

**FIRST ENGROSSMENT
with House Amendments**

Fifty-eighth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2319

Introduced by

Senators Nichols, Christmann, Lyson

Representatives Onstad, Rennerfeldt, Warner

1 A BILL for an Act amend and reenact section 19-18-04 of the North Dakota Century Code,
2 relating to pesticide registration fees; to provide an appropriation; and to provide an effective
3 date.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 19-18-04 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **19-18-04. (Effective through June 30, ~~2003~~ 2005) Registration - Fees.**

8 1. Any person before selling or offering for sale any pesticide for use within this state
9 shall file biennially with the commissioner an application for registration of the
10 pesticide. The application must:

- 11 a. Give the name and address of each manufacturer or distributor.
12 b. Give the name and brand of each product registered.
13 c. Be accompanied by a current label of each product so registered.
14 d. Be accompanied by a registration fee of three hundred fifty dollars for each
15 product registered. At the close of each calendar month, the commissioner
16 shall transmit to the state treasurer all moneys received for the registrations.
17 The state treasurer shall credit fifty dollars for each registered product to the
18 general fund in the state treasury and the remainder of the registration fee for
19 each registered product to the environment and rangeland protection fund.
20 e. Be accompanied by a material safety data sheet.

21 2. The commissioner may require an applicant or registrant to provide efficacy,
22 toxicity, residue, and any other data necessary to determine if the pesticide will
23 perform its intended function without unreasonable adverse effects on the
24 environment. If the commissioner finds that the application conforms to law, the

commissioner shall issue to the applicant a certificate of registration of the product.
If after public hearing before the commissioner the application is denied, the
product may not be offered for sale.

3. Each registration covers a two-year period beginning January first and expiring
December thirty-first of the following year. A certificate of registration may not be
issued for a term longer than two years, and is not transferable from one person to
another, or from the ownership to whom issued to another ownership, or from one
place to another place or location. A penalty of fifty percent of the license or
registration fee must be imposed if the license or certificate of registration is not
applied for on or before January thirty-first following the expiration date, or within
the same month the pesticides are first manufactured or sold within this state.
Each product must go through a two-year discontinuance period in order to clear
all outstanding products in the channel of trade.

4. This section does not apply to a pesticide sold by a retail dealer if the registration
fee has been paid by the manufacturer, jobber, or any other person, as required by
this section.

(Effective July 1, 2003 2005) Registration - Fees. Any 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:

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15 has been paid by the manufacturer, jobber, or any other person, as required by this section.

16 **SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the
17 environment and rangeland protection fund in the state treasury, not otherwise appropriated,
18 the sum of \$250,000, or so much of the sum as may be necessary, to the agriculture
19 commissioner for the purpose of controlling and eradicating saltcedar, for the biennium
20 beginning July 1, 2003, and ending June 30, 2005. The agriculture commissioner shall report
21 to the fifty-ninth legislative assembly the persons receiving funds under this Act, the dollars
22 received, the efforts undertaken by the recipient to control and eradicate saltcedar, and the
23 effectiveness of those efforts.