

By: Easley of the Senate
and
Rice of the House

An Act relating to agriculture and environment and natural resources; amending 2 O.S. 1991, Section 3-63, which relates to pesticides; authorizing the State Board of Agriculture to determine certain date of permit renewals; amending Section 1, Chapter 96, O.S.L. 1994 (27A O.S. Supp. 1998, Section 1-1-206), which relates to economic impact and environmental benefit statements; modifying certain time period for issuance of statements; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 2 O.S. 1991, Section 3-63, is amended to read as follows:

Section 3-63. (a) Every pesticide or device which is distributed, sold or offered for sale within this state or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state shall be registered with the State Board of Agriculture; and such registration shall be renewed annually and shall expire on ~~the 31st day of December next following its issuance~~ a date to be determined by the Board. The registrant shall file with the Board a statement including:

(1) the name and address of the registrant and the name and address of the person whose name will appear on the label, if other than the registrant;

(2) the name of the pesticide or device;

(3) a complete copy of the labeling accompanying the pesticide or device and a statement of all claims to be made for it including directions for use; and

(4) if requested by the Board a full description of the tests made and the results thereof upon which the claims are based. In the case of renewal registration, a statement shall be required only with respect to information which is different from that furnished when the pesticide or device was registered or last reregistered.

(b) Each registrant shall pay to the Board an annual registration fee of Fifty Dollars (\$50.00) for each pesticide or device label registered, and such fee, when collected, shall be deposited in the State Department of Agriculture Revolving Fund.

(c) The Board, whenever it deems it to be necessary in the administration of this subarticle, may require the submission of the complete formula of any pesticide. If it appears to the Board that the composition of the article is such as to warrant the proposed claims for it and if the article and its labeling and other material required to be submitted comply with the requirements of this subarticle, then such article shall be registered.

(d) If it does not appear to the Board that the article is such as to warrant the proposed claims for it or if the article and its labeling and other material required to be submitted do not comply with the provisions of this subarticle, it shall notify the applicant of the manner in which the article, labeling or other material required to be submitted fails to comply, so as to afford the applicant an opportunity to make the necessary corrections. If, upon receipt of such notice, the applicant insists that such corrections are not necessary and requests in writing that the article be registered, the Board, after receiving a written request for a hearing, shall provide him an opportunity for such hearing before refusing to issue registration. In order to protect the public, the Board, on its own motion, after hearing, may at any time cancel the registration of a pesticide or device. In no event shall registration of an article be considered as a defense or excuse for

the commission of any offense prohibited under Section 3-62 of this title.

(e) Notwithstanding any other of the provisions of this subarticle, registration shall not be required in the case of a pesticide shipped from one plant or place within this state to another plant or place within this state that is operated by the same person.

SECTION 2. AMENDATORY Section 1, Chapter 96, O.S.L. 1994 (27A O.S. Supp. 1998, Section 1-1-206), is amended to read as follows:

Section 1-1-206. A. Each state environmental agency in promulgation of permanent rules within its areas of environmental jurisdiction, prior to the submittal to public comment and review of any rule that is more stringent than corresponding federal requirements, unless such stringency is specifically authorized by state statute, shall duly determine the economic impact and the environmental benefit of such rule on the people of the State of Oklahoma including those entities that will be subject to the rule. Such determination shall be in written form.

B. Such economic impact and environmental benefit statement of a proposed permanent rule shall be issued prior to or within ~~fifteen~~ (15) thirty (30) days after the date of publication of the notice of the proposed permanent rule adoption. The statement may be modified after any hearing or comment period afforded pursuant to Article I of the Administrative Procedures Act.

C. The economic impact and environmental benefit statement shall be submitted to the Governor pursuant to Section 303.1 of Title 75 of the Oklahoma Statutes and to the Legislature pursuant to Section 308 of Title 75 of the Oklahoma Statutes. Such reports submitted to the Governor and to the Legislature shall include a brief summary of any public comments made concerning the statement and any response by the agency to the public comments demonstrating

a reasoned evaluation of the relative impacts and benefits of the more stringent regulation.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 10th day of March, 1999.

President of the Senate

Passed the House of Representatives the ____ day of _____ ,
1999.

Speaker of the House of
Representatives