

CHAPTER 145

AGRICULTURE

HOUSE BILL 20-1184

BY REPRESENTATIVE(S) Buentello and Pelton, Arndt, Catlin, Holtorf, Valdez D., Will, Young, Bockenfeld, Champion, Esgar, Hooton, Rich, Roberts, Snyder, Soper;
also SENATOR(S) Hisey and Donovan, Gonzales, Priola, Tate, Winter, Garcia.

AN ACT

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

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

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

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

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

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

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

(b) THIS SUBSECTION (32) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2033.

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

35-27-125. Repeal of article - termination of functions. This ~~article~~ ARTICLE

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

27 is repealed, effective ~~July 1, 2020. Prior to such~~ SEPTEMBER 1, 2031. BEFORE THE repeal, the registration functions of the commissioner of agriculture shall be reviewed as provided for in ARE SCHEDULED FOR REVIEW IN ACCORDANCE WITH section 24-34-104. C.R.S.

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

35-27-111. Registration of custom seed conditioners, farmer seed labelers, retail seed dealers, and seed labelers - form - fees - renewal - rules.

(2) (b) (I) Each registration completed pursuant to this section ~~shall be~~ IS effective on the first day of the month following the month it was submitted to the department and shall expire on the last day of the month twelve months from the date it became effective FOR UP TO ONE YEAR, SUBJECT TO A RENEWAL SCHEDULE ESTABLISHED BY THE COMMISSIONER BY RULE.

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

(4) (a) SUBJECT TO MODIFICATION BY RULE PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION, THE REGISTRATION FEE FOR EACH REGISTRANT IS AS FOLLOWS:

(I) FOR CUSTOM SEED CONDITIONERS AND SEED LABELERS, FIVE HUNDRED NINETEEN DOLLARS;

(II) FOR FARMER SEED LABELERS AND RETAIL SEED DEALERS, ONE HUNDRED THIRTY DOLLARS; AND

(III) FOR RETAIL SEED DEALERS FOR EACH SEPARATE LOCATION, FORTY-THREE DOLLARS.

~~(a)~~ (b) The commissioner ~~shall establish~~ MAY ADJUST registration fees BY RULE; except that registration fees for:

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

(II) Farmer seed labelers and retail seed dealers ~~shall~~ MUST not exceed ~~seventy-five~~ TWO HUNDRED dollars.

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

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

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

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

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

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

Approved: June 29, 2020