying to do is avoid that. Let's take for...you can take a number of different examples, but I think most of you, especially in the countryside, are aware of the chemigation program, and the chemigation program is under the Department of Environmental Quality, and it has to do with pesticides and it also has to do with fertilizers and it has to do with the relationship of those chemicals to a center pivot irrigation system. And right now the Department of Environmental Quality runs the chemigation program and has the only existing authority in the statutes, outside of the local NRDs, to regulate the injection of either pesticides or chemicals or other chemicals, such as fertilizers, through a center pivot system. So now we're coming in with some broad language under the Department of Agriculture and saying that they have the right to regulate the use and application of pesticides, not fertilizers, but just pesticides. So this particular authority is going to clash against and there is going to have to be some reconciliation if we don't do it in this statute, some...somewhere down the line some reconciliation of the chemigation program and the FIFRA program and who has authority, Department of Environmental Quality or Department of Agriculture? Which statutes will prevail? We're setting ourselves up for litigation in this area because we're not going down the same path that we have traditionally taken on these matters and organized it under the one agency, Department of Environmental Quality. There is another example that's before