

CHAPTER 65

AGRICULTURE

SENATE BILL 99-122

BY SENATORS Chlouber, Hernandez, and Powers;
also REPRESENTATIVES Young, Alexander, Coleman, McKay, Plant, Spradley, Taylor, and Webster.

AN ACT

CONCERNING THE "COLORADO SEED ACT", AND, IN CONNECTION THEREWITH, CONTINUING THE REGISTRATION FUNCTION OF THE COMMISSIONER OF AGRICULTURE UNDER SUCH ACT.

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

SECTION 1. Repeal. 24-34-104 (28) (c) (II), Colorado Revised Statutes, is repealed as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (28) (c) The following agencies and functions of the specified agencies shall terminate July 1, 1999:

(II) ~~The registration function of the commissioner of agriculture pursuant to article 27 of title 35, C.R.S.;~~

SECTION 2. 24-34-104 (40), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (40) The following agencies, functions, or both, shall terminate on July 1, 2009:

(f) THE REGISTRATION FUNCTION OF THE COMMISSIONER OF AGRICULTURE PURSUANT TO ARTICLE 27 OF TITLE 35, C.R.S.

SECTION 3. 35-27-103 (10), Colorado Revised Statutes, is amended to read:

35-27-103. Definitions. As used in this article, unless the context otherwise requires:

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

(10) "Farmer seed labeler" means any person who ~~produces~~ LABELS ONLY seed PRODUCED for sale on property owned or rented by such person or such person's employer in Colorado.

SECTION 4. 35-27-104 (1) (d), Colorado Revised Statutes, is amended to read:

35-27-104. Scope of article. (1) The provisions of this article shall not apply to:

(d) Seed of a variety not protected by the federal "Plant Variety Protection Act", 7 U.S.C.A. secs. ~~2323 to 2583~~ 2321 TO 2582, as amended, sold on a grower's premises and delivered to a purchaser, if such seed is: Grown on such grower's premises, not delivered by common carrier or by mail, and not commercially advertised in any way; except that such seed shall be subject to the noxious weed provisions of section 35-27-113 (2), and the grower of such seed shall be responsible for any advertisements made concerning such seed in the course of the sale of such seed;

SECTION 5. 35-27-111 (2) (b), Colorado Revised Statutes, is amended to read:

35-27-111. Registration of custom seed conditioners, farmer seed labelers, retail seed dealers, and seed labelers - form - fees - renewal. (2) (b) (I) Each registration completed pursuant to this section shall be 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.

(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.

SECTION 6. 35-27-113 (1) (g) and (1) (h), Colorado Revised Statutes, are amended to read:

35-27-113. Prohibitions. (1) It is unlawful and a violation of this article for any person to sell, offer or expose for sale, barter, or distribute any seed within this state, if such seed:

(g) Is sold by a variety name not certified by a certifying agency and if such seed is of a variety for which a certificate or application for certificate of plant variety protection under the federal "Plant Variety Protection Act", 7 U.S.C.A. secs. ~~2323 to 2583~~ 2321 TO 2582, as amended, requires sale only as a class of certified seed; or

(h) Is sold by a variety name when such seed is of a variety for which a certificate or application for certificate of plant variety protection under the federal "Plant Variety Protection Act", 7 U.S.C.A. secs. ~~2323 to 2583~~ 2321 TO 2582, as amended, has been granted or for which an application for a certificate of plant variety protection has been sought.

SECTION 7. Repeal. 35-27-121, Colorado Revised Statutes, is repealed as

follows:

35-27-121. Advisory committee - repeal. ~~(1) (a) The commissioner shall appoint four members of a six member seed advisory committee to terms of three years to advise in formulating rules and regulations for carrying out the provisions of this article. Such advisory committee shall have two permanent members as follows: A seed scientist at Colorado State University and the manager of the Colorado seed growers association:~~

~~(b) The other four committee members shall be appointed as follows:~~

~~(I) A member of the Colorado seedsmen's association; except that the first such appointee shall serve a term that terminates on July 1, 1994;~~

~~(II) A farmer member of the Colorado seed growers association; except that the first such appointee shall serve a term that terminates on July 1, 1995; and~~

~~(III) (A) Two members of which one shall be from the east slope and one from the west slope or San Luis valley.~~

~~(B) The initial appointees appointed pursuant to sub-subparagraph (A) of this subparagraph (III) shall be appointed to terms that terminate on July 1, 1996.~~

~~(c) No appointed member shall serve more than two consecutive terms.~~

~~(2) Members of the committee shall receive no compensation, but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties as members of the committee.~~

~~(3) (a) This section is repealed, effective July 1, 1999.~~

~~(b) Prior to said repeal, the seed advisory committee shall be reviewed as provided for in section 2-3-1203, C.R.S.~~

SECTION 8. 35-27-125, Colorado Revised Statutes, is amended to read:

35-27-125. Repeal of article - termination of functions. This article is repealed, effective ~~July 1, 1999~~ JULY 1, 2009. Prior to such repeal, the registration functions of the commissioner of agriculture shall be reviewed as provided for in section 24-34-104, C.R.S.

SECTION 9. Repeal. 2-3-1203 (3) (I) (III), Colorado Revised Statutes, is repealed as follows:

2-3-1203. Sunset review of advisory committees. (3) The following dates are the dates for which the statutory authorization for the designated advisory committees is scheduled for repeal:

(I) July 1, 1999:

(III) ~~The seed advisory committee, appointed pursuant to section 35-27-121,~~

~~C.R.S.;~~

SECTION 10. 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 31, 1999