

Introduced by

Agriculture Committee

Representatives Aarsvold, D. Johnson

Senators Heckaman, Flakoll

(At the request of the Agriculture Commissioner)

1 A BILL for an Act to amend and reenact sections 4-35.2-01, 4-35.2-02, and 4-35.2-03 of the
2 North Dakota Century Code, relating to making permanent law of the agricultural pesticide and
3 pesticide container disposal program; and to provide an effective date.

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

5 **SECTION 1. AMENDMENT.** Section 4-35.2-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **4-35.2-01. (~~Effective through July 31, 2007~~) Pesticide and pesticide container**
8 **disposal program - Pesticide container management - Compensation.**

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

- 1 b. Promote proper pesticide container management. In consultation with the
2 director of the North Dakota state university extension service, the
3 commissioner shall evaluate and promote proper methods of pesticide
4 container management, including information on the variety of pesticide
5 containers available.
- 6 3. Any entity collecting pesticide containers or unusable pesticides shall manage and
7 dispose of the containers and pesticides in compliance with applicable federal and
8 state requirements. When called upon, any state agency shall assist the
9 commissioner in implementing the project.
- 10 4. For services rendered in connection with the design and implementation of this
11 project, the members selected by the commissioner are entitled to reimbursement
12 for mileage and travel expenses in the same manner and for the same amounts
13 provided for state employees and officials. Compensation and expense
14 reimbursement must be paid from the environment and rangeland protection fund.

15 **SECTION 2. AMENDMENT.** Section 4-35.2-02 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **4-35.2-02. ~~(Effective through July 31, 2007)~~ Project scope and evaluation.** The
18 project described in section 4-35.2-01 must occur in areas to be determined by the agriculture
19 commissioner in consultation with the advisory board under subsection 2 of section 4-35.2-01.

20 **SECTION 3. AMENDMENT.** Section 4-35.2-03 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **4-35.2-03. ~~(Effective through July 31, 2007)~~ Project safe send pesticide and**
23 **pesticide container collection - User fees.** The agriculture commissioner, in consultation
24 with the advisory board for the project safe send pesticide and pesticide container disposal
25 program, may charge a fee for collection of rinsate. The fees must be established at a level
26 that will generate enough revenue to cover the cost of disposal associated with the rinsate that
27 is collected. Collections from this fee must be deposited in the environment and rangeland
28 protection fund.