

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0428.01 Sarah Lozano x3858

HOUSE BILL 26-1111

HOUSE SPONSORSHIP

Mauro and McCormick,

SENATE SPONSORSHIP

Kipp and Roberts,

House Committees

Agriculture, Water & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A PROGRAM FOR THE END-OF-LIFE**
102 **MANAGEMENT OF PESTICIDE PRODUCTS, AND, IN CONNECTION**
103 **THEREWITH, CREATING THE PESTICIDE PRODUCT DISPOSAL AND**
104 **CONTAINER RECYCLING ENTERPRISE TO DEVELOP AND**
105 **ADMINISTER THE PROGRAM.**

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://leg.colorado.gov>.)

The bill creates the pesticide product disposal and container recycling enterprise (enterprise) in the department of agriculture. The

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

board of directors of the enterprise consists of the members of the state agricultural commission.

The enterprise is tasked with developing and administering a program for the disposal of pesticide products and the recycling of pesticide product containers (program). Along with providing these business services, the program must:

- Organize pesticide product disposal and container recycling events for commercial applicators and private applicators across the state;
- Provide outreach and education to commercial applicators and private applicators on proper and safe disposal and recycling practices and the services provided by the program; and
- Provide certain business services to an applicant that registers a pesticide product with the commissioner of agriculture for sale or distribution in the state (applicant).

The enterprise operates as a government-owned business imposing:

- A pesticide product disposal fee for each pesticide product that is disposed of through the program; and
- A pesticide registration product disposal and container recycling fee on each applicant.

The fees are credited to the pesticide product disposal and container recycling enterprise cash fund for use by the enterprise to carry out the program. Money credited to the fund is subject to annual appropriation by the general assembly.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 10.5 to
3 title 35 as follows:

ARTICLE 10.5

Pesticide Product Disposal and Container Recycling Enterprise

35-10.5-101. Legislative declaration.

8 (1) THE GENERAL ASSEMBLY FINDS THAT:

9 (a) THE ACCUMULATION OF EXCESS OR UNWANTED PESTICIDE

10 PRODUCTS MAY POSE A RISK TO HUMAN HEALTH OR THE ENVIRONMENT

1 BECAUSE:

2 (I) PESTICIDE PRODUCT CONTAINERS MAY BE COMPROMISED BY
3 LENGTHY OR IMPROPER STORAGE, LEADING TO AN INCREASED POTENTIAL
4 FOR RELEASE INTO THE ENVIRONMENT; AND

5 (II) THE ACCUMULATION OF EXCESS OR UNWANTED PESTICIDE
6 PRODUCTS MAY INCREASE THE POTENTIAL FOR IMPROPER DISPOSAL OF
7 THOSE PRODUCTS OR THEIR CONTAINERS WHEN SUITABLE AND SAFE
8 DISPOSAL OPTIONS ARE LACKING AND MAY CAUSE THOSE PRODUCTS OR
9 THE CONTENTS OF THEIR CONTAINERS TO SEEP INTO SOIL, LEACH INTO
10 GROUNDWATER, OR COME INTO CONTACT WITH HUMANS OR OTHER
11 ORGANISMS, WHICH INCREASES THE POTENTIAL FOR ENVIRONMENTAL
12 CONTAMINATION OR HUMAN HEALTH RISK; AND

13 (b) THE ESTABLISHMENT OF A PROGRAM THAT REDUCES THE
14 POTENTIAL RISKS ASSOCIATED WITH THE INCORRECT OR OTHERWISE
15 UNLAWFUL DISPOSAL OF PESTICIDE PRODUCTS AND RECYCLING OF
16 PESTICIDE PRODUCT CONTAINERS SUPPORTS PUBLIC HEALTH AND THE
17 ENVIRONMENT.

18 (2) THE GENERAL ASSEMBLY FURTHER FINDS THAT:

19 (a) A COMMERCIAL APPLICATOR OR PRIVATE APPLICATOR MAY
20 LACK RELIABLE OPPORTUNITIES FOR THE DISPOSAL OF PESTICIDE
21 PRODUCTS OR THE RECYCLING OF PESTICIDE PRODUCT CONTAINERS
22 BECAUSE:

23 (I) A COMMERCIAL APPLICATOR OR PRIVATE APPLICATOR CANNOT
24 DISPOSE OF OR RECYCLE PESTICIDE PRODUCTS IN HOUSEHOLD OR
25 RESIDENTIAL WASTE PROGRAMS BECAUSE THE APPLICATORS POSSESS TOO
26 HIGH OF A VOLUME OF EXCESS OR UNWANTED PESTICIDE PRODUCTS OR
27 OTHERWISE POSSESS RESTRICTED-USE PESTICIDE PRODUCTS THAT REQUIRE

1 SPECIAL HANDLING BEYOND WHAT A HOUSEHOLD OR RESIDENTIAL WASTE
2 PROGRAM CAN PROVIDE; AND

3 (II) THERE ARE A LIMITED NUMBER OF DISPOSAL FACILITIES
4 AVAILABLE TO COMMERCIAL APPLICATORS AND PRIVATE APPLICATORS.
5 THESE FACILITIES ARE GEOGRAPHICALLY DISPERSED AND THUS
6 INCONVENIENT OR COST PROHIBITIVE TO ACCESS OR USE FOR COMMERCIAL
7 APPLICATORS AND PRIVATE APPLICATORS THAT ARE NOT LOCATED NEAR
8 THE FACILITIES.

9 (b) THE ESTABLISHMENT OF A DISPOSAL AND RECYCLING PROGRAM
10 WOULD INCENTIVIZE A COMMERCIAL APPLICATOR'S OR PRIVATE
11 APPLICATOR'S PROPER AND TIMELY MANAGEMENT OF EXCESS OR
12 UNWANTED PESTICIDE PRODUCTS BY PROVIDING A PREDICTABLE,
13 CONVENIENT, COST-EFFECTIVE, AND LAWFUL OPPORTUNITY FOR A
14 COMMERCIAL APPLICATOR OR PRIVATE APPLICATOR TO DISPOSE OF
15 PESTICIDE PRODUCTS OR RECYCLE PESTICIDE PRODUCT CONTAINERS; AND

16 (c) MANUFACTURERS OR DISTRIBUTORS OF PESTICIDE PRODUCTS
17 THAT REGISTER THEIR PRODUCTS FOR SALE OR DISTRIBUTION IN THE STATE
18 ALSO BENEFIT FROM A PESTICIDE DISPOSAL AND RECYCLING PROGRAM
19 BECAUSE THE PROGRAM:

20 (I) REDUCES A REGISTRANT'S ENVIRONMENTAL FOOTPRINT BY
21 PROMOTING THE SUSTAINABLE AND SAFE USE OF THAT REGISTRANT'S
22 PESTICIDE PRODUCT THROUGHOUT THE PRODUCT'S ENTIRE LIFE CYCLE;

23 (II) LESSENS THE REGISTRANT'S BURDEN OF INDEPENDENTLY
24 MANAGING THE DISPOSAL OF PESTICIDE PRODUCTS OR RECYCLING OF
25 PESTICIDE PRODUCT CONTAINERS; AND

26 (III) ALIGNS WITH PRODUCT STEWARDSHIP AND SUSTAINABILITY
27 GOALS SHARED ACROSS THE PESTICIDE INDUSTRY AND SUPPORTED BY THE

1 REQUIREMENT IN THE "FEDERAL INSECTICIDE, FUNGICIDE, AND
2 RODENTICIDE ACT", 7 U.S.C. SEC. 136 ET SEQ., THAT, IN ORDER TO BE
3 REGISTERED AS A PESTICIDE PRODUCT, THE PRODUCT'S LABEL INCLUDE
4 DIRECTIONS FOR SAFE STORAGE, USE, AND DISPOSAL AND FURTHER
5 SUPPORTED BY THE REQUIREMENT THAT REFILLABLE AND NONREFILLABLE
6 PESTICIDE PRODUCT CONTAINERS MEET SPECIFIC DESIGN AND
7 CONSTRUCTION STANDARDS.

8 (3) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT:

9 (a) TO PROMOTE PUBLIC HEALTH AND THE ENVIRONMENT AND TO
10 PROVIDE PROTECTION FROM THE POTENTIAL RISKS POSED BY THE
11 IMPROPER DISPOSAL OF PESTICIDE PRODUCTS OR RECYCLING OF PESTICIDE
12 PRODUCT CONTAINERS, COMMERCIAL APPLICATORS AND PRIVATE
13 APPLICATORS THAT USE THE BUSINESS SERVICES DESCRIBED IN SECTION
14 35-10.5-105 (1)(a)(I) AND APPLICANTS THAT REGISTER A PESTICIDE
15 PRODUCT WITH THE COMMISSIONER FOR SALE OR DISTRIBUTION IN THE
16 STATE SHOULD SUPPORT THE DEVELOPMENT AND ADMINISTRATION OF A
17 PESTICIDE PRODUCT DISPOSAL AND CONTAINER RECYCLING PROGRAM
18 CREATED AS AN ENTERPRISE IN THE DEPARTMENT;

19 (b) THE ACTIVITIES OF THE ENTERPRISE SHOULD BE FUNDED BY
20 REVENUE GENERATED FROM:

21 (I) PESTICIDE PRODUCT DISPOSAL FEES PAID BY COMMERCIAL
22 APPLICATORS AND PRIVATE APPLICATORS THAT USE THE BUSINESS
23 SERVICES DESCRIBED IN SECTION 35-10.5-105 (1)(a)(I); AND

24 (II) PESTICIDE REGISTRATION PRODUCT DISPOSAL AND CONTAINER
25 RECYCLING FEES PAID ANNUALLY BY APPLICANTS THAT REGISTER A
26 PESTICIDE PRODUCT WITH THE COMMISSIONER FOR SALE OR DISTRIBUTION
27 IN THE STATE;

6 (d) IT IS ALSO APPROPRIATE FOR APPLICANTS THAT REGISTER A
7 PESTICIDE PRODUCT WITH THE COMMISSIONER FOR SALE OR DISTRIBUTION
8 IN THE STATE TO PAY THE PESTICIDE REGISTRATION PRODUCT DISPOSAL
9 AND CONTAINER RECYCLING FEE IMPOSED BY THE ENTERPRISE, AS THESE
10 APPLICANTS BENEFIT FROM A PROGRAM THAT PROVIDES FOR THE DISPOSAL
11 OF MANY OF THE PESTICIDE PRODUCTS AND THE RECYCLING OF MANY OF
12 THE CONTAINERS FOR THE PESTICIDE PRODUCTS THAT THESE APPLICANTS
13 SELL OR DISTRIBUTE IN THE STATE;

14 (e) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
15 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896
16 P.2d 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS
17 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE
18 X OF THE STATE CONSTITUTION, THE GENERAL ASSEMBLY CONCLUDES
19 THAT THE PESTICIDE PRODUCT DISPOSAL FEE AND THE PESTICIDE
20 REGISTRATION PRODUCT DISPOSAL AND CONTAINER RECYCLING FEE ARE
21 FEES, NOT TAXES, AND THE ENTERPRISE OPERATES AS A BUSINESS BECAUSE
22 THE PESTICIDE PRODUCT DISPOSAL FEE AND THE PESTICIDE REGISTRATION
23 PRODUCT DISPOSAL AND CONTAINER RECYCLING FEE ARE:

24 (I) IMPOSED FOR THE SPECIFIC BUSINESS PURPOSE OF DEVELOPING
25 AND ADMINISTERING THE PESTICIDE PRODUCT DISPOSAL AND CONTAINER
26 RECYCLING PROGRAM; AND
27 (II) COLLECTED AT A RATE THAT IS REASONABLY RELATED TO THE

1 OVERALL COST OF THE BUSINESS SERVICES BEING PROVIDED; AND
2 (f) SO LONG AS THE ENTERPRISE QUALIFIES AS AN ENTERPRISE FOR
3 PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE
4 REVENUE FROM THE PESTICIDE PRODUCT DISPOSAL FEES AND THE
5 PESTICIDE REGISTRATION PRODUCT DISPOSAL AND CONTAINER RECYCLING
6 FEES IMPOSED, COLLECTED, AND ADMINISTERED BY THE ENTERPRISE IS
7 NOT STATE FISCAL YEAR SPENDING, AS DEFINED IN SECTION 24-77-102
8 (17), OR STATE REVENUES, AS DEFINED IN SECTION 24-77-103.6 (6)(c),
9 AND DOES NOT COUNT AGAINST EITHER THE STATE FISCAL YEAR SPENDING
10 LIMIT IMPOSED BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION
11 OR THE EXCESS STATE REVENUES CAP, AS DEFINED IN SECTION 24-77-103.6
12 (6)(b)(I)(G).

13 **35-10.5-102. Definitions.**

14 AS USED IN THIS ARTICLE 10.5, UNLESS THE CONTEXT OTHERWISE
15 REQUIRES:

16 (1) "BOARD" MEANS THE BOARD OF DIRECTORS OF THE ENTERPRISE
17 CREATED IN SECTION 35-10.5-104 (1)(a).

18 (2) "COMMERCIAL APPLICATOR" HAS THE MEANING SET FORTH IN
19 SECTION 35-10-103 (2).

20 (3) "COMMISSION" MEANS THE STATE AGRICULTURAL
21 COMMISSION.

22 (4) "COMMISSIONER" MEANS THE COMMISSIONER OF
23 AGRICULTURE.

24 (5) (a) "CONTAINER" MEANS A PACKAGE, CAN, BOTTLE, BAG,
25 BARREL, DRUM, TANK, OR OTHER CONTAINING DEVICE, EXCLUDING AN
26 APPLICATION TANK, THAT IS USED TO ENCLOSE A PESTICIDE PRODUCT.

27 (b) "CONTAINER" INCLUDES A CONTAINER THAT IS USED TO SELL

1 OR DISTRIBUTE A PESTICIDE PRODUCT AND THAT ALSO FUNCTIONS IN
2 APPLYING THE PESTICIDE PRODUCT, SUCH AS A SPRAY BOTTLE, AN
3 AEROSOL CAN, AND A CONTAINER THAT BECOMES PART OF A DIRECT
4 INJECTION SYSTEM.

5 (6) "DEPARTMENT" MEANS THE DEPARTMENT OF AGRICULTURE.

6 (7) "ENTERPRISE" MEANS THE PESTICIDE PRODUCT DISPOSAL AND
7 CONTAINER RECYCLING ENTERPRISE CREATED IN SECTION 35-10.5-103 (1).

8 (8) "FUND" MEANS THE PESTICIDE PRODUCT DISPOSAL AND
9 CONTAINER RECYCLING ENTERPRISE CASH FUND CREATED IN SECTION
10 35-10.5-106 (1).

11 (9) (a) "PESTICIDE" HAS THE MEANING SET FORTH IN SECTION
12 35-9-103 (11) BUT INCLUDES ONLY PESTICIDES THAT ARE REGISTERED
13 WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY UNDER
14 THE "FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT", 7
15 U.S.C. SEC. 136 ET SEQ., OR WITH THE DEPARTMENT UNDER ARTICLE 9 OF
16 THIS TITLE 35.

17 (b) "PESTICIDE" DOES NOT INCLUDE PESTICIDE RINSATE, SPILLED
18 MATERIAL, OR AFFECTED MEDIA.

19 (10) "PESTICIDE PRODUCT" MEANS A PESTICIDE IN THE PARTICULAR
20 FORM, INCLUDING PACKAGING, COMPOSITION, AND LABELING, IN WHICH
21 THE PESTICIDE IS INTENDED TO BE DISTRIBUTED OR SOLD.

22 (11) "PESTICIDE PRODUCT DISPOSAL AND CONTAINER RECYCLING
23 PROGRAM" OR "PROGRAM" MEANS THE PESTICIDE PRODUCT DISPOSAL AND
24 CONTAINER RECYCLING PROGRAM DESCRIBED IN SECTION 35-10.5-105 (1).

25 (12) "PESTICIDE PRODUCT DISPOSAL FEE" MEANS THE FEE IMPOSED
26 BY THE ENTERPRISE PURSUANT TO SECTION 35-10.5-105 (2)(a).

27 (13) "PESTICIDE REGISTRATION PRODUCT DISPOSAL AND

1 CONTAINER RECYCLING FEE" MEANS THE ANNUAL FEE IMPOSED BY THE
2 ENTERPRISE PURSUANT TO SECTION 35-10.5-105 (3)(a).

3 (14) "PRIVATE APPLICATOR" HAS THE MEANING SET FORTH IN
4 SECTION 35-10-103 (11.5).

5 **35-10.5-103. Enterprise created.**

6 (1) THE PESTICIDE PRODUCT DISPOSAL AND CONTAINER RECYCLING
7 ENTERPRISE IS CREATED IN THE DEPARTMENT AND EXERCISES ITS POWERS
8 AND PERFORMS ITS DUTIES AND FUNCTIONS AS A GOVERNMENT-OWNED
9 BUSINESS IN THE DEPARTMENT TO EXECUTE THE BUSINESS PURPOSES SET
10 FORTH IN THIS SECTION. THE ENTERPRISE IS CREATED FOR THE PURPOSES
11 OF:

12 (a) DEVELOPING AND ADMINISTERING THE PESTICIDE PRODUCT
13 DISPOSAL AND CONTAINER RECYCLING PROGRAM; AND

14 (b) IMPOSING THE PESTICIDE PRODUCT DISPOSAL FEE AND THE
15 PESTICIDE REGISTRATION PRODUCT DISPOSAL AND CONTAINER RECYCLING
16 FEE.

17 (2) THE BOARD, IN CONSULTATION WITH THE DEPARTMENT, SHALL
18 ADMINISTER THE ENTERPRISE IN ACCORDANCE WITH THIS SECTION.

19 (3) (a) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR
20 PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO
21 LONG AS IT RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND
22 RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL REVENUES IN GRANTS, AS
23 DEFINED IN SECTION 24-77-102 (7), FROM ALL COLORADO STATE AND
24 LOCAL GOVERNMENTS COMBINED. SO LONG AS IT CONSTITUTES AN
25 ENTERPRISE, THE ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF ARTICLE
26 X OF THE STATE CONSTITUTION.

27 (b) THE ENTERPRISE IS AUTHORIZED TO ISSUE REVENUE BONDS FOR

1 THE EXPENSES OF THE ENTERPRISE, SECURED BY REVENUE OF THE
2 ENTERPRISE.

3 **35-10.5-104. Board of directors created - powers and duties.**

4 (1) (a) THE ENTERPRISE BOARD OF DIRECTORS IS CREATED TO
5 ADMINISTER THE ENTERPRISE. THE BOARD CONSISTS OF THE MEMBERS OF
6 THE COMMISSION.

7 (b) BOARD MEMBERS SERVE WITHOUT COMPENSATION AND ARE
8 NOT ENTITLED TO RECEIVE REIMBURSEMENT FOR TRAVEL EXPENSES
9 INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES.

10 (2) IN ADDITION TO THE PURPOSE DESCRIBED IN SUBSECTION (1)(a)
11 OF THIS SECTION AND ANY OTHER POWERS AND DUTIES SPECIFIED IN THIS
12 ARTICLE 10.5, THE BOARD HAS THE FOLLOWING POWERS AND DUTIES ON
13 BEHALF OF THE ENTERPRISE:

14 (a) TO ADOPT PROCEDURES FOR CONDUCTING THE BOARD'S
15 AFFAIRS;

16 (b) TO ENGAGE THE SERVICES OF CONTRACTORS AND
17 CONSULTANTS, INCLUDING THE DEPARTMENT, FOR PROFESSIONAL AND
18 TECHNICAL ASSISTANCE AND ADVICE AND TO SUPPLY OTHER SERVICES
19 RELATED TO THE CONDUCT OF THE AFFAIRS OF THE ENTERPRISE, WITHOUT
20 REGARD TO THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE
21 24; AND

22 (c) TO HAVE AND EXERCISE THE RIGHTS AND POWERS NECESSARY
23 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES
24 GRANTED BY THIS SECTION.

25 (3) (a) THE ENTERPRISE MAY CONTRACT WITH THE DEPARTMENT
26 FOR THE PROVISION OF OFFICE SPACE AND ADMINISTRATIVE STAFF TO THE
27 ENTERPRISE AT A FAIR MARKET RATE.

3 **35-10.5-105. Pesticide product disposal and container**
4 **recycling program - fees.**

9 (a) PROVIDE THE FOLLOWING BUSINESS SERVICES TO COMMERCIAL
10 APPLICATORS AND PRIVATE APPLICATORS IN THE STATE:

14 (II) PESTICIDE PRODUCT CONTAINER RECYCLING SERVICES TO
15 COMMERCIAL APPLICATORS AND PRIVATE APPLICATORS;

16 (III) OUTREACH AND EDUCATION TO COMMERCIAL APPLICATORS
17 AND PRIVATE APPLICATORS ON THE PROPER AND SAFE DISPOSAL AND
18 RECYCLING OF PESTICIDE PRODUCTS AND ON THE BUSINESS SERVICES
19 PROVIDED BY THE PROGRAM:

20 (IV) ESTABLISHING PESTICIDE PRODUCT DISPOSAL AND CONTAINER
21 RECYCLING EVENTS FOR COMMERCIAL APPLICATORS AND PRIVATE
22 APPLICATORS, WHICH EVENTS MUST BE SCHEDULED AT A PREDICTABLE
23 FREQUENCY AND IN DIVERSE GEOGRAPHIC LOCATIONS ACROSS THE STATE,
24 AND THE ENTERPRISE MAY CONTRACT WITH THIRD PARTIES TO HOST,
25 MANAGE, OR OVERSEE THE PESTICIDE PRODUCT DISPOSAL AND CONTAINER
26 RECYCLING EVENTS; AND

27 (V) PROVIDING A COST-EFFECTIVE MEANS FOR COMMERCIAL

1 APPLICATORS AND PRIVATE APPLICATORS TO DISPOSE OF PESTICIDE
2 PRODUCTS OR RECYCLE PESTICIDE PRODUCT CONTAINERS BY ALLOWING
3 COMMERCIAL APPLICATORS AND PRIVATE APPLICATORS THAT PARTICIPATE
4 IN THE PROGRAM TO SHARE THE COSTS OF THE DISPOSAL SERVICES; AND
5 (b) PROVIDE THE FOLLOWING BUSINESS SERVICES TO APPLICANTS
6 THAT REGISTER A PESTICIDE PRODUCT WITH THE COMMISSIONER FOR SALE
7 OR DISTRIBUTION IN THE STATE:

8 (I) DECREASING COSTS BORNE BY AN APPLICANT WHEN THE
9 APPLICANT MUST DISPOSE OF A PESTICIDE PRODUCT OR RECYCLE A
10 PESTICIDE PRODUCT CONTAINER INDEPENDENT OF A CONVENIENT, LOCAL,
11 AND ESTABLISHED PROGRAM;

12 (II) SUPPORTING AN APPLICANT'S PRODUCT STEWARDSHIP GOALS
13 BY PROVIDING A SAFE, RELIABLE, AND CONVENIENT OPPORTUNITY FOR
14 PESTICIDE PRODUCT DISPOSAL AND PESTICIDE PRODUCT CONTAINER
15 RECYCLING;

16 (III) DECREASING THE FINANCIAL AND ENVIRONMENTAL
17 FOOTPRINT OF AN APPLICANT'S PESTICIDE PRODUCT BY ENSURING PROPER
18 DISPOSAL OF THE PESTICIDE PRODUCT OR RECYCLING OF THE PESTICIDE
19 PRODUCT CONTAINER AT THE END-OF-LIFE STAGE; AND

20 (IV) DECREASING AN APPLICANT'S LIABILITY FOR CONSEQUENCES
21 ASSOCIATED WITH THE IMPROPER DISPOSAL OF UNWANTED OR EXCESS
22 PESTICIDE PRODUCTS OR RECYCLING OF PESTICIDE PRODUCT CONTAINERS
23 BY PROVIDING AN OPPORTUNITY FOR LAWFUL DISPOSAL OR RECYCLING.

24 (2) (a) BEGINNING IN STATE FISCAL YEAR 2026-27, THE BOARD
25 SHALL IMPOSE A PESTICIDE PRODUCT DISPOSAL FEE FOR A PESTICIDE
26 PRODUCT THAT IS DISPOSED OF THROUGH THE PROGRAM.

27 (b) ON AND AFTER JANUARY 1, 2027, A COMMERCIAL APPLICATOR

1 OR PRIVATE APPLICATOR THAT DISPOSES OF A PESTICIDE PRODUCT
2 THROUGH THE PROGRAM SHALL PAY A PESTICIDE PRODUCT DISPOSAL FEE
3 IN AN AMOUNT DETERMINED BY THE BOARD TO THE DEPARTMENT, WHICH
4 SHALL COLLECT THE PESTICIDE PRODUCT DISPOSAL FEE ON BEHALF OF THE
5 ENTERPRISE.

6 (c) THE DEPARTMENT SHALL COLLECT A PESTICIDE PRODUCT
7 DISPOSAL FEE FROM A COMMERCIAL APPLICATOR OR PRIVATE APPLICATOR
8 ONLY IF THE APPLICATOR DISPOSES OF A PESTICIDE PRODUCT THROUGH
9 THE PROGRAM. NOTHING IN THIS ARTICLE 10.5 REQUIRES A COMMERCIAL
10 APPLICATOR OR PRIVATE APPLICATOR TO DISPOSE OF A PESTICIDE PRODUCT
11 OR RECYCLE A PESTICIDE PRODUCT CONTAINER THROUGH THE PROGRAM.

12 (3) (a) BEGINNING IN STATE FISCAL YEAR 2026-27, THE BOARD
13 SHALL IMPOSE AN ANNUAL PESTICIDE REGISTRATION PRODUCT DISPOSAL
14 AND CONTAINER RECYCLING FEE ON EACH APPLICANT THAT REGISTERS A
15 PESTICIDE PRODUCT WITH THE COMMISSIONER FOR SALE OR DISTRIBUTION
16 IN THE STATE.

17 (b) ON AND AFTER JANUARY 1, 2027, AN APPLICANT THAT
18 REGISTERS A PESTICIDE PRODUCT WITH THE COMMISSIONER FOR SALE OR
19 DISTRIBUTION IN THE STATE SHALL PAY AN ANNUAL PESTICIDE
20 REGISTRATION PRODUCT DISPOSAL AND CONTAINER RECYCLING FEE IN AN
21 AMOUNT DETERMINED BY THE BOARD TO THE DEPARTMENT, WHICH SHALL
22 COLLECT THE PESTICIDE REGISTRATION PRODUCT DISPOSAL AND
23 CONTAINER RECYCLING FEE ON BEHALF OF THE ENTERPRISE.

24 (4) (a) THE STATE TREASURER SHALL CREDIT THE MONEY
25 COLLECTED PURSUANT TO THIS SECTION TO THE FUND.

26 (b) MONEY COLLECTED PURSUANT TO THIS SECTION AND CREDITED
27 TO THE FUND PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION:

1 (I) IS COLLECTED FOR THE ENTERPRISE;

2 (II) IS CUSTODIAL MONEY INTENDED FOR THE ENTERPRISE AND

3 HELD TEMPORARILY BY THE DEPARTMENT AND THE STATE TREASURER

4 SOLELY FOR THE PURPOSE OF TRANSFERRING THE MONEY TO THE FUND FOR

5 USE BY THE ENTERPRISE; AND

6 (III) BASED ON THE ENTERPRISE'S STATUS AS AN ENTERPRISE, IS
7 NOT SUBJECT TO SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION
8 AT ANY TIME DURING THE MONEY'S COLLECTION, TRANSFER, AND USE.

9 **35-10.5-106. Cash fund - creation - gifts, grants, or donations**
10 **- repeal.**

14 (a) MONEY RECEIVED AS A PESTICIDE PRODUCT DISPOSAL FEE OR
15 A PESTICIDE REGISTRATION PRODUCT DISPOSAL AND CONTAINER
16 RECYCLING FEE PURSUANT TO SECTION 35-10.5-105:

17 (b) ANY MONEY RECEIVED FROM THE ISSUANCE OF REVENUE
18 BONDS, AS DESCRIBED IN SECTION 35-10.5-103 (3)(b);

19 (c) ANY GIFTS, GRANTS, OR DONATIONS MADE TO THE ENTERPRISE
20 FOR THE PURPOSES OF THIS SECTION; AND

21 (d) ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY
22 APPROPRIATE OR TRANSFER TO THE FUND.

23 (2) (a) SECTION 24-77-108 DOES NOT APPLY TO THE ENTERPRISE
24 BECAUSE THE TOTAL AMOUNT OF MONEY CREDITED OR APPROPRIATED TO
25 THE FUND AS PESTICIDE PRODUCT DISPOSAL FEES AND PESTICIDE
26 REGISTRATION PRODUCT DISPOSAL AND CONTAINER RECYCLING FEES DOES
27 NOT EXCEED ONE HUNDRED MILLION DOLLARS IN THE FIRST FIVE YEARS OF

1 THE ENTERPRISE'S EXISTENCE.

2 (b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE SEPTEMBER 1,
3 2031.

4 (3) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
5 ASSEMBLY, MONEY CREDITED TO THE FUND MAY BE EXPENDED BY THE
6 ENTERPRISE FOR THE PURPOSES SET FORTH IN THIS ARTICLE 10.5 AND TO
7 PAY THE ENTERPRISE'S REASONABLE AND NECESSARY ADMINISTRATIVE
8 AND OPERATING EXPENSES. THE STATE TREASURER SHALL CREDIT ALL
9 INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF
10 MONEY IN THE FUND TO THE FUND.

11 (4) ANY UNEXPENDED AND UNENCUMBERED MONEY REMAINING
12 IN THE FUND AT THE END OF A STATE FISCAL YEAR REMAINS IN THE FUND
13 AND IS NOT CREDITED OR TRANSFERRED TO THE GENERAL FUND.

14 (5) THE ENTERPRISE MAY SEEK, ACCEPT, AND EXPEND GIFTS,
15 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE
16 PURPOSES OF THIS SECTION. THE STATE TREASURER SHALL CREDIT THE
17 GIFTS, GRANTS, OR DONATIONS TO THE FUND.

18 **35-10.5-107. Reporting.**

19 (1) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), NO LATER
20 THAN APRIL 1, 2028, AND NO LATER THAN EACH APRIL 1 THEREAFTER, THE
21 ENTERPRISE SHALL REPORT TO THE AGRICULTURE, WATER, AND NATURAL
22 RESOURCES COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE
23 AGRICULTURE AND NATURAL RESOURCES COMMITTEE OF THE SENATE, OR
24 ANY SUCCESSOR COMMITTEES, THE FOLLOWING INFORMATION FOR THE
25 PRIOR CALENDAR YEAR:

26 (a) THE AMOUNT OF PESTICIDE PRODUCT DISPOSAL FEES
27 COLLECTED BY THE DEPARTMENT ON BEHALF OF THE ENTERPRISE;

4 (c) THE TOTAL REVENUE GENERATED ON BEHALF OF OR BY THE
5 ENTERPRISE;

6 (d) A DESCRIPTION OF THE LOCATIONS AND TIMES OF THE
7 PESTICIDE PRODUCT DISPOSAL AND CONTAINER RECYCLING EVENTS FOR
8 COMMERCIAL APPLICATORS AND PRIVATE APPLICATORS PURSUANT TO
9 SECTION 35-10.5-105 (1)(a)(IV);

10 (e) A SUMMARY OF THE AMOUNT AND TYPES OF PESTICIDE
11 PRODUCTS THAT WERE DISPOSED OF OR PESTICIDE PRODUCT CONTAINERS
12 THAT WERE RECYCLED THROUGH THE BUSINESS SERVICES DESCRIBED IN
13 SECTION 35-10.5-105 (1)(a)(I) AND (1)(a)(II); AND

14 (f) A DESCRIPTION OF THE OUTREACH AND EDUCATION ACTIVITIES
15 CONDUCTED BY THE ENTERPRISE PURSUANT TO SECTION 35-10.5-105
16 (1)(a)(III).

17 **SECTION 2.** In Colorado Revised Statutes, 35-9-107, amend (2)
18 as follows:

19 **35-9-107. Pesticide registration - application - fees - expiration**
20 **- rules.**

21 (2) Each applicant shall pay, at the time the application is
22 submitted:

23 (a) An annual application fee in an amount to be determined by
24 the commissioner; AND

25 (b) ON AND AFTER JANUARY 1, 2027, A PESTICIDE REGISTRATION
26 PRODUCT DISPOSAL AND CONTAINER RECYCLING FEE, AS DEFINED IN
27 SECTION 35-10.5-102 (13).

1 **SECTION 3. Act subject to petition - effective date.** This act
2 takes effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly (August
4 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
5 referendum petition is filed pursuant to section 1 (3) of article V of the
6 state constitution against this act or an item, section, or part of this act
7 within such period, then the act, item, section, or part will not take effect
8 unless approved by the people at the general election to be held in
9 November 2026 and, in such case, will take effect on the date of the
10 official declaration of the vote thereon by the governor