

**SENATE BILL NO. 2323**

Introduced by

Senators Wanzek, Christmann, Klein

Representatives D. Johnson, Mueller, Pollert

1 A BILL for an Act to 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, 2007) 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 to be registered.
  - 12 c. Be accompanied by a current label of each product to be registered.
  - 13 d. Be accompanied by a registration fee of three hundred fifty dollars for each  
14 product to be registered. At the close of each calendar month, the  
15 commissioner shall transmit to the state treasurer all moneys received for the  
16 registrations. The state treasurer shall credit fifty dollars for each registered  
17 product to the general fund in the state treasury and the remainder of the  
18 registration fee for each registered product to the environment and rangeland  
19 protection fund.
  - 20 e. Be accompanied by a material safety data sheet for each product to be  
21 registered.
- 22 2. The commissioner may require an applicant or registrant to provide efficacy,  
23 toxicity, residue, and any other data necessary to determine if the pesticide will  
24 perform its intended function without unreasonable adverse effects on the

- 1 environment. If the commissioner finds that the application conforms to law, the  
2 commissioner shall issue to the applicant a certificate of registration of the product.
- 3 3. Each registration covers a designated two-year period beginning January first of  
4 each even-numbered year and expiring December thirty-first of the following year.  
5 A certificate of registration may not be issued for a term longer than two years, and  
6 is not transferable from one person to another, or from the ownership to whom  
7 issued to another ownership. A penalty of fifty percent of the license or registration  
8 fee must be imposed if the license or certificate of registration is not applied for on  
9 or before January thirty-first following the expiration date. Each product must go  
10 through a two-year discontinuance period in order to clear all outstanding products  
11 in the channel of trade.
- 12 4. This section does not apply to a pesticide sold by a retail dealer if the registration  
13 fee has been paid by the manufacturer, jobber, or any other person, as required by  
14 this section.

15 **(Effective July 1, 2007) Registration - Fees.**

- 16 1. Any person before selling or offering for sale any pesticide for use within this state  
17 shall file biennially with the commissioner an application for registration of the  
18 pesticide. The application must:
- 19 4- a. Give the name and address of each manufacturer or distributor.  
20 2- b. Give the name and brand of each product to be registered.  
21 3- c. Be accompanied by a current label of each product to be registered.  
22 4- d. Be accompanied by a registration fee of three hundred dollars for each  
23 product to be registered. ~~At the close of each calendar month, the~~  
24 ~~commissioner shall transmit to the state treasurer all moneys received for the~~  
25 ~~registrations. The state treasurer shall credit fifty dollars for each registered~~  
26 ~~product to the general fund in the state treasury and the remainder of the~~  
27 ~~registration fee for each registered product to the environment and rangeland~~  
28 ~~protection fund.~~
- 29 5- e. Be accompanied by a material safety data sheet for each product to be  
30 registered.

- 1           2. The commissioner may require an applicant or registrant to provide efficacy,  
2           toxicity, residue, and any other data necessary to determine if the pesticide will  
3           perform its intended function without unreasonable adverse effects on the  
4           environment.
- 5           3. If the commissioner finds that the application conforms to law, the commissioner  
6           shall issue to the applicant a certificate of registration of the product.
- 7           4. Each registration covers a designated two-year period beginning January first of  
8           each even-numbered year and expiring December thirty-first of the following year.  
9           A certificate of registration may not be issued for a term longer than two years, and  
10          is not transferable from one person to another, or from the ownership to whom  
11          issued to another ownership. A penalty of fifty percent of the license or registration  
12          fee must be imposed if the license or certificate of registration is not applied for on  
13          or before January thirty-first following the expiration date. Each product must go  
14          through a two-year discontinuance period in order to clear all outstanding products  
15          in the channel of trade.
- 16          5. At the close of each calendar month, the commissioner shall transmit to the state  
17          treasurer all registration fees received. The state treasurer shall credit the  
18          registration fees to the environment and rangeland protection fund.
- 19          6. This section does not apply to a pesticide sold by a retail dealer if the registration  
20          fee has been paid by the manufacturer, jobber, or any other person, as required by  
21          this section.

22           **SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the  
23          environment and rangeland protection fund in the state treasury, not otherwise appropriated,  
24          the sum of \$325,000, or so much of the sum as may be necessary, to the agriculture  
25          commissioner for the purpose of establishing an endangered species program, for the biennium  
26          beginning July 1, 2007, and ending June 30, 2009.