

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; and to provide an appropriation.

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

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

6 **19-18-04. (~~Effective through June 30, 2003~~) Registration - Fees.**

- 7 1. Any person before selling or offering for sale any pesticide for use within this state
8 shall file biennially with the commissioner an application for registration of the
9 pesticide. The application must:
- 10 a. Give the name and address of each manufacturer or distributor.
 - 11 b. Give the name and brand of each product registered.
 - 12 c. Be accompanied by a current label of each product so registered.
 - 13 d. Be accompanied by a registration fee of three hundred fifty dollars for each
14 product registered. At the close of each calendar month, the commissioner
15 shall transmit to the state treasurer all moneys received for the registrations.
16 The state treasurer shall credit fifty dollars for each registered product to the
17 general fund in the state treasury and the remainder of the registration fee for
18 each registered product to the environment and rangeland protection fund.
 - 19 e. Be accompanied by a material safety data sheet.
- 20 2. The commissioner may require an applicant or registrant to provide efficacy,
21 toxicity, residue, and any other data necessary to determine if the pesticide will
22 perform its intended function without unreasonable adverse effects on the
23 environment. If the commissioner finds that the application conforms to law, the
24 commissioner shall issue to the applicant a certificate of registration of the product.

1 If after public hearing before the commissioner the application is denied, the
2 product may not be offered for sale.

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

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

16 **~~(Effective July 1, 2003) Registration—Fees.~~** Any person before selling or offering for
17 sale any pesticide for use within this state shall file biennially with the commissioner an
18 application for registration of the pesticide. The application must:

- 19 1. ~~Give the name and address of each manufacturer or distributor.~~
- 20 2. ~~Give the name and brand of each product registered.~~
- 21 3. ~~Be accompanied by a current label of each product so registered.~~
- 22 4. ~~Be accompanied by a registration fee of three hundred dollars for each product~~
23 ~~registered. At the close of each calendar month, the commissioner shall transmit~~
24 ~~to the state treasurer all moneys received for the registrations. The state treasurer~~
25 ~~shall credit fifty dollars for each registered product to the general fund in the state~~
26 ~~treasury and the remainder of the registration fee for each registered product to the~~
27 ~~environment and rangeland protection fund.~~
- 28 5. ~~Be accompanied by a material safety data sheet.~~

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12 ~~outstanding products in the channel of trade.~~

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

15 **SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the
16 environment and rangeland protection fund in the state treasury, not otherwise appropriated,
17 the sum of \$250,000, or so much of the sum as may be necessary, to the agriculture
18 commissioner for the purpose of controlling and eradicating saltcedar, for the biennium
19 beginning July 1, 2003, and ending June 30, 2005.