

CHAPTER 11

**AGRICULTURE**

**SENATE BILL 03-180**

BY SENATOR(S) Owen, Reeves, and Teck;  
also REPRESENTATIVE(S) Plant, Witwer, and Young.

**AN ACT**

**CONCERNING THE AUTHORITY OF THE DEPARTMENT OF AGRICULTURE TO EXPEND MONEYS FROM THE MANDATORY FRUIT AND VEGETABLE INSPECTION FUND FOR PURPOSES OTHER THAN THE DIRECT COSTS OF MANDATORY INSPECTIONS, AND, IN CONNECTION THEREWITH, MAKING A SUPPLEMENTARY APPROPRIATION FROM THE MANDATORY FRUIT AND VEGETABLE INSPECTION FUND AND THE BRAND INSPECTION FUND.**

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

**SECTION 1.** 35-23-114 (3), Colorado Revised Statutes, is amended to read:

**35-23-114. Inspection fees - funds - repeal.** (3) (a) Fees for inspections mandated by section 35-23-111 and collected under the provisions of this section shall be deposited in the state treasury and credited to the mandatory fruit and vegetable inspection fund, which fund is hereby created. All interest derived from the deposit or investment of moneys credited to the mandatory fruit and vegetable inspection fund shall also be credited to the fund. All moneys credited to the mandatory fruit and vegetable inspection fund shall be used as provided in this section and shall not be deposited in or transferred to the general fund of this state or any other fund. All moneys in the mandatory fruit and vegetable inspection fund are to be appropriated by the general assembly to the department of agriculture to be used for the inspection services mandated by section 35-23-111, but no more than five percent of said moneys shall be used for indirect costs. Fees for all other inspection services provided pursuant to this article and collected under the provisions of this section shall be deposited in the agricultural products inspection cash fund, which fund is hereby created. All moneys in said fund are to be appropriated by the general assembly to the department of agriculture to be used for inspection services provided pursuant to this article except those inspections mandated by section 35-23-111.

(b) (I) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION

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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.*

(3) TO THE CONTRARY, THE DEPARTMENT OF AGRICULTURE IS AUTHORIZED TO EXPEND MONEYS FROM THE MANDATORY FRUIT AND VEGETABLE INSPECTION FUND FOR CALIBRATION EQUIPMENT, INCLUDING WITHOUT LIMITATION THE PURCHASE OF A MEASUREMENT STANDARDS TRUCK.

(II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2003.

**SECTION 2.** Part I(2) and the affected totals of section 2 of chapter 399, Session Laws of Colorado 2002, are amended to read:

Section 2. **Appropriation.**

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
<b>PART I</b>						
<b>DEPARTMENT OF AGRICULTURE</b>						
<b>(2) AGRICULTURAL SERVICES DIVISION<sup>1</sup></b>						
Personal Services	9,038,429	5,290,446		3,578,807 <sup>a</sup>		169,176
		(87.5 FTE)		(66.1 FTE)		(3.0 FTE)
Operating Expenses	1,106,974	458,639		593,966 <sup>a</sup>		54,369
Measurement Standard Trucks	94,063	<del>94,063</del>			94,063 <sup>c</sup>	
Noxious Weed Management Grant Program <sup>2</sup>	290,000	237,384			52,616 <sup>b</sup>	
Diseased Livestock Fund	25,000				25,000 <sup>c</sup>	
Cervidae Disease Revolving Fund	25,000			25,000 <sup>d</sup>		
Indirect Cost Assessment	298,790			273,567 <sup>a</sup>		25,223
	<u>10,878,256</u>					

<sup>a</sup> These amounts shall be from fees collected for services provided.

<sup>b</sup> This amount shall be from cash fund reserves of the Noxious Weed Management Fund, pursuant to Section 35-5.5-116, C.R.S.

<sup>c</sup> This amount shall be payment for damages available from the Diseased Livestock Indemnity Fund, pursuant to Section 35-50-140.5 (2), C.R.S.

<sup>d</sup> This amount shall be payment for damages available from the Cervidae Disease Revolving Fund, pursuant to Section 35-50-114.5 (4), C.R.S.

<sup>e</sup> OF THIS AMOUNT, \$47,031.50 SHALL BE FROM RESERVES IN THE MANDATORY FRUIT AND VEGETABLE INSPECTION FUND CREATED PURSUANT TO SECTION 35-23-114 (3), C.R.S., AND \$47,031.50 SHALL BE FROM RESERVES IN THE BRAND INSPECTION FUND CREATED PURSUANT TO SECTION 35-41-102, C.R.S.

**TOTALS PART I**

<b>(AGRICULTURE)<sup>5,6</sup></b>	\$31,110,644	<del>\$10,621,482</del>		\$18,029,337	<del>\$1,441,221<sup>a</sup></del>	\$1,018,604
		<u>\$10,527,419</u>			<u>\$1,535,284<sup>a</sup></u>	

<sup>a</sup> Of this amount, \$1,171,354 contains a (T) notation.

**SECTION 3. 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: March 5, 2003