

Sixtieth  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1085

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 create and enact a new section to chapter 4-35.2 of the North Dakota  
2 Century Code, relating to a report by the agriculture commissioner on the status of the pesticide  
3 container disposal program; to amend and reenact sections 4-35.2-01, 4-35.2-02, and  
4 4-35.2-03 of the North Dakota Century Code, relating to making permanent law of the  
5 agricultural pesticide and pesticide container disposal program; and to provide an effective  
6 date.

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

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

10 **4-35.2-01. (~~Effective through July 31, 2007~~) Pesticide and pesticide container**  
11 **disposal program - Pesticide container management - Compensation.**

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

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

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

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

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

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

1           **SECTION 4.** A new section to chapter 4-35.2 of the North Dakota Century Code is  
2 created and enacted as follows:

3           **Report on pesticide container disposal program.** The agriculture commissioner  
4 shall submit a biennial report to a joint meeting of the house of representatives and senate  
5 agriculture committees on the status of the pesticide container disposal program.