

## CHAPTER 274

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**AGRICULTURE**

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**HOUSE BILL 06-1274**

BY REPRESENTATIVE(S) Hodge, Berens, Clapp, Hall, Hoppe, Kerr J., King, Paccione, Penry, Ragsdale, Rose, Stafford, and White;  
also SENATOR(S) Entz.

**AN ACT**

**CONCERNING THE UNIFORM REGULATION OF PESTICIDE APPLICATORS UNDER THE PESTICIDE APPLICATORS' ACT, AND, IN CONNECTION THEREWITH, REGULATING PRIVATE APPLICATORS, AND MAKING AN APPROPRIATION.**

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

**SECTION 1.** 35-10-103 (1), (2), and (8), Colorado Revised Statutes, are amended, and the said 35-10-103 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**35-10-103. Definitions.** As used in this article, unless the context otherwise requires:

(1) "Certified operator" means an individual who ~~mixes, loads, or applies any pesticide, including~~ restricted-use pesticides ~~under the~~ FOR A COMMERCIAL APPLICATOR, REGISTERED LIMITED COMMERCIAL APPLICATOR, OR REGISTERED PUBLIC APPLICATOR, WITHOUT THE ON-SITE supervision of a qualified supervisor AND THAT SHOULD BE LICENSED PURSUANT TO SECTION 35-10-114.

(2) "Commercial applicator" means any person, OTHER THAN A PRIVATE APPLICATOR, who engages in the business of applying pesticides or operating a device for hire.

(8) "Limited commercial applicator" means any person engaged in applying pesticides in the course of conducting a business OTHER THAN THE PRODUCTION OF ANY AGRICULTURAL COMMODITY; except that such application shall be only in or on property owned or leased by the person or the person's employer.

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(11.5) "PRIVATE APPLICATOR" MEANS ANY PERSON WHO USES OR SUPERVISES THE USE OF A PESTICIDE FOR PURPOSES OF PRODUCING ANY AGRICULTURAL COMMODITY ON PROPERTY OWNED OR LEASED BY THE APPLICATOR OR THE APPLICATOR'S EMPLOYER OR, IF THE PESTICIDE IS APPLIED WITHOUT COMPENSATION OTHER THAN TRADING OF PERSONAL SERVICES BETWEEN PRODUCERS OF AGRICULTURAL COMMODITIES, ON THE PROPERTY OF ANOTHER PERSON.

**SECTION 2.** 35-10-104, Colorado Revised Statutes, is amended to read:

**35-10-104. Scope of article.** (1) ~~The following~~ ANY PERSON WHO USES OR SUPERVISES THE USE OF ANY PESTICIDE OR DEVICE IN THE STATE OF COLORADO shall be subject to ~~the provisions of~~ this article and to any rules ~~and regulations~~ adopted pursuant thereto.

~~(a) Any commercial applicator;~~

~~(b) Any limited commercial applicator or any public applicator which applies restricted use pesticides, whether or not a particular application involves restricted use or general use pesticides; except that this article shall not apply to any limited commercial applicator or public applicator which does not apply restricted use pesticides, unless such limited commercial or public applicator requests that it be subject to the provisions of this article pursuant to paragraph (c) of this subsection (1); or~~

~~(c) Any limited commercial applicator or public applicator which requests, in the form and manner specified by the commissioner, that it be subject to the provisions of this article and to any rules and regulations adopted pursuant thereto.~~

(2) ~~The provisions of this article shall not apply to:~~

~~(a) Any person who performs the following acts for the purposes of producing any agricultural commodities on property owned or rented by him or his employer or, if such acts are performed without compensation other than trading of personal services between producers of agricultural commodities, on the property of another person:~~

~~(f) The operation of a device or the supervision of such operation;~~

~~(H) The use or supervision of the use of any pesticides except those designated for limited use by the commissioner pursuant to section 35-9-108 (5);~~

~~(b) Any individual who operates a device or uses any pesticide or who supervises, evaluates, or recommends such acts on the property of another without compensation; or~~

~~(c) Any individual who uses a device or applies any pesticide or who supervises such acts at his home or on his property, when such use or supervision is not compensated and is not in the course of conducting a business. Nowhere is it the intent of the general assembly to prevent private citizens from using legal chemicals for the control of weeds and pests on their own property.~~

**SECTION 3.** 35-10-109, Colorado Revised Statutes, is amended to read:

**35-10-109. Limited commercial and public applicators - no business license required.** No business license shall be required for limited commercial or public applicators; except that the commissioner ~~may~~ SHALL require such applicators THAT APPLY RESTRICTED-USE PESTICIDES TO register with the department. ~~in the form and manner he shall designate and to pay an administrative fee in an amount which he shall determine.~~ THE COMMISSIONER SHALL DETERMINE THE FORM AND MANNER OF THE REGISTRATION, AS WELL AS THE AMOUNT OF ANY ADMINISTRATIVE FEES ASSOCIATED WITH SUCH REGISTRATION. A LIMITED COMMERCIAL OR PUBLIC APPLICATOR MAY REGISTER VOLUNTARILY, REGARDLESS OF WHETHER SUCH APPLICATOR APPLIES RESTRICTED-USE PESTICIDES, BY SUBMITTING A REQUEST IN THE FORM AND MANNER SPECIFIED BY THE COMMISSIONER.

**SECTION 4.** 35-10-110, Colorado Revised Statutes, is amended to read:

**35-10-110. Registered limited commercial and registered public applicators - requirements for operation.** (1) For each class or subclass of pesticide application a REGISTERED limited commercial or REGISTERED public applicator applies, ~~it~~ THE APPLICATOR shall employ at least one qualified supervisor who is licensed in that class or subclass of pesticide application or shall secure the services of such qualified supervisor by documented agreement.

(2) Notwithstanding ~~the provisions of~~ subsection (1) of this section, no REGISTERED public applicator shall be required to pay licensing or certification fees for any qualified supervisor or certified operator ~~which it~~ WHOM THE APPLICATOR may employ.

(3) Every REGISTERED limited commercial or REGISTERED public applicator shall provide verifiable training to all technicians in its employ according to standards adopted by the commissioner. Such standards shall be identical to those adopted by the commissioner with respect to commercial applicators pursuant to section 35-10-106 (1) (c).

(4) If the commissioner, pursuant to section 35-10-109, establishes a registry of limited commercial and public applicators, he OR SHE may also require that each REGISTERED applicator report, in the form and manner the commissioner shall designate, any change to the information provided by such applicator to the registry or in any such reports previously submitted, within fifteen days ~~of~~ AFTER said change.

**SECTION 5.** 35-10-111, Colorado Revised Statutes, is amended to read:

**35-10-111. Record-keeping requirements.** 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 records shall be retained for a period of three years ~~from~~ AFTER the date of the pesticide application and shall be kept at the address specified in the application for the commercial applicator's business license or, in the case of REGISTERED limited commercial and REGISTERED public applicators, at the address specified in the registry authorized in section 35-10-109

OR, IN THE CASE OF LICENSED PRIVATE APPLICATORS, AT THE ADDRESS OF RECORD ON FILE WITH THE COMMISSIONER.

**SECTION 6.** 35-10-112 (1) (a), (1) (c), (2) (a), and (2) (b), the introductory portion to 35-10-112 (2) (c), 35-10-112 (2) (c) (IV), and the introductory portion to 35-10-112 (2) (d), Colorado Revised Statutes, are amended, and the said 35-10-112 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**35-10-112. Notification requirements - registry of pesticide-sensitive persons - preemption.** (1) (a) The commissioner shall promulgate rules and regulations for the establishment of a registry of pesticide-sensitive persons to be maintained by the department. Pesticide-sensitive persons may apply to be placed on the registry ~~provided~~ IF they can provide proof of medical justification by a physician licensed in Colorado in the form and manner prescribed by the commissioner. ~~This letter needs to~~ THE PROOF OF MEDICAL JUSTIFICATION SHALL be updated every two years. ~~Said~~ THE registry shall be updated at least annually, and the published registry shall be ~~provided~~ MADE READILY ACCESSIBLE, IN A FORM AND MANNER PRESCRIBED BY THE COMMISSIONER, to all commercial, REGISTERED limited commercial, and REGISTERED public applicators on record with the commissioner. ~~Names added after the most recently published registry shall be available from the department upon request.~~

(c) (I) A commercial, REGISTERED limited commercial, or REGISTERED public applicator, prior to applying a pesticide in any turf or ornamental category, shall take reasonable actions to give notice of the date and approximate time of any such pesticide application, prior to the application, to any PESTICIDE-SENSITIVE person ~~who resides on property which abuts the property to be treated and~~ whose name is on the published registry AND:

(A) WHO RESIDES ON THE PROPERTY TO BE TREATED;

(B) RESIDES ON PROPERTY THAT ABUTS THE PROPERTY TO BE TREATED; OR

(C) RESIDES IN A MULTI-UNIT DWELLING THAT ABUTS A COMMON AREA TO BE TREATED.

(II) If two property sites would be considered to be abutting but for the fact that such sites are separated by an alley, for the purposes of this section such sites are deemed to be abutting.

(d) A COMMERCIAL, REGISTERED LIMITED COMMERCIAL, OR REGISTERED PUBLIC APPLICATOR IN THE WOOD-DESTROYING ORGANISM PEST CONTROL, RESIDENTIAL OR COMMERCIAL PEST CONTROL, OR INTERIOR PLANT PEST CONTROL CATEGORIES, PRIOR TO MAKING A STRUCTURAL PESTICIDE APPLICATION TO A MULTI-UNIT DWELLING, SHALL TAKE REASONABLE ACTIONS TO GIVE NOTICE OF THE DATE AND APPROXIMATE TIME OF ANY SUCH PESTICIDE APPLICATION, PRIOR TO THE APPLICATION, TO ANY PESTICIDE-SENSITIVE PERSON WHOSE NAME IS ON THE PUBLISHED REGISTRY AND WHO RESIDES AT THAT MULTI-UNIT DWELLING.

(2) (a) Any commercial, REGISTERED limited commercial, or REGISTERED public applicator making a pesticide application in any turf or ornamental category shall,

at the time of application, post a sign OR SIGNS notifying the public of the application. Such ~~sign to~~ SIGNS SHALL be posted at any conspicuous point or points of entry to the property receiving the application.

(b) Any commercial, REGISTERED limited commercial, or REGISTERED public applicator making a pesticide application in any aquatic category shall post, at the time of application, a sign OR SIGNS notifying the public of the application. Such ~~sign to~~ SIGNS SHALL be posted in the manner designated by the commissioner through the adoption of rules ~~and regulations~~ pursuant to article 4 of title 24, C.R.S.

(c) The notice-of-application signs specified in paragraphs (a) and (b) of this subsection (2) shall be water-resistant and shall measure at least four inches in height and five inches in width. ~~The~~ EACH sign shall contain the following information in black lettering and symbols on a bright yellow background:

(IV) The name of the commercial, REGISTERED limited commercial, or REGISTERED public applicator ~~which~~ THAT made the application, in at least eighteen-point bold-faced type.

(d) If a commercial or REGISTERED limited commercial applicator makes a pesticide application on a commercial property site pursuant to paragraph (a) or (b) of this subsection (2) and an owner of the site or an agent of an owner of the site is not present at the site, then, in addition to the information required by paragraph (c) of this subsection (2), the notice-of-application signs posted by the applicator at the site shall also contain the following information in black lettering and symbols on a bright yellow background in at least eighteen-point bold-faced type:

**SECTION 7.** Article 10 of title 35, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**35-10-114.5. Private applicator - license required.** ANY PRIVATE APPLICATOR WHO USES OR SUPERVISES THE USE OF A RESTRICTED-USE PESTICIDE SHALL POSSESS A VALID PRIVATE APPLICATOR LICENSE ISSUED BY THE COMMISSIONER IN ACCORDANCE WITH THIS ARTICLE AND ANY RULES ADOPTED PURSUANT TO THIS ARTICLE. AN UNLICENSED PRIVATE APPLICATOR MAY USE A RESTRICTED-USE PESTICIDE UNDER THE SUPERVISION OF A LICENSED PRIVATE APPLICATOR FOR USES AUTHORIZED BY THE LICENSED PRIVATE APPLICATOR'S LICENSE.

**SECTION 8.** Article 10 of title 35, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**35-10-114.7. Licensed private applicators - rules - repeal.** (1) THE COMMISSIONER SHALL PROMULGATE THE INITIAL RULES FOR THE LICENSURE OF PRIVATE APPLICATORS UNDER THIS ARTICLE NO LATER THAN DECEMBER 31, 2006. SUCH RULES SHALL BE PROMULGATED IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.

(2) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2007.

**SECTION 9.** The introductory portion to 35-10-115 (1), Colorado Revised Statutes, is amended, and the said 35-10-115 is further amended BY THE

ADDITION OF A NEW SUBSECTION, to read:

**35-10-115. Qualified supervisor, certified operator, and private applicator licenses - examination - application - fees.** (1) Each applicant for a qualified supervisor, ~~or~~ certified operator, OR PRIVATE APPLICATOR license shall:

(5) THE COMMISSIONER SHALL ISSUE LICENSES TO QUALIFIED PRIVATE APPLICATORS ON AND AFTER JANUARY 1, 2007. A LICENSE ISSUED IN COLORADO BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, ISSUED TO A PRIVATE APPLICATOR BEFORE JANUARY 1, 2007, SHALL REMAIN VALID FOR PURPOSES OF THIS ARTICLE THROUGH THE EXPIRATION DATE OF SUCH LICENSE.

**SECTION 10.** 35-10-117 (1) (a) and the introductory portion to 35-10-117 (2), Colorado Revised Statutes, are amended, and the said 35-10-117 (1) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

**35-10-117. Unlawful acts.** (1) Unless otherwise authorized by law, it is unlawful and a violation of this article for any person:

(a) To perform any of the acts for which licensure as a commercial applicator, qualified supervisor, ~~or~~ certified operator, OR PRIVATE APPLICATOR is required without possessing a valid license to do so;

(i) TO USE, STORE, OR DISPOSE OF PESTICIDES, PESTICIDE CONTAINERS, RINSATES, OR OTHER RELATED MATERIALS, OR TO SUPERVISE OR RECOMMEND SUCH ACTS, IN A MANNER INCONSISTENT WITH LABELING DIRECTIONS OR REQUIREMENTS, UNLESS OTHERWISE PROVIDED FOR BY LAW, OR IN AN UNSAFE, NEGLIGENT, OR FRAUDULENT MANNER; OR

(j) TO REFUSE OR FAIL TO COMPLY WITH ANY REQUIREMENTS OF THE FEDERAL WORKER PROTECTION STANDARDS SET FORTH IN 40 CFR, PART 170.

(2) It is unlawful and a violation of this article for any person acting as a commercial, REGISTERED limited commercial, or REGISTERED public applicator, or as a qualified supervisor or ~~as a~~ certified operator:

**SECTION 11.** Article 10 of title 35, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**35-10-117.5. Unlawful acts for licensed private applicators.** (1) IT IS UNLAWFUL AND A VIOLATION OF THIS ARTICLE FOR A LICENSED PRIVATE APPLICATOR:

(a) TO MAKE FALSE OR MISLEADING REPRESENTATIONS OR STATEMENTS OF FACT IN ANY LICENSE, APPLICATION, RECORD, OR REPORT REQUIRED BY THIS ARTICLE OR ANY RULES ADOPTED PURSUANT THERETO;

(b) TO FAIL TO MAINTAIN OR SUBMIT ANY RECORDS OR REPORTS REQUIRED BY THIS ARTICLE OR ANY RULES ADOPTED PURSUANT THERETO; OR

(c) TO PERMIT THE USE OF A PRIVATE APPLICATOR LICENSE BY ANY PERSON OTHER THAN THE PERSON TO WHOM THE LICENSE WAS ISSUED.

**SECTION 12.** 35-10-118 (8.5) (b), Colorado Revised Statutes, is amended to read:

**35-10-118. Powers and duties of the commissioner.** (8.5) (b) The commissioner ~~is authorized to~~ MAY accept gifts, grants, and donations of any kind from any private or public source for the purposes of this subsection (8.5). The commissioner shall transmit all such gifts, grants, or donations to the state treasurer, who shall credit the same to the ~~commercial pesticide applicator~~ fund created in section 35-10-126.

**SECTION 13.** 35-10-119 (4) (a), Colorado Revised Statutes, is amended to read:

**35-10-119. Inspections - investigations - access - subpoena.** (4) At any reasonable time during regular business hours, the commissioner shall have free and unimpeded access upon consent or upon obtaining an administrative search warrant:

(a) To ~~all buildings, yards, warehouses, and storage facilities~~ ANY LAND, WATER, OR STRUCTURES THEREON in which any devices THAT REQUIRE LICENSURE FOR USE, pesticides, containers, rinsates, or other related materials are OR HAVE BEEN kept, used, stored, handled, processed, disposed of, or transported for the purpose of carrying out any provision of this article or any rule made pursuant to this article;

**SECTION 14.** The introductory portion to 35-10-121 (1) and 35-10-121 (1) (c), (2), (2.5), and (3), Colorado Revised Statutes, are amended to read:

**35-10-121. Disciplinary actions - denial of license.** (1) The commissioner may issue letters of admonition, impose other discipline through stipulation, or restrict, impose probation on, deny, suspend, refuse to renew, or revoke any license OR REGISTRATION authorized under this article if the applicant, REGISTRANT, or licensee:

(c) Has had an equivalent license OR REGISTRATION denied, revoked, or suspended by any authority;

(2) In any proceeding held under this section, the commissioner may accept as prima facie evidence of grounds for disciplinary action any disciplinary action taken against a licensee, REGISTRANT, or certified person from another jurisdiction if the violation ~~which~~ THAT prompted the disciplinary action in that jurisdiction would be grounds for disciplinary action under this section.

(2.5) Proceedings under this section shall be conducted pursuant to ~~the provisions of~~ article 4 of title 24, C.R.S.; except that section 24-4-104 (3), C.R.S., shall not apply to such proceedings in cases of deliberate or willful violation; in cases of violation of labeling directions or requirements; or in cases in which the actions or omissions of the licensee OR REGISTRANT in ~~violations~~ VIOLATION of this article have caused or threatened to cause substantial danger or harm to public health and safety, to property, or to the environment, as defined by the commissioner pursuant to section 35-10-118 (2). In such cases, no revocation, suspension, limitation, or

modification of a license OR REGISTRATION shall be lawful unless the commissioner has given the licensee OR REGISTRANT notice in writing regarding any facts or conduct that may warrant such action and has afforded the licensee OR REGISTRANT opportunity to submit written data, views, and arguments with respect to such facts or conduct.

(3) No licensee OR REGISTRANT whose license OR REGISTRATION has been revoked may apply or reapply for any license OR REGISTRATION under this article until two years ~~from~~ AFTER the date of such revocation.

**SECTION 15.** 35-10-123 (2), Colorado Revised Statutes, is amended to read:

**35-10-123. Criminal penalties.** (2) Any person who violates any of the provisions of section 35-10-117 (1) (a), (1) (b), (1) (c), (1) (e), ~~(1) (g), (2) (a)~~ (1) (g), (1) (i), (1) (j), (2) (a), (2) (b), (2) (c), (2) (d), (3) (a), or (4) (a) commits a class 1 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.

**SECTION 16.** 35-10-125 (2) (e) and (4), Colorado Revised Statutes, are amended to read:

**35-10-125. Advisory committee - sunset review.** (2) The committee shall consist of the following members:

(e) A qualified supervisor, employed by a limited commercial applicator REGISTERED UNDER THIS ARTICLE, who is actively engaged in the application of pesticides;

(4) The appointment of the formulator, the commercial applicator engaged in the control of agricultural crop pests, and one of the representatives from a REGISTERED public applicator shall expire on January 1, 1991; and the appointment of the commercial applicator engaged in the control of turf or ornamental pests, the representative from the general public who is actively engaged in agricultural production, the qualified supervisor employed by a REGISTERED limited commercial applicator, and the representative from the department of health shall expire on January 1, 1992. The initial appointment of all other members shall be for a term of three years. Thereafter, the appointment of each member to the committee shall be for a term of three years.

**SECTION 17.** 35-10-126, Colorado Revised Statutes, is amended to read:

**35-10-126. Transfer of moneys to the pesticide fund - fees.** All fees and civil fines collected pursuant to this article shall be transmitted to the state treasurer, who shall credit the same to the ~~commercial pesticide applicator fund which fund is hereby created~~ IN SECTION 35-9-126. ~~All moneys credited to the fund and all interest earned on the investment of moneys in the fund shall be a part of this fund except as directed by the general assembly acting by bill. The general assembly may make annual appropriations from such fund to the department to carry out the purposes of this article.~~ WITHIN THIRTY DAYS AFTER JULY 1, 2006, THE UNEXPENDED AND UNENCUMBERED BALANCE OF THE COMMERCIAL PESTICIDE APPLICATOR FUND, AS SAID FUND EXISTED PRIOR TO JULY 1, 2006, SHALL BE

TRANSFERRED TO THE PESTICIDE FUND CREATED IN SECTION 35-9-126.

**SECTION 18.** 35-10-128, Colorado Revised Statutes, is amended to read:

**35-10-128. Repeal of article - termination of functions.** Effective July 1, 2006 2015, this article ~~shall be~~ is repealed. The licensing function of the commissioner of agriculture shall also terminate on July 1, 2006 2015. Prior to such repeal and termination, the licensing function shall be reviewed 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 19.** 35-10-128, Colorado Revised Statutes, as amended by section 18 of House Bill 06-1274, enacted at the second regular session of the sixty-fifth general assembly, is amended to read:

**35-10-128. Repeal of article - termination of functions.** Effective July 1, 2015, this article is repealed. The ~~licensing function~~ REGULATORY FUNCTIONS of the commissioner of agriculture shall also terminate on July 1, 2015. Prior to such repeal and termination, the ~~licensing function~~ REGULATORY FUNCTIONS shall be reviewed 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 20.** 35-9-126 (1), Colorado Revised Statutes, is amended to read:

**35-9-126. Pesticide fund.** (1) All fees and civil fines collected pursuant to this article shall be transmitted to the state treasurer, who shall credit the same to the pesticide fund, which fund is hereby created. The general assembly may make annual appropriations from such fund to the department of agriculture to carry out the purposes of this article AND THE "PESTICIDE APPLICATORS' ACT", ARTICLE 10 OF THIS TITLE.

**SECTION 21. Repeal.** 24-34-104 (37) (b), Colorado Revised Statutes, is repealed as follows:

**24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment.** (37) The following agencies, functions, or both, shall terminate on July 1, 2006:

(b) ~~The licensing of commercial applicators, qualified supervisors, and certified operators through the commissioner of agriculture in accordance with article 10 of title 35, C.R.S.;~~

**SECTION 22.** 24-34-104 (46), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**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 LICENSING OF COMMERCIAL APPLICATORS, QUALIFIED SUPERVISORS, AND CERTIFIED OPERATORS THROUGH THE COMMISSIONER OF AGRICULTURE IN ACCORDANCE WITH ARTICLE 10 OF TITLE 35, C.R.S.

**SECTION 23.** 24-34-104 (46) (i), Colorado Revised Statutes, as enacted by section 22 of House Bill 06-1274, enacted at the second regular session of the sixty-fifth general assembly, is amended to read:

**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 ~~licensing~~ REGULATION of commercial applicators, qualified supervisors, ~~and certified operators through~~ OPERATORS, AND PRIVATE APPLICATORS BY the commissioner of agriculture in accordance with article 10 of title 35, C.R.S.

**SECTION 24. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the commercial pesticide applicator fund created in section 35-10-126, Colorado Revised Statutes, not otherwise appropriated, to the department of agriculture, for allocation to the executive director's office, for legal services, for the fiscal year beginning July 1, 2006, the sum of seventy-six thousand fifty-one dollars (\$76,051), or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the commercial pesticide applicator fund created in section 35-10-126, Colorado Revised Statutes, not otherwise appropriated, to the department of agriculture, for allocation to the division of plant industries, for regulation of private pesticide applicators, for the fiscal year beginning July 1, 2006, the sum of three hundred fifty-one thousand seven hundred sixty-five dollars (\$351,765) and 5.8 FTE, or so much thereof as may be necessary, for the implementation of this act.

(3) In addition to any other appropriation, the general assembly anticipates that, for the fiscal year beginning July 1, 2006, the department of agriculture will receive the sum of one hundred ten thousand dollars (\$110,000) in federal funds from the Environmental Protection Agency for the implementation of this act. Although these funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds.

(4) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2006, the sum of seventy-six thousand fifty-one dollars (\$76,051) and 0.8 FTE, or so much thereof as may be necessary, for the provision of legal services to the department of agriculture related to the implementation of this act. Said sum shall be from cash funds exempt received from the department of agriculture, executive director's office, out of the appropriation made in subsection (1) of this section.

**SECTION 25. Effective date.** Sections 1, 8, 14 through 18, 21 and 22, and 24 through 26 shall take effect July 1, 2006, and the remainder of this act shall take

effect January 1, 2007.

**SECTION 26. 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.

Approved: May 26, 2006