

Introduced by

Representatives Nicholas, Aarsvold

Senators Nichols, Klein

(At the request of the Agriculture Commissioner)

1 A BILL for an Act to provide for the continuation of an agricultural pesticide and pesticide  
2 container disposal program; and to provide an expiration date.

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

4 **SECTION 1. Pesticide and pesticide container disposal program - Pesticide**  
5 **container management - Compensation.**

- 6 1. The definitions contained in section 4-35-05 apply to this section.
- 7 2. In consultation with an advisory board consisting of the state health officer, director  
8 of the North Dakota state university extension service, two individuals representing  
9 agribusiness organizations, two individuals representing farm organizations, all of  
10 whom must be selected by the agriculture commissioner, the commissioner shall  
11 continue to implement the project authorized by section 1 of chapter 77 of the 2001  
12 Session Laws, which is known as project safe send. The purpose of the project is  
13 to:
- 14 a. Collect and either recycle or dispose of unusable pesticides and unusable  
15 pesticide containers. The commissioner shall provide for the establishment  
16 and operation of temporary collection sites for the pesticides and pesticide  
17 containers. The commissioner may limit the type and quantity of pesticides  
18 and pesticide containers acceptable for collection.
- 19 b. Promote proper pesticide container management. In consultation with the  
20 director of the North Dakota state university extension service, the  
21 commissioner shall evaluate and promote proper methods of pesticide  
22 container management, including information on the variety of pesticide  
23 containers available.

1           3. Any entity collecting pesticide containers or unusable pesticides shall manage and  
2           dispose of the containers and pesticides in compliance with applicable federal and  
3           state requirements. When called upon, any state agency shall assist the  
4           commissioner in implementing the project.

5           4. For services rendered in connection with the design and implementation of this  
6           project, the members selected by the commissioner are entitled to reimbursement  
7           for mileage and travel expenses in the same manner and for the same amounts  
8           provided for state employees and officials. Compensation and expense  
9           reimbursement must be paid from the environment and rangeland protection fund.

10           **SECTION 2. Project scope and evaluation - Proposed legislation.** The project  
11           described in section 1 of this Act must occur in areas to be determined by the agriculture  
12           commissioner in consultation with the advisory board under subsection 2 of section 1 of this  
13           Act. Before December 12, 2004, the commissioner shall determine whether the project  
14           implemented and continued under section 1 of this Act should be continued. If the  
15           commissioner determines that the project should be continued or expanded, the commissioner  
16           shall introduce appropriate legislation in the fifty-ninth legislative assembly.

17           **SECTION 3. Project safe send pesticide and pesticide container collection - User**  
18           **fees.** The agriculture commissioner, in consultation with the advisory board for the project safe  
19           send pesticide and pesticide container disposal program, may charge a fee for collection of  
20           rinsate. The fees must be established at a level that will generate enough revenue to cover the  
21           cost of disposal associated with the rinsate that is collected. Collections from this fee must be  
22           deposited in the environment and rangeland protection fund.

23           **SECTION 4. EXPIRATION DATE.** This Act is effective through July 31, 2005, and  
24           after that date is ineffective.