

HOUSE BILL NO. 148

INTRODUCED BY MANUEL, ERNST

IN THE HOUSE

January 11, 1985	Introduced and referred to Committee on Agriculture, Livestock and Irrigation.
January 19, 1985	Committee recommend bill do pass as amended. Report adopted. Statement of Intent attached.
January 22, 1985	Bill printed and placed on members' desks.
January 24, 1985	Second reading, Statement of Intent amended. Second reading, do pass.
January 25, 1985	Considered correctly engrossed.
January 26, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

January 28, 1985	Introduced and referred to Committee on Agriculture, Livestock and Irrigation.
February 6, 1985	Committee recommend bill be concurred in. Report adopted.
February 7, 1985	Second reading, concurred in.
February 9, 1985	Third reading, concurred in. Ayes, 50; Noes, 0. Returned to House.

IN THE HOUSE

February 11, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 148
2 INTRODUCED BY Manuel, Ernest

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE
5 REQUALIFICATION TRAINING REQUIREMENTS FOR FARM APPLICATORS
6 UNDER THE MONTANA PESTICIDES ACT; AMENDING SECTION 80-8-209,
7 MCA."
8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 80-8-209, MCA, is amended to read:
11 "80-8-209. Farm applicators. (1) Farm applicators
12 shall obtain a special-use permit prior to purchasing and
13 using any pesticide designated by the department as a
14 restricted-use pesticide. The fee for the permit is \$15.
15 The special-use permit shall be effective for 5 calendar
16 years. The department may establish a staggered years system
17 of issuing permits.

18 (2) Restricted pesticides may not be utilized by farm
19 applicators or their employees except for the purpose of
20 producing or protecting any agricultural commodity on
21 property owned, leased, or rented by such applicator.

22 (3) Farm applicators shall qualify for their first
23 permit by either passing a graded written examination or
24 attending a training course approved by the department and
25 taking an ungraded written examination. The examinations and

1 course shall require and demonstrate practical knowledge of
2 the applicator's ability to:

3 (a) recognize common pests to be controlled and damage
4 caused by them;

5 (b) read and understand the label and labeling
6 information, including the common name of the pesticide(s)
7 applied, pest(s) to be controlled, timing and methods of
8 application, safety precautions, any preharvest or reentry
9 restrictions, and any specific disposal procedures;

10 (c) apply pesticides in accordance with label
11 instructions and warnings, including the ability to prepare
12 the proper concentration of pesticides to be used under
13 particular circumstances, taking into account such factors
14 as area to be covered, speed at which application equipment
15 will be driven, and the quantity dispersed in a given period
16 of operation;

17 (d) recognize local environmental situations that must
18 be considered during application to avoid contamination; and

19 (e) recognize poisoning symptoms and procedures to
20 follow in case of a pesticide accident.

21 (4) The department may require farm applicators to
22 attend a mandatory training session and pass a written
23 examination for those restricted pesticides that are
24 extremely toxic or for which an effective antidote is not
25 available. The department may require farm applicators



1 handling these pesticides to maintain use records.

2 (5) The department shall require farm applicators to
3 requalify for renewal of the 5-year permit by ~~obtaining-100~~
4 ~~training-credits attending a 6-hour training program.~~ The
5 department shall establish by rule a uniform system of
6 administering the requalification training credits program.
7 The department may credit only training related to the
8 standards set forth in subsection (3).

9 (6) Provisions of this chapter relating to
10 certification of farm applicators do not apply to any farm
11 applicator applying nonrestricted pesticides on his own land
12 or on lands of his neighbors if he:

13 (a) operates farm property and operates and maintains
14 pesticide application equipment primarily for his own use;

15 (b) is not regularly engaged in the business of
16 applying pesticides for hire and does not publicly hold
17 himself out as a pesticide applicator;

18 (c) operates his pesticide application equipment only
19 in the vicinity of his own property and for the
20 accommodation of his immediate neighbors."

21 NEW SECTION. Section 2. Extension of authority. Any
22 existing authority of the department of agriculture to make
23 rules on the subject of the provisions of this act is
24 extended to the provisions of this act.

-End-

APPROVED BY COMMITTEE
ON AGRICULTURE LIVESTOCK
AND IRRIGATION

1 STATEMENT OF INTENT
2 HOUSE BILL 148

3
4 This bill requires a statement of intent because the
5 training program required in section 1, amending
6 80-8-209(5), must be administered according to rules to be
7 promulgated by the department.

8 It is the intent of the legislature that the rules
9 shall provide for training which ensures that each
10 participant possesses the qualifications listed in
11 80-8-209(3). The department shall provide for a schedule of
12 training sessions which will enable an applicant for
13 recertification to obtain the required training either in a
14 1-day segment or over an extended period. In either case no
15 applicant for recertification may be recertified unless he
16 has received part or all of the required training within 1
17 year prior to the commencement of the 5-year period for
18 which recertification is sought.

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