

**Sixtieth Legislative Assembly of North Dakota
In Regular Session Commencing Wednesday, January 3, 2007**

HOUSE BILL NO. 1085
(Agriculture Committee)
(Representatives Aarsvold, D. Johnson)
(Senators Heckaman, Flakoll)
(At the request of the Agriculture Commissioner)

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

1. The definitions contained in section 4-35-05 apply to this section.
2. In consultation with an advisory board consisting of the state health officer, director of the North Dakota state university extension service, two individuals representing agribusiness organizations, and two individuals representing farm organizations, all of whom must be selected by the agriculture commissioner, the commissioner shall continue to implement the project authorized by section 1 of chapter 77 of the 2001 Session Laws, which is known as project safe send. The purpose of the project is to:
 - a. Collect and either recycle or dispose of unusable pesticides and unusable pesticide containers. The commissioner shall provide for the establishment and operation of temporary collection sites for the pesticides and pesticide containers. The commissioner may limit the type and quantity of pesticides and pesticide containers acceptable for collection.
 - b. Promote proper pesticide container management. In consultation with the director of the North Dakota state university extension service, the commissioner shall evaluate and promote proper methods of pesticide container management, including information on the variety of pesticide containers available.
3. Any entity collecting pesticide containers or unusable pesticides shall manage and dispose of the containers and pesticides in compliance with applicable federal and state requirements. When called upon, any state agency shall assist the commissioner in implementing the project.
4. For services rendered in connection with the design and implementation of this project, the members selected by the commissioner are entitled to reimbursement for mileage and travel expenses in the same manner and for the same amounts provided for state employees and officials. Compensation and expense reimbursement must be paid from the environment and rangeland protection fund.

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

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

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

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

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

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

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixtieth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1085.

House Vote: Yeas 90 Nays 3 Absent 1

Senate Vote: Yeas 47 Nays 0 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2007.

Approved at _____ M. on _____, 2007.

Governor

Filed in this office this _____ day of _____, 2007,

at _____ o'clock _____ M.

Secretary of State