

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO.

Introduced by

Senator Lindaas

1 A BILL for an Act to amend and reenact sections 4-35.1-03 and 4-35.1-04 of the North Dakota
2 Century Code, relating to agricultural chemigation requirements.

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

4 **SECTION 1. AMENDMENT.** Section 4-35.1-03 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **4-35.1-03. Rules - Standards for application through irrigation system,**
7 **installation, maintenance, and modifications.**

8 1. The ~~agriculture~~ commissioner shall adopt rules regulating chemigation through
9 irrigation systems in this state to minimize the possibility of chemical, pesticide,
10 fertilizer, or other contamination of irrigation water supply and other rules as
11 necessary to implement this chapter. The rules required under this subsection
12 must:

13 a. Provide that there be two check valves on any irrigation system;
14 b. Provide that chemigation tanks have a secondary containment system such
15 as a dike or a concrete enclosure; and
16 c. Prohibit the storage of chemicals within scientifically justifiable setback
17 distances from water sources.

18 2. The commissioner may ~~establish by rule~~ adopt rules establishing standards for:

19 a. The application of pesticides and fertilizers through irrigation systems; ~~for~~

20 b. The installation and maintenance of all equipment and devices used for
21 chemigation purposes; ~~for modifications~~

22 c. Modifications or changes in design, technology, or irrigation practices; ~~or for~~
23 and

d. ~~Any other purposes relating~~ purpose related to the use or placement of
equipment or devices.

3. The commissioner may adopt rules requiring periodic calibration and inspection of
equipment and system operation during periods of chemigation.

SECTION 2. AMENDMENT. Section 4-35.1-04 of the North Dakota Century Code is
amended and reenacted as follows:

4-35.1-04. Inspections. The state engineer and the state department of health shall
cooperate with the commissioner in the inspection of any irrigation system using chemigation.
~~The~~ If the state engineer ~~shall inform the commissioner of~~ or the state department of health
discovers any violation of this chapter ~~that is discovered~~ in the course of the state engineer's or
the department's regular inspections of irrigation systems using chemigation, the inspecting
entity shall inform the commissioner.