

**Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 20-0509.01 Jennifer Berman x3286

**HOUSE BILL 20-1184**

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**HOUSE SPONSORSHIP**

**Buentello and Pelton**, Arndt, Catlin, Holtorf, Valdez D., Will, Young

**SENATE SPONSORSHIP**

**Hisey and Donovan**,

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**House Committees**

Rural Affairs & Agriculture  
Finance

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE CONTINUATION OF THE "COLORADO SEED ACT",**  
102                    **AND, IN CONNECTION THEREWITH, IMPLEMENTING**  
103                    **RECOMMENDATIONS CONTAINED IN THE 2019 SUNSET REPORT**  
104                    **BY THE DEPARTMENT OF REGULATORY AGENCIES.**

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**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/>.)*

**Sunset Process - House Rural Affairs and Agriculture Committee.** The bill implements recommendations of the department of regulatory agencies' sunset review and report on the registration functions

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

of the commissioner of agriculture (commissioner) regarding the "Colorado Seed Act" by:

- ! Continuing the commissioner's registration functions for 11 years, until 2031 (**Sections 1 and 2** of the bill);
- ! Repealing the statutory fee caps for registration and allowing the commissioner to establish registration fees by rule (**section 3**);
- ! Removing the fee discount afforded to registrants with respect to registering a second and any additional locations (**section 3**);
- ! Authorizing the commissioner to establish a registration renewal schedule by rule and repealing language that made each registration effective for one year from March 1 through the last day in February, regardless of when the registration was approved (**section 3**); and
- ! Removing obsolete language requiring money to be transferred between funds in 2009 (**section 4**).

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

2           **SECTION 1.** In Colorado Revised Statutes, 24-34-104, **repeal**  
3 (18)(a)(III); and **add** (32) as follows:

4           **24-34-104. General assembly review of regulatory agencies**  
5 **and functions for repeal, continuation, or reestablishment - legislative**  
6 **declaration - repeal.** (18) (a) The following agencies, functions, or both,  
7 are scheduled to repeal on July 1, 2020:

8           (III) ~~The registration functions of the commissioner of agriculture~~  
9 ~~specified in article 27 of title 35, C.R.S.;~~

10           (32) (a) THE FOLLOWING AGENCIES, FUNCTIONS, OR BOTH, ARE  
11 SCHEDULED FOR REPEAL ON SEPTEMBER 1, 2031:

12           (I) THE REGISTRATION FUNCTIONS OF THE COMMISSIONER OF  
13 AGRICULTURE SPECIFIED IN ARTICLE 27 OF TITLE 35.

14           (b) THIS SUBSECTION (32) IS REPEALED, EFFECTIVE SEPTEMBER 1,  
15 2033.

16           **SECTION 2.** In Colorado Revised Statutes, **amend** 35-27-125 as


1 follows:

2 **35-27-125. Repeal of article - termination of functions.** This  
3 ~~article~~ ARTICLE 27 is repealed, effective ~~July 1, 2020.~~ Prior to such  
4 SEPTEMBER 1, 2031. BEFORE THE repeal, the registration functions of the  
5 commissioner of agriculture ~~shall be reviewed as provided for in~~ ARE  
6 SCHEDULED FOR REVIEW IN ACCORDANCE WITH section 24-34-104. ~~C.R.S.~~

7 **SECTION 3.** In Colorado Revised Statutes, 35-27-111, **amend**  
8 (2)(b) and (4) as follows:

9 **35-27-111. Registration of custom seed conditioners, farmer**  
10 **seed labelers, retail seed dealers, and seed labelers - form - fees -**  
11 **renewal - rules.** (2) (b) (I) Each registration completed pursuant to this  
12 section ~~shall be~~ IS effective ~~on the first day of the month following the~~  
13 ~~month it was submitted to the department and shall expire on the last day~~  
14 ~~of the month twelve months from the date it became effective~~ FOR UP TO  
15 ONE YEAR, SUBJECT TO A RENEWAL SCHEDULE ESTABLISHED BY THE  
16 COMMISSIONER BY RULE.

17 (II) ~~Notwithstanding subparagraph (I) of this paragraph (b),~~  
18 ~~registrations renewed between March 1, 2000, and February 1, 2001, shall~~  
19 ~~expire February 28, 2001. Effective March 1, 2001, all registrations shall~~  
20 ~~be effective March 1 of each year and shall expire the last day of~~  
21 ~~February of each year.~~

22   
23 (4) (a) The commissioner shall establish registration fees BY RULE;  
24 except that registration fees for:

25 (I) Custom seed conditioners and seed labelers ~~shall~~ MUST not  
26 exceed ~~three~~ SEVEN hundred dollars; and

27 (II) Farmer seed labelers and retail seed dealers ~~shall~~ MUST not

1 exceed ~~seventy-five~~ TWO HUNDRED dollars.

2 (b) The commissioner shall, BY RULE, establish fees for each  
3 additional separate registration location according to the class of  
4 registrant; except that the fee for:

5 (I) Custom seed conditioners and seed labelers ~~shall~~ MUST not  
6 exceed ~~seventy-five~~ TWO HUNDRED dollars for each ~~such~~ additional  
7 separate location; and

8 (II) Farmer seed labelers and retail seed dealers ~~shall~~ MUST not  
9 exceed ~~twenty-five~~ TWO HUNDRED dollars for each ~~such~~ additional  
10 separate location.

11 **SECTION 4.** In Colorado Revised Statutes, **amend** 35-27-124 as  
12 follows:

13 **35-27-124. Fees credited to plant health, pest control, and**  
14 **environmental protection cash fund.** All fees and civil fines collected  
15 pursuant to this ~~article~~ ARTICLE 27 shall be transmitted to the state  
16 treasurer, who shall credit the same to the plant health, pest control, and  
17 environmental protection cash fund created in section 35-1-106.3. The  
18 fees and fines imposed by this ~~article~~ ~~shall~~ ARTICLE 27 supplement any  
19 general fund appropriation appropriated for the purposes of this ~~article~~.  
20 ~~Within sixty days after July 1, 2009, the unexpended and unencumbered~~  
21 ~~balance of the seed cash fund, as that fund existed prior to July 1, 2009,~~  
22 ~~shall be transferred to the plant health, pest control, and environmental~~  
23 ~~protection cash fund~~ ARTICLE 27.

24 **SECTION 5. Safety clause.** The general assembly hereby finds,  
25 determines, and declares that this act is necessary for the immediate  
26 preservation of the public peace, health, or safety.