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SENATE BILL 216

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

INTRODUCED BY

CARLOS R. CISNEROS

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

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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

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

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

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

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