

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 11-0040.02 Kate Meyer

SENATE BILL 11-017

SENATE SPONSORSHIP

Tochtrop, Carroll, Mitchell

HOUSE SPONSORSHIP

Miklosi, McNulty

Senate Committees
Agriculture and Natural Resources

House Committees

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT CERTAIN INCIDENTS INVOLVING**
102 **ANHYDROUS AMMONIA USED AS AGRICULTURAL FERTILIZER BE**
103 **REPORTED TO THE DEPARTMENT OF AGRICULTURE.**

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>.)

Legislative Audit Committee. Anhydrous ammonia is a hazardous chemical compound that is regulated by various entities. In Colorado, anhydrous ammonia that is used as an agricultural fertilizer is overseen by the inspection and consumer services division in 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.

department of agriculture (department).

Following its 2010 performance audit of the department's anhydrous ammonia program, the office of the state auditor (OSA) recommended various ways to improve the program. The bill implements the OSA's recommendation that the department work with the general assembly to develop incident reporting requirements for anhydrous ammonia used as an agricultural fertilizer.

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

2 **SECTION 1.** Article 13 of title 35, Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW SECTION to read:

4 **35-13-110. Incident reporting requirements - rules -**
5 **definitions.** (1) (a) A RESPONSIBLE PARTY SHALL REPORT AN INCIDENT
6 TO THE DEPARTMENT WITHIN SUCH TIME AND IN SUCH MANNER AS
7 PRESCRIBED BY THE COMMISSIONER BY RULE.

8 (b) THIS SUBSECTION (1) APPLIES ONLY TO INCIDENTS INVOLVING
9 ANHYDROUS AMMONIA AND ANHYDROUS AMMONIA STORAGE TANKS,
10 MOBILE TRANSPORTATION TANKS, AND TANK-MOUNTED APPLICATORS
11 REGULATED UNDER THIS ARTICLE.

12 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
13 REQUIRES:

14 (a) "INCIDENT" MEANS:

15 (I) ANY RELEASE OF ANHYDROUS AMMONIA THAT CAUSES INJURY
16 TO A PERSON; OR

17 (II) ANY EVENT OR OCCURRENCE THAT DAMAGES THE
18 STRUCTURAL INTEGRITY OF AN ANHYDROUS AMMONIA STORAGE TANK,
19 MOBILE TRANSPORTATION TANK, OR TANK-MOUNTED APPLICATOR, AND
20 RELEASES OR IMMEDIATELY THREATENS TO RELEASE ANHYDROUS
21 AMMONIA INTO THE ENVIRONMENT.

22 (b) "RESPONSIBLE PARTY" MEANS A PERSON WHO HAS CUSTODY

1 OF, CONTROL OF, OR RESPONSIBILITY FOR ANHYDROUS AMMONIA OR AN
2 ANHYDROUS AMMONIA STORAGE TANK, MOBILE TRANSPORTATION TANK,
3 OR TANK-MOUNTED APPLICATOR INVOLVED IN AN INCIDENT DESCRIBED IN
4 THIS SUBSECTION (2).

5 (3) NOTHING IN THIS SECTION SUPERSEDES OR AFFECTS ANY
6 REQUIREMENT TO REPORT A RELEASE OF ANHYDROUS AMMONIA UNDER
7 ANY OTHER APPLICABLE STATE OR FEDERAL LAW OR REGULATION.

8 **SECTION 2. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, and safety.