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HOUSE BILL 392

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

G. X. MCSHERRY

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO PUBLIC HEALTH; CHANGING THE MEMBERSHIP AND DUTIES OF THE PESTICIDE ADVISORY BOARD.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 76-4-36 NMSA 1978 (being Laws 1973, Chapter 366, Section 36, as amended) is amended to read:

"76-4-36. PESTICIDE ADVISORY BOARD--CREATED--MEMBERS--PURPOSE-- [~~DETERMINATION OF ESSENTIAL USES~~] DUTIES. --

A. There is created the "pesticide advisory board" consisting of the dean of the college of agriculture at New Mexico state university, the [~~director of the environmental improvement division of the health and~~] secretary of environment [department], the secretary of [~~natural resources, the secretary of the department of finance and administration~~] health and the director of the New Mexico department of agriculture or their

Underscored material = new
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1 designees; ~~[and four]~~ two members to be appointed by the
2 director ~~[of the department]~~ who are residents of this state
3 ~~[and three of whom shall be]~~ licensed under the provisions of
4 the Pesticide Control Act, one of whom shall have knowledge
5 about and practice integrated pest management; and three public
6 members who are residents of this state but who receive no
7 direct or indirect financial benefit from the pesticide industry
8 and who shall be appointed by the governor. The appointed
9 members shall be named to four-year terms staggered so that no
10 more than two terms expire in any year. In the initial
11 appointment, one of the members appointed by the director and
12 one member appointed by the governor shall be named to four-year
13 terms. The director or his designee shall be the chairman of
14 the pesticide advisory board.

15 B. The pesticide advisory board is created to
16 ~~[assure the continuation of the basic policy of the state to]~~
17 advise on pesticide regulations and issues in order to better
18 protect and improve the environment [by assuring the proper
19 registration, distribution and use of pesticides and devices]
20 and public health.

21 ~~[B.]~~ C. The pesticide advisory board shall meet at
22 least [once] twice each year at the call of the chairman to
23 review pesticide regulations, [and pesticides in use or proposed
24 to be used in the state, and advise which pesticides should not
25 be registered in the state, which should be designated

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1 ~~restricted use pesticides, and the use to which restricted use~~
2 ~~pesticides may be put. In determining the use to which~~
3 ~~restricted use pesticides may be put] address citizen concerns~~
4 about pesticides through public meetings and other means and
5 publish information on pesticide issues as appropriate.

6 Additional meetings may be called by the chairman or upon
7 petition of five or more members of the pesticide advisory
8 board. In evaluating a pesticide's use, the pesticide advisory
9 board shall consider the need for control of the target pest,
10 whether the use of effective alternate materials or methods is
11 [~~practicable~~] practical and whether the use of pesticides or
12 alternate materials or methods is hazardous to the environment
13 or public health and welfare, or both.

14 [C.] D. The findings of the pesticide advisory board
15 shall be submitted annually to the board for use in promulgating
16 regulations pursuant to the Pesticide Control Act and to advise
17 the department on other pesticide issues.

18 [D.] E. Nongovernmental members of the pesticide
19 advisory board shall receive per diem and mileage as provided in
20 the Per Diem and Mileage Act for attending official meetings of
21 the pesticide advisory board. "

State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE

FIRST SESSION, 1997

February 25, 1997

Mr. Speaker:

Your AGRICULTURE AND WATER RESOURCES COMMITTEE,
to whom has been referred

HOUSE BILL 392

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 2, line 1, strike "two" and insert in lieu
thereof "three".

2. On page 2, lines 4 and 5, strike "have knowledge about
and practice integrated pest management" and insert in lieu
thereof "be a private applicator and two of whom shall be
commercial applicators".

3. On page 2, line 8, between "governor" and the period
insert "from a list of candidates provided by the governmental
representatives on the board".,

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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and thence referred to the BUSINESS AND INDUSTRY
COMMI TTEE.

Respectfully submitted,

G. X. McSherry, Chairman

Adopted _____ Not Adopted _____

(Chi ef Clerk)

(Chi ef Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

Excused: Porter

Absent: None

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State of New Mexico House of Representatives

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

March 11, 1997

Mr. Speaker:

**Your BUSINESS AND INDUSTRY COMMITTEE, to whom has
been referred**

HOUSE BILL 392, as amended

**has had it under consideration and reports same with
recommendation that it DO PASS.**

Respectfully submitted,

Fred Luna, Chairman

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 11 For 0 Against

Yes: 11

Excused: Corley, Getty

Absent: None

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Underscored material = new
~~[bracketed material] = delete~~