

CHAPTER 102

AGRICULTURE

SENATE BILL 93-77

BY SENATORS Bird, Traylor, Rizzuto, Norton, Mendez, Schroeder, and Trujillo;
also REPRESENTATIVES Grampas, Owen, Romero, Williams, Agler, Berry, Faatz, and Kerns.

AN ACT

CONCERNING REMOVAL OF STATUTORY LIMITATIONS ON THE FEES CHARGED FOR INSPECTION OF AGRICULTURAL PRODUCTS.

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

SECTION 1. 35-23-114 (1) and (2), Colorado Revised Statutes, 1984 Repl. Vol., as amended, are amended to read:

35-23-114. Inspection fees - funds. (1) The state agricultural commission, after conferring with interested industry groups, is authorized to fix, assess, and collect fees for the inspection and issuance of certificates of inspection on fruits, vegetables, and other agricultural products.

(2) (a) Such fees shall be uniform for the particular service rendered. The amount of such fees for services rendered under the provisions of this article shall be determined by the commission as nearly as may be to the end that such fees shall pay at least fifty percent of the operational cost of the inspection service mandated by section 35-23-111, but appropriations from the general fund shall be fifty percent of the operational cost of such mandatory inspection or two hundred thousand dollars, whichever is the lesser amount, and one hundred percent of the operational costs of all other inspection services provided pursuant to this article. Such fees shall be paid by the person, firm, corporation, or other organization requesting the service at the time such service is rendered or as otherwise provided and authorized by the commission. ~~This paragraph (a) is repealed, effective July 1, 1994.~~

~~(b) On and after July 1, 1994, such fees shall be uniform for the particular service rendered. The amount of such fees for services rendered under the provisions of this article shall be determined by the commission as nearly as may be to the end that such fees shall pay at least fifty percent of the operational cost of the inspection service~~

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

~~mandated by section 35-23-111, but appropriations from the general fund shall be fifty percent of the operational cost of such mandatory inspection or four hundred thousand dollars, whichever is the lesser amount, and one hundred percent of the operational costs of all other inspection services provided pursuant to this article. Such fees shall be paid by the person, firm, corporation, or other organization requesting the service at the time such service is rendered or as otherwise provided and authorized by the commission. Fees shall not exceed ten cents per one hundred pounds; except that, for any service for which a per hundredweight basis is not properly adapted, a contractual arrangement, mutually agreed upon by and between the applicant and the department, may be implemented and except that a four-dollar minimum charge per certificate may be authorized.~~

SECTION 2. 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: April 12, 1993