

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0186.01 Thomas Morris x4218

SENATE BILL 15-119

SENATE SPONSORSHIP

Sonnenberg, Baumgardner

HOUSE SPONSORSHIP

Becker K.,

Senate Committees

Agriculture, Natural Resources, & Energy

House Committees

A BILL FOR AN ACT

101 CONCERNING CONTINUATION OF THE REGULATION OF PESTICIDE
102 APPLICATORS BY THE DEPARTMENT OF AGRICULTURE, AND, IN
103 CONNECTION THEREWITH, IMPLEMENTING THE
104 RECOMMENDATIONS OF THE 2014 SUNSET REPORT BY THE
105 DEPARTMENT OF REGULATORY AGENCIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Sunset Process - Senate Agriculture, Natural Resources, and Energy Committee. The bill implements the recommendations of the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

sunset review and report on the regulation of pesticide applicators by the department of agriculture by:

- ! Extending the repeal date of the regulatory program until September 1, 2024 (**sections 1 and 2** of the bill);
- ! Adding a representative of the agricultural sector affected by the federal pesticide worker protection standard and a representative of organic farmers to the pesticide advisory committee (**section 3**);
- ! Reducing the period for which private applicators must maintain records from 3 years to 2 years in keeping with applicable federal requirements (**section 4**); and
- ! Measuring the deadline for licensing applications by when the application is received rather than by when it is postmarked (**sections 5 and 6**).

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 24-34-104, **repeal**
3 (46) (i); and **add** (55) (j) as follows:

4 **24-34-104. General assembly review of regulatory agencies**
5 **and functions for termination, continuation, or reestablishment.**

6 (46) The following agencies, functions, or both shall terminate on July
7 1, 2015:

8 (i) ~~The regulation of commercial applicators, qualified~~
9 ~~supervisors, certified operators, and private applicators by the~~
10 ~~commissioner of agriculture in accordance with article 10 of title 35,~~
11 ~~C.R.S.;~~

12 (55) The following agencies, functions, or both, terminate on
13 September 1, 2024:

14 (j) THE REGULATION BY THE COMMISSIONER OF AGRICULTURE OF
15 THE APPLICATION OF PESTICIDES PURSUANT TO ARTICLE 10 OF TITLE 35,
16 C.R.S.

17 **SECTION 2.** In Colorado Revised Statutes, **amend** 35-10-128 as

1 follows:

2 **35-10-128. Repeal of article - termination of functions.**

3 Effective ~~July 1, 2015~~ SEPTEMBER 1, 2024, this article is repealed. ~~The~~
4 ~~regulatory functions of the commissioner of agriculture shall also~~
5 ~~terminate on July 1, 2015.~~ Prior to such THE repeal, ~~and termination, the~~
6 ~~regulatory functions shall be reviewed~~ THE DEPARTMENT OF REGULATORY
7 AGENCIES SHALL REVIEW THE REGULATION BY THE COMMISSIONER OF THE
8 APPLICATION OF PESTICIDES PURSUANT TO THIS ARTICLE as provided for
9 in section 24-34-104, C.R.S., and ~~as part of such review, the department~~
10 ~~of regulatory agencies~~ shall report on the extent of local regulation of
11 pesticides pursuant to section 31-15-707 (1) (b), C.R.S., or under the
12 police power of any political subdivision of the state.

13 **SECTION 3.** In Colorado Revised Statutes, 35-10-125, **amend**
14 (1), (2) introductory portion, and (2) (h); and **add** (2) (j) and (2) (k) as
15 follows:

16 **35-10-125. Advisory committee.** (1) The state agricultural
17 commission created by section 35-1-105 shall appoint an advisory
18 committee of ~~eleven~~ THIRTEEN members to assist the commissioner in
19 promulgating rules ~~and regulations~~ to carry out ~~the provisions of this~~
20 article.

21 (2) The committee ~~shall consist~~ CONSISTS of the following
22 members:

23 (h) A representative from the Colorado department of public
24 health and environment; ~~and~~

25 (j) A REPRESENTATIVE FROM THE AGRICULTURAL SECTOR WHO IS
26 ACTIVELY ENGAGED IN AGRICULTURAL PRODUCTION AND IS AFFECTED BY
27 THE FEDERAL WORKER PROTECTION STANDARDS SET FORTH IN 40 CFR

1 PART 170; AND

2 (k) A REPRESENTATIVE FROM THE AGRICULTURAL SECTOR WHO IS
3 ACTIVELY ENGAGED IN ORGANIC AGRICULTURAL PRODUCTION.

4 **SECTION 4.** In Colorado Revised Statutes, **amend** 35-10-111 as
5 follows:

6 **35-10-111. Record-keeping requirements.** (1) Each
7 commercial, registered limited commercial, licensed private, and
8 registered public applicator shall keep and maintain records of each
9 pesticide application in the form and manner designated by the
10 commissioner. ~~Such~~ THE APPLICATOR SHALL RETAIN THE records ~~shall be~~
11 ~~retained~~ for a ~~period~~ of three years after the date of the pesticide
12 application; ~~and~~ EXCEPT THAT THE RECORD RETENTION PERIOD FOR
13 PRIVATE APPLICATORS IS TWO YEARS.

14 (2) THE RECORDS shall be kept AS FOLLOWS:

15 (a) FOR A COMMERCIAL APPLICATOR, at the address specified in
16 the application for the commercial applicator's business license; ~~or, in the~~
17 ~~case of~~

18 (b) FOR A registered limited commercial ~~and~~ OR registered public
19 ~~applicators~~ APPLICATOR, at the address specified in the registry authorized
20 in section 35-10-109; ~~or in the case of~~

21 (c) FOR A licensed private ~~applicators~~, APPLICATOR, at the address
22 of record on file with the commissioner.

23 **SECTION 5.** In Colorado Revised Statutes, 35-10-107, **amend**
24 (2) and (3) as follows:

25 **35-10-107. Commercial applicator business license - renewals.**

26 (2) If the application for renewal is not ~~postmarked~~ RECEIVED on or
27 before the expiration date of the license, a penalty fee of ten percent of

1 the renewal fee shall be assessed and added to the renewal fee. No license
2 shall be renewed until the total fee is paid.

3 (3) If the application and fee for renewal are not ~~postmarked~~
4 RECEIVED on or before the thirtieth day following the expiration date of
5 the license, the business license shall not be renewed, and the commercial
6 applicator shall apply for a new license.

7 **SECTION 6.** In Colorado Revised Statutes, 35-10-116, **amend**
8 (5) as follows:

9 **35-10-116. Qualified supervisor and certified operator licenses**
10 **- expiration - renewal of licenses - reinstatement.** (5) If the application
11 and fee for renewal of any license issued pursuant to section 35-10-115
12 are not ~~postmarked~~ RECEIVED on or before the thirtieth day following the
13 expiration date of the license, the license shall not be renewed and the
14 licensee shall apply for a new license.

15 **SECTION 7. Applicability.** This act applies to conduct occurring
16 on or after July 1, 2015.

17 **SECTION 8. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, and safety.