

HOUSE BILL NO. 1445

Introduced by

Representatives Lemieux, Renner

Senators Nichols, Tomac

1 A BILL for an Act to create and enact a new section to chapter 19-18 of the North Dakota
2 Century Code, relating to the chemical and rebate equity fund; to amend and reenact sections
3 19-18-02.2 and 19-18-04 of the North Dakota Century Code, relating to pesticide registration
4 fees; and to provide a continuing appropriation.

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

6 **SECTION 1. AMENDMENT.** Section 19-18-02.2 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **19-18-02.2. Advisory Chemical and rebate equity board - Creation - Duties.**

- 9 1. The commissioner shall appoint and consult with a six member advisory the
10 chemical and rebate equity board regarding the testing and analyzing of North
11 Dakota food and agricultural products for setting and rebate of pesticide residue
12 registration fees. The board must consist consists of a representative of a food
13 processing company, a representative of the North Dakota agricultural experiment
14 station, two four representatives of North Dakota farm organizations, an individual
15 and two individuals representing agribusiness organizations, and a representative
16 of the state department of health.
- 17 2. The board shall provide recommendations regarding:
- 18 a. Registration fees for products if identical or substantially similar products are
19 marketed in Canada.
- 20 b. The manner in which funds collected under this chapter are to be rebated to
21 consumers in this state.
- 22 3. The commissioner shall adopt rules regarding the collection and rebate of pesticide
23 registration fees.

SECTION 2. AMENDMENT. Section 19-18-04 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

19-18-04. Registration - Fees.

1. 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:

~~1.~~ a. ~~Give~~ Include the name and address of each manufacturer or distributor.

~~2.~~ b. ~~Give~~ Include the name and brand of each product registered.

~~3.~~ c. Be accompanied by a current label of each product so registered.

~~4.~~ d. Include the name and brand of any identical or substantially similar product marketed in Canada.

e. Include information regarding the wholesale price in Canada of products named pursuant to subdivision d.

f. Include use and wholesale price information from this state for each product registered.

g. Be accompanied by a registration fee of at least three hundred dollars for each product registered, except if an identical or substantially similar product is available in Canada and the commissioner determines that a significant price difference exists between the product marketed in this country and that marketed in Canada, the registration fee must be equivalent to the difference between the price at which the product is marketed in this country and the price at which it is marketed in Canada times the number of units marketed in this state.

h. Be accompanied by a material safety data sheet.

2. At the ~~close~~ conclusion of each calendar month, the commissioner shall transmit to the state treasurer all moneys received for the registrations. The state treasurer shall credit fifty dollars for each registered product to the general fund in the state treasury ~~and the remainder of the registration fee, two hundred fifty dollars~~ for each registered product to the environment and rangeland protection fund, and the remainder of the registration fee for each registered product to the chemical and registration equity fund.

5. ~~Be accompanied by a material safety data sheet.~~

3. The commissioner may require an applicant or registrant to provide efficacy, toxicity, residue, and any other data necessary to determine if the pesticide will perform its intended function without unreasonable adverse effects on the environment.

4. If the commissioner finds that the application conforms to law, the commissioner shall issue to the applicant a certificate of registration of the product.

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

6. 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.

7. 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.

8. Each product must go through a two-year discontinuance period in order to clear all outstanding products in the channel of trade.

9. 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.

SECTION 3. A new section to chapter 19-18 of the North Dakota Century Code is created and enacted as follows:

Chemical and rebate equity fund - Continuing appropriation. The chemical and rebate equity fund is a special fund in the state treasury. All moneys in the fund are appropriated on a continuing basis to the commissioner for the purpose of providing rebates to persons who apply pesticides to land or crops in this state.