

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 24, 2023
Date

Committee on Transportation & Energy.

After consideration on the merits, the Committee recommends the following:

HB23-1161 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend reengrossed bill, page 48, after line 23 insert:

2 "SECTION 15. In Colorado Revised Statutes, 35-10-112, repeal
3 (3) as follows:

4 **35-10-112. Notification requirements - registry of**
5 **pesticide-sensitive persons - preemption - rules.** (3) ~~No county, city~~
6 ~~and county, municipality, home rule county, home rule city and county,~~
7 ~~or home rule municipality shall enact or impose any notification~~
8 ~~requirements upon commercial applicators which are more stringent than~~
9 ~~those imposed by this article; except that each county, city and county,~~
10 ~~municipality, home rule county, home rule city and county, and home rule~~
11 ~~municipality shall retain the authority to impose any notification~~
12 ~~requirements upon private individuals, property owners, and the general~~
13 ~~public. Any such notification requirement imposed by any county, city~~
14 ~~and county, municipality, home rule county, home rule city and county,~~
15 ~~or home rule municipality on private individuals, property owners, or the~~
16 ~~general public shall not be held to be applicable to any commercial~~
17 ~~applicator, nor shall any commercial applicator be exposed to any liability~~
18 ~~for a failure to comply with any such notification requirement.~~

19 **SECTION 16.** In Colorado Revised Statutes, 35-10-112.5,
20 **amend** (1)(b), (1)(e), and (3)(a) introductory portion; and **add** (3)(a)(V),
21 (3)(a)(VI), and (3)(a.5) as follows:

22 **35-10-112.5. Statewide uniformity of pesticide control and**
23 **regulation - exceptions.** (1) The general assembly hereby determines
24 that:

25 (b) A system of pesticide regulation that is ~~consistent and~~
26 coordinated, that creates statewide uniform standards, and that conforms
27 with both state and federal technical standards and requirements is

1 essential to the public health, safety, and welfare; ~~and finds that local~~
2 ~~regulation of pesticides that is inconsistent with and adopts different~~
3 ~~standards from federal and state requirements does not assist in achieving~~
4 ~~these benefits;~~

5 (e) Pesticide regulation is a matter of statewide AND LOCAL
6 concern.

7 (3) (a) Nothing in this ~~article~~ ARTICLE 10 may be construed to
8 limit the authority of a local government as defined by state law to:

9 (V) REGULATE THE APPLICATION OF PESTICIDES ON PROPERTIES
10 LOCATED WITHIN THE BOUNDARIES OF THE LOCAL GOVERNMENT, EXCEPT
11 THAT A LOCAL GOVERNMENT SHALL NOT:

12 (A) ADOPT REGULATIONS LIMITING THE APPLICATION OF
13 PESTICIDES TO PREVENT OR OTHERWISE CONTROL INVASIVE SPECIES OR
14 NOXIOUS WEEDS, OR TO PROTECT SENSITIVE WILDLIFE, INCLUDING
15 APPLICATIONS THAT MAY BY NECESSARY FOR THE IMPLEMENTATION OF
16 MANAGEMENT PLANS ON PROPERTIES OWNED OR MANAGED BY THE STATE
17 GOVERNMENT;

18 (B) ADOPT REGULATIONS LIMITING THE USE OF PESTICIDES IN THE
19 PRODUCTION OF AGRICULTURAL PRODUCTS, INCLUDING FOR THE PURPOSES
20 OF GROWING FEED FOR LIVESTOCK, MANAGING LIVESTOCK, AND
21 MAINTAINING AGRICULTURAL WATER SUPPLY FACILITIES SUCH AS
22 IRRIGATION DITCHES AND OTHER WATER INFRASTRUCTURE; OR

23 (C) ADOPT REGULATIONS LIMITING THE USE OF PESTICIDES BY A
24 PUBLIC UTILITY, AS DEFINED IN SECTION 40-1-103 (1)(a), ON PROPERTY
25 OWNED OR CONTROLLED BY THE PUBLIC UTILITY, INCLUDING FOR THE
26 PURPOSE OF PROTECTING UTILITY INFRASTRUCTURE OR MANAGING
27 VEGETATION FOR THE OPERATION OF UTILITY INFRASTRUCTURE;

28 (D) ADOPT REGULATIONS LIMITING THE USE OF PESTICIDES BY A
29 WATER CONSERVANCY DISTRICT CREATED PURSUANT TO ARTICLE 45 OF
30 TITLE 37; A WATER CONSERVATION DISTRICT CREATED PURSUANT TO
31 ARTICLES 46 TO 50 OF TITLE 37; A MUNICIPAL WATER SERVICE PROVIDER;
32 AN IRRIGATION DISTRICT FORMED PURSUANT TO ARTICLE 41, 42, OR 43 OF
33 TITLE 37; OR A DITCH OR RESERVOIR COMPANY, IN THE OPERATION AND
34 MAINTENANCE OF WATER SUPPLY COLLECTION, CONVEYANCE, OR
35 DISTRIBUTION FACILITIES THAT WHOLLY OR PARTIALLY SUPPLY WATER
36 FOR AGRICULTURAL, INDUSTRIAL, OR MUNICIPAL USE; OR

37 (E) APPROVE ANY ORDINANCE THAT REGULATES PESTICIDES AND
38 IS NOT GUIDED BY PEER REVIEWED SCIENCE; OR

39 (VI) ENFORCE REGULATIONS ENACTED PURSUANT TO SUBSECTION
40 (3)(a)(V) OF THIS SECTION.

41 (a.5) A VIOLATION OF ANY REGULATION ADOPTED BY A LOCAL
42 GOVERNMENT PURSUANT TO SUBSECTION (3)(a)(V) OF THIS SECTION DOES
43 NOT ITSELF CONSTITUTE A VIOLATION OF ANY OTHER PROVISION OF THIS

- 1 ARTICLE 10."
- 2 Renumber succeeding section accordingly.

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