

**CS FOR HOUSE BILL NO. 19(RES)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

**BY THE HOUSE RESOURCES COMMITTEE**

**Offered: 3/1/05**

**Referred: Finance**

**Sponsor(s): REPRESENTATIVES MEYER, Kerttula, LeDoux, Seaton**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to pesticides and broadcast chemicals; and providing for an effective**  
2 **date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **\* Section 1.** AS 37.05.146(c) is amended by adding a new paragraph to read:

5 (78) receipts of the Department of Environmental Conservation from  
6 the registration of pesticides and broadcast chemicals and the licensing of pesticide  
7 applicators under AS 44.46.025.

8 **\* Sec. 2.** AS 37.10.058(2) is amended to read:

9 (2) "designated regulatory service" means a regulatory service  
10 provided under the following regulatory programs:

11 (A) control of solid waste facilities under AS 46.03.020(10)(D)  
12 and (E);

13 (B) regulation of the disposal of waste into waters of the state  
14 under AS 46.03.100;

1 (C) certification of federal permits or authorizations under 33  
2 U.S.C. 1341 (sec. 401, Clean Water Act);

3 (D) a coastal management consistency determination relating to  
4 a permit or authorization issued under a program listed in (A) - (C) of this  
5 paragraph, if the determination is made by the agency issuing the permit or  
6 authorization;

7 (E) any authorization for the use or appropriation of water  
8 under AS 46.15; [AND]

9 (F) administration of emission control permits for the air  
10 quality control program under AS 46.14; and

11 (G) regulation of pesticides and broadcast chemicals  
12 registered under AS 46.03.320(a)(4).

13 \* **Sec. 3.** AS 44.46.025(a) is amended to read:

14 (a) Except as otherwise provided in AS 37.10.050 - 37.10.056, the Department  
15 of Environmental Conservation may adopt regulations that prescribe reasonable fees,  
16 and establish procedures for the collection of those fees, to cover the applicable direct  
17 costs, not including travel except in the case of a designated regulatory service, as that  
18 term is defined in AS 37.10.058, of inspections, permit preparation and administration,  
19 plan review and approval, and other services provided by the department relating to

20 (1) agriculture and animals under AS 03.05; food, drugs, and  
21 cosmetics under AS 17.20; and public accommodations and facilities under AS 18.35;

22 (2) certificates of inspection for motor vehicles under AS 46.14.400 or  
23 46.14.510;

24 (3) drinking water systems under AS 46.03.720;

25 (4) water and wastewater operator training under AS 46.30;

26 (5) waste management and disposal authorizations under  
27 AS 46.03.100;

28 (6) certification of laboratories conducting environmental analyses of  
29 public drinking water systems or of oil or hazardous substances, or conducting other  
30 analyses required by the department;

31 (7) certification of federal permits or authorizations under 33 U.S.C.

1 1341 (sec. 401, Clean Water Act);

2 (8) regulation of point source discharges of pollutants associated with  
3 timber-related activities under the program authorized by AS 46.03.020(12);

4 **(9) regulation of pesticides and broadcast chemicals registered**  
5 **under AS 46.03.320(a)(4), with a reasonable fee not to exceed \$120;**

6 **(10) licensing of pesticide applicators under AS 46.03.320(b), with**  
7 **a reasonable fee not to exceed \$25.**

8 \* **Sec. 4.** AS 46.03.320(a) is amended to read:

9 (a) The department may

10 (1) regulate the transportation, testing, inspection, packaging, labeling,  
11 handling, and advertising of pesticides and broadcast chemicals offered for sale [,] or  
12 placed in commerce for use in the state;

13 (2) regulate and supervise the distribution, application, or use of  
14 pesticides and broadcast chemicals in any state project or program [,] or by a public  
15 agency under the jurisdiction of the state;

16 (3) regulate or prohibit the use of pesticides and broadcast chemicals;

17 **(4) register pesticides and broadcast chemicals for sale or**  
18 **distribution.**

19 \* **Sec. 5.** AS 46.03.320(b) is amended to read:

20 (b) The department may provide by regulation for the licensing of or  
21 **temporary license waiver for** private applicators of restricted-use pesticides; [AND]  
22 for persons engaged in the custom, commercial, or contract spraying or application of  
23 pesticides and broadcast chemicals, **and for other persons engaged in the spraying**  
24 **or application of pesticides and broadcast chemicals in public places.** A person  
25 engaged in the custom, commercial, or contract spraying or application of pesticides  
26 and broadcast chemicals may, by regulation, be required to secure a surety bond or  
27 liability insurance.

28 \* **Sec. 6.** AS 46.03.320 is amended by adding a new subsection to read:

29 (c) A person may not apply a pesticide or broadcast chemical in a public place  
30 unless licensed by the department or otherwise authorized under a regulation of the  
31 department. The department shall by regulation provide for reasonable public

1 notification, including written notice posted on the application site, when pesticides  
2 and broadcast chemicals are applied in a public place. In this subsection, "public  
3 place" means (A) that portion of a public accommodation to which access is not  
4 ordinarily restricted to employees or residents; (B) common areas of an apartment  
5 building or other multifamily dwelling; (C) that portion of a government office or  
6 facility to which access is not ordinarily restricted to employees; and (D) outdoor areas  
7 that the general public may frequent, including plazas, parks, parking lots, and public  
8 sports fields. In this subsection, "public place" does not include a restaurant, hotel, or  
9 motel.

10 \* **Sec. 7.** This Act takes effect January 1, 2006.