

CHAPTER 13

AGRICULTURE

SENATE BILL 03-169

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

AN ACT

CONCERNING THE ELIMINATION OF LIMITS ON REVENUES RELATED TO THE INDIRECT COSTS INCURRED BY CERTAIN ENTITIES WITHIN THE DEPARTMENT OF AGRICULTURE, AND, IN CONNECTION THEREWITH, MAKING A SUPPLEMENTAL APPROPRIATION.

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

SECTION 1. 35-41-102, Colorado Revised Statutes, is amended to read:

35-41-102. Brand inspection fund - estray fund - repeal. (1) All moneys coming into the hands of the state board of stock inspection commissioners from the sale of estray animals shall constitute and be known as the estray fund, which fund is hereby continuously appropriated to the board, and shall be kept in an account separate and distinct from other accounts, in conformity with ~~regulations~~ RULES to be prescribed by said board. All other funds of said board, including fees collected for the inspection of cattle, shall constitute and be known as the brand inspection fund of said board, which shall be kept in conformity with the ~~regulations~~ RULES to be prescribed by said board. The board is authorized, in the administration of the brand inspection fund, to maintain an accounts receivable system for the collection of all moneys to be credited to said fund. The board is authorized to expend ~~a maximum of three and six-tenths percent, or actual costs, whichever is less,~~ of the base appropriation allocated to the brand inspection division to offset the indirect costs of the board:

(a) (I) ALL MONEYS NECESSARY.

(II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2006.

(b) EFFECTIVE JULY 1, 2006, A MAXIMUM OF THREE AND SIX-TENTHS PERCENT, OR ACTUAL COSTS, WHICHEVER IS LESS.

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

SECTION 2. 35-11-106 (3), Colorado Revised Statutes, is amended to read:

35-11-106. Issuance of chemigation permit - fees - repeal. (3) The fee for a chemigation permit and the annual renewal fee shall be established by the commissioner through rules ~~and regulations~~. Such fees shall reflect all direct and indirect costs of the department for the administration of this article. The inspection fee shall be established by rule ~~and regulation~~ of the commissioner and shall reflect all direct and indirect costs for the inspection. A chemigation permit shall expire on March 31 of the year subsequent to the date the chemigation permit was issued. The reinstatement fee for an expired chemigation permit shall be double the amount of the fee for a chemigation permit. The reinstatement fee shall not be assessed to any person who filed an affidavit in lieu of a permit for the year prior to the year such person seeks a permit. A chemigation permit shall not be assignable. The amount of indirect costs assessed under this subsection (3) shall: ~~be based on the number of FTE in the program expressed as a percentage of the total FTE in the department. In no case shall the indirect costs assessment exceed this percentage.~~

(a) (I) REFLECT THE INDIRECT COSTS OF THE DEPARTMENT.

(II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2006.

(b) EFFECTIVE JULY 1, 2006, BE BASED ON THE NUMBER OF FTE IN THE PROGRAM EXPRESSED AS A PERCENTAGE OF THE TOTAL FTE IN THE DEPARTMENT. IN NO CASE SHALL THE INDIRECT COSTS ASSESSMENT EXCEED THIS PERCENTAGE.

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

35-23-114. Inspection fees - funds - repeal. (3) 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. **MONEYS IN THE MANDATORY FRUIT AND VEGETABLE INSPECTION FUND MAY BE USED:**

(a) (I) FOR THE DEPARTMENT'S DIRECT AND INDIRECT COSTS.

(II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2006.

(b) FOR THE DEPARTMENT'S DIRECT AND INDIRECT COSTS; EXCEPT THAT, EFFECTIVE JULY 1, 2006, NO MORE THAN FIVE PERCENT OF SAID MONEYS SHALL BE USED FOR THE DEPARTMENT'S INDIRECT COSTS.

SECTION 4. Part I (1), (2), and (4) 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	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

**PART I
DEPARTMENT OF AGRICULTURE**

(1) COMMISSIONER'S OFFICE AND ADMINISTRATIVE SERVICES

Personal Services	1,638,197	1,160,776 665,480		33,015 ^a	444,087(T) ^b 939,383(T) ^b	319
	(23.7 FTE)					
Licensing/Registration						
System Integration	254,100	180,249			73,851 ^c	
Health, Life, and Dental	688,108	279,326		401,580 ^a		7,202
Short-term Disability	18,382	9,486		8,655 ^a		241
Salary Survey and Senior Executive Service	678,758	364,489		307,380 ^a		6,889
Performance-based Pay Awards	149,572	64,847		82,580 ^a		2,145
Workers' Compensation	123,014	70,721		51,193 ^a		1,100
Operating Expenses	115,149	105,494		9,655 ^a		
Legal Services for 3,200 hours	191,360	55,412		125,286 ^a		10,662

Purchase of Services from					
Computer Center	6,371	6,371			
Multiuse Network Payments	9,854	9,854			
Payment to Risk					
Management and Property					
Funds	117,626	73,384	43,226 ^a		1,016
Vehicle Lease Payments	256,489	172,800	79,354 ^a		4,335
Information Technology					
Asset Maintenance	111,405	50,132	52,360 ^a	8,913 ^d	
Leased Space	106,017	47,788	58,229 ^e		
Capitol Complex Leased					
Space	144,003	111,620	32,383 ^a		
Lease Purchase for 700					
Kipling	229,458	148,292	81,166 ^a		
Utilities	86,204	79,413	6,791 ^a		
Agricultural Statistics	80,000	65,000	15,000 ^f		
Grants	220,906				220,906
Indirect Cost Assessment	<u>15,021</u>				15,021
		5,239,994			

^a These amounts shall be from fees collected by cash funded agencies within the Department.

^b This amount shall be from indirect cost recoveries.

^c This amount shall be from cash fund reserves in the Commercial Pesticide Applicator Fund pursuant to Section 35-10-126, C.R.S., the Groundwater Protection Fund, pursuant to Section 25-8-205.5 (8), C.R.S., and the Pesticide Fund pursuant to Section 35-9-126, C.R.S.

^d This amount shall be from cash fund reserves.

^e Of this amount, \$36,108 shall be from fees collected by the Brand Inspection Program and \$22,121 shall be from fees collected by cash funded agencies within the Department.

 APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
(2) AGRICULTURAL SERVICES DIVISION¹						
Personal Services	9,038,429	5,290,446		3,578,807 ^a		169,176
		(87.5 FTE)		(66.1 FTE)		(3.0 FTE)
Operating Expenses	1,106,974	458,639		593,966 ^a		54,369
Measurement Standard						
Trucks	94,063	94,063				
Noxious Weed						
Management Grant						
Program ²	290,000	237,384			52,616 ^b	
Diseased Livestock Fund	25,000				25,000 ^c	
Cervidae Disease Revolving						
Fund	25,000			25,000 ^d		
Indirect Cost Assessment	298,790			273,567^a		25,223
	<u>388,790</u>			363,567 ^a		
	10,878,256					
	10,968,256					

^a These amounts shall be from fees collected for services provided.

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

^c 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.

^d 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.

(4) BRAND BOARD

Brand Inspection	3,302,086			
	(66.3 FTE)			
Alternative Livestock	95,662			
Indirect Cost Assessment	122,319			
	<u>527,615</u>			
	3,520,067		3,520,067 ^a	
	3,925,363			405,296 ^b

^a This amount shall be from fees for services.

^b THIS AMOUNT SHALL BE FROM THE BRAND INSPECTION FUND, PURSUANT TO SECTION 35-41-102, C.R.S.

TOTALS PART I

(AGRICULTURE)^{5, 6}	\$31,110,644	\$10,621,482		\$18,029,337	\$1,441,221[*]	\$1,018,604
	<u>\$31,605,940</u>	<u>\$10,126,186</u>		<u>\$18,119,337</u>	<u>\$2,341,813^a</u>	

^a Of this amount, ~~\$1,171,254~~ \$1,666,650 contains a (T) notation.

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, and safety.

Approved: March 5, 2003