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


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
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).

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

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

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

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

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

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

      (j) The regulation by the commissioner of agriculture of the application of pesticides pursuant to article 10 of title 35, C.R.S.

  2 SECTION 2. In Colorado Revised Statutes, amend 35-10-128 as
follows:

35-10-128. Repeal of article - termination of functions.
Effective July 1, 2015 SEPTEMBER 1, 2024, this article is repealed. The regulatory functions of the commissioner of agriculture shall also terminate on July 1, 2015. Prior to such THE repeal, and termination, the regulatory functions shall be reviewed. THE DEPARTMENT OF REGULATORY AGENCIES SHALL REVIEW THE REGULATION BY THE COMMISSIONER OF THE APPLICATION OF PESTICIDES PURSUANT TO THIS ARTICLE as provided for in section 24-34-104, C.R.S., and as part of such review, the department of regulatory agencies shall report on the extent of local regulation of pesticides pursuant to section 31-15-707 (1) (b), C.R.S., or under the police power of any political subdivision of the state.

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

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

(2) The committee shall consist of the following members:

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

(j) A REPRESENTATIVE FROM THE AGRICULTURAL SECTOR WHO IS ACTIVELY ENGAGED IN AGRICULTURAL PRODUCTION AND IS AFFECTED BY THE FEDERAL WORKER PROTECTION STANDARDS SET FORTH IN 40 CFR
PART 170; AND

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

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

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

(2) THE RECORDS shall be kept AS FOLLOWS:

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

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

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

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

(2) If the application for renewal is not postmarked RECEIVED on or
before the expiration date of the license, a penalty fee of ten percent of
the renewal fee shall be assessed and added to the renewal fee. No license shall be renewed until the total fee is paid.

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

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

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

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

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