

CHAPTER 263

AGRICULTURE

SENATE BILL 03-297

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

AN ACT

CONCERNING A REDUCTION IN THE LEVEL OF FUNDING PROVIDED FROM THE STATE GENERAL FUND FOR CERTAIN ACTIVITIES OF THE DEPARTMENT OF AGRICULTURE, AND, IN CONNECTION THEREWITH, CREATING AN INSPECTION AND CONSUMER SERVICES CASH FUND AND GRANTING AUTHORITY TO THE AGRICULTURAL COMMISSION TO SET FEES FOR THE SUPPORT OF SUCH ACTIVITIES AND MAKING AN APPROPRIATION.

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

SECTION 1. 35-1-104, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

35-1-104. Functions, powers, and duties. (4) TO THE EXTENT ITS COSTS ARE REPAYED BY GIFTS, GRANTS, OR DONATIONS RECEIVED PURSUANT TO SECTION 35-1-107 (6), AND ONLY TO THAT EXTENT, THE DEPARTMENT MAY PROVIDE EDUCATIONAL PROGRAMS AND MATERIALS REGARDING ANY ACTIVITY REGULATED UNDER ARTICLES 12, 13, 14, 21, 33, AND 60 OF THIS TITLE OR ARTICLE 16 OF TITLE 12, C.R.S.

SECTION 2. 35-1-106 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

35-1-106. Powers and duties of commission - repeal. (1) In addition to all other powers and duties conferred upon the commission by the provisions of this article, the commission has the following specific powers and duties:

(p) (I) IN CONSULTATION WITH INTERESTED INDUSTRY GROUPS, TO FIX, ASSESS, AND COLLECT FEES IN AMOUNTS SUFFICIENT TO RECOVER THE DEPARTMENT'S DIRECT AND INDIRECT COSTS INCURRED IN CARRYING OUT AND ENFORCING THE PROVISIONS OF ARTICLES 12, 13, 14, 21, 33, AND 60 OF THIS TITLE AND OF ARTICLES 11 AND 16 OF TITLE 12, C.R.S.

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

(II) FEES ESTABLISHED PURSUANT TO THIS PARAGRAPH (p) THAT EXCEED THE AMOUNT OF ANY CORRESPONDING FEES THAT WERE IN EFFECT AS OF APRIL 1, 2003, AND ANY NEW OR ADDITIONAL FEES ESTABLISHED AFTER APRIL 1, 2003, SHALL BE REPORTED, ON OR BEFORE DECEMBER 1 OF EACH YEAR, TO THE AGRICULTURE, NATURAL RESOURCES AND ENERGY COMMITTEE OF THE SENATE AND THE AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

(III) THIS PARAGRAPH (p) IS REPEALED, EFFECTIVE JULY 1, 2005.

SECTION 3. Article 1 of title 35, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

35-1-106.5. Inspection and consumer services cash fund - creation - repeal.

(1) TO AND INCLUDING JUNE 30, 2005, ALL FEES, FINES, AND PENALTIES COLLECTED PURSUANT TO ARTICLES 12, 13, 14, 21, 33, AND 60 OF THIS TITLE AND ARTICLE 16 OF TITLE 12, C.R.S., SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE INSPECTION AND CONSUMER SERVICES CASH FUND, WHICH FUND IS HEREBY CREATED IN THE STATE TREASURY. ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND OR USED FOR ANY PURPOSE OTHER THAN TO OFFSET THE COSTS OF IMPLEMENTING, ADMINISTERING, AND ENFORCING THE PROVISIONS OF ARTICLES 12, 13, 14, 21, 33, AND 60 OF THIS TITLE AND OF ARTICLES 11 AND 16 OF TITLE 12, C.R.S. MONEYS IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION TO THE DEPARTMENT FOR SUCH PURPOSES.

(2) NOTWITHSTANDING SECTION 24-75-402 (2) (g), C.R.S., THE TARGET RESERVE BALANCE FOR THE INSPECTION AND CONSUMER SERVICES CASH FUND SHALL BE FIFTY PERCENT OF THE AMOUNT EXPENDED FROM THE FUND DURING THE FISCAL YEAR.

(3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2005. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE INSPECTION AND CONSUMER SERVICES CASH FUND AS OF JUNE 30, 2005, SHALL BE TRANSFERRED TO THE GENERAL FUND.

SECTION 4. 35-1-107 (1) and (3), Colorado Revised Statutes, are amended, and the said 35-1-107 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

35-1-107. Commissioner of agriculture - report - publications - deputy commissioner. (1) The commissioner of agriculture shall be the chief administrative officer of the department of agriculture and shall have direct control and management of its functions, subject only to the powers and duties of the commission as prescribed in this article. The commissioner shall be appointed by the governor, with the consent of the senate, and he shall serve at the pleasure of the governor. ~~He~~ THE COMMISSIONER shall be allowed traveling and subsistence expenses actually and necessarily incurred in the performance of his official duties. ~~when absent from his main office. He~~ THE COMMISSIONER shall maintain his AN office at the state capitol buildings group and shall be custodian of all property and records of the department.

(3) The commissioner shall exercise control over publications of the department and subordinate units thereof, ~~He~~ AND shall cause such publications as are approved for circulation in quantity outside the executive branch to be issued in accordance with the provisions of section 24-1-136, C.R.S.

(5) THE COMMISSIONER IS AUTHORIZED TO ADOPT ALL REASONABLE RULES FOR THE IMPLEMENTATION OF ARTICLES 12, 13, 14, 21, 33, AND 60 OF THIS TITLE AND OF ARTICLES 11 AND 16 OF TITLE 12, C.R.S. SUCH RULES MAY INCLUDE, BUT ARE NOT LIMITED TO:

(a) THE ESTABLISHMENT OF CLASSIFICATIONS AND SUB-CLASSIFICATIONS FOR ANY LICENSE AUTHORIZED UNDER SAID ARTICLES; AND

(b) THE ESTABLISHMENT OF ANY PENALTY FEES THAT MAY BE ASSESSED FOR VIOLATIONS OF SAID ARTICLES OR OF RULES ADOPTED UNDER SAID ARTICLES OR UNDER THIS SECTION.

(6) THE COMMISSIONER IS AUTHORIZED TO ACCEPT GIFTS, GRANTS, AND DONATIONS OF ANY KIND FROM ANY PRIVATE OR PUBLIC SOURCE, AND, UPON RECEIPT, SHALL TRANSMIT ALL SUCH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE INSPECTION AND CONSUMER SERVICES CASH FUND CREATED IN SECTION 35-1-106.5 OR, ON OR AFTER JULY 1, 2005, TO THE GENERAL FUND.

(7) THE COMMISSIONER IS AUTHORIZED TO ENTER INTO COOPERATIVE AGREEMENTS WITH ANY AGENCY OR POLITICAL SUBDIVISION OF THIS STATE OR ANY OTHER STATE, OR WITH ANY AGENCY OF THE UNITED STATES GOVERNMENT, FOR THE PURPOSE OF CARRYING OUT THE PROVISIONS OF THIS ARTICLE, RECEIVING GIFTS, GRANTS, OR DONATIONS, SECURING UNIFORMITY OF RULES, AND ENTERING INTO RECIPROCAL LICENSING AGREEMENTS.

SECTION 5. The introductory portion to 35-12-104 (1) and 35-12-104 (7), Colorado Revised Statutes, are amended to read:

35-12-104. Registration. (1) Each brand and grade of commercial fertilizer, soil conditioner, plant amendment, or agricultural liming material shall be registered by the person whose name appears on the label before being distributed in, into, or for use in this state. The application for registration shall be submitted to the commissioner on forms furnished by the commissioner and shall be accompanied by a fee of ~~twenty-five dollars~~ AS ESTABLISHED BY THE AGRICULTURAL COMMISSION for the first brand; EXCEPT THAT, ON AND AFTER JULY 1, 2005, THE FEE SHALL BE TWENTY-FIVE DOLLARS. The registrant shall pay a fee of ~~ten dollars~~ AS ESTABLISHED BY THE AGRICULTURAL COMMISSION for each succeeding brand and a fee of ~~two dollars and fifty cents~~ AS ESTABLISHED BY THE AGRICULTURAL COMMISSION for each analysis under each separate brand or for any special analyzation or change in the same brand; EXCEPT THAT, ON AND AFTER JULY 1, 2005, THE FEE FOR EACH SUCCEEDING BRAND SHALL BE TEN DOLLARS AND THE FEE FOR EACH ANALYSIS OR SPECIAL ANALYZATION OR CHANGE SHALL BE TWO DOLLARS AND FIFTY CENTS. All registrations shall expire on June 30 of each year. Each application for registration shall include the following information:

(7) If a commercial fertilizer, soil conditioner, plant amendment, or agricultural liming material, not registered in the preceding year in this state, is sold or distributed for use in this state without a current registration, a penalty for failure to register ~~of five dollars per day~~ AS ESTABLISHED BY THE AGRICULTURAL COMMISSION shall be assessed against the person responsible for registration, with each day subsequent to the time of the first sale or distribution for use in the state deemed a separate, continuing violation. However, ON OR AFTER JULY 1, 2005, the DAILY penalty shall BE FIVE DOLLARS PER DAY. THE SUM TOTAL OF ALL SUCH DAILY PENALTIES SHALL NOT exceed five hundred dollars. ~~The penalty~~ ANY AND ALL SUCH PENALTIES shall constitute a debt and shall be paid by the registrant at the time the application for registration is submitted to the commissioner.

SECTION 6. 35-12-106 (1) and (2), Colorado Revised Statutes, are amended, and the said 35-12-106 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

35-12-106. Inspection fees. (1) A registrant, except those who package only in containers of ten pounds or less, shall pay the commissioner, for all commercial fertilizers, soil conditioners, plant amendments, or agricultural liming materials distributed in this state, an inspection fee ~~at the rate of twenty-five cents per ton~~ AS ESTABLISHED BY THE AGRICULTURAL COMMISSION; EXCEPT THAT, ON AND AFTER JULY 1, 2005, THE INSPECTION FEE SHALL BE TWENTY-FIVE CENTS PER TON. For the purpose of funding the groundwater protection fund created in section 25-8-205.5 (8), C.R.S., on and after January 1, 1991, an additional fee of fifty cents per ton of commercial fertilizer shall be paid to the commissioner. This increment of fifty cents per ton of commercial fertilizer shall be collected by the commissioner and transmitted to the state treasurer, who shall credit the same to the groundwater protection fund, created in section 25-8-205.5 (8), C.R.S.

(2) Registrants of specialty fertilizers, soil conditioners, plant amendments, or agricultural liming materials packaged in containers of ten pounds or less shall pay the commissioner, for all specialty fertilizers, soil conditioners, plant amendments, or agricultural liming materials distributed in this state, an inspection fee ~~of twenty-five cents per hundred pounds~~ AS ESTABLISHED BY THE AGRICULTURAL COMMISSION; EXCEPT THAT, ON AND AFTER JULY 1, 2005, THE INSPECTION FEE SHALL BE TWENTY-FIVE CENTS PER HUNDRED POUNDS.

(9) ALL MONEYS COLLECTED PURSUANT TO THIS SECTION SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE INSPECTION AND CONSUMER SERVICES CASH FUND, CREATED IN SECTION 35-1-106.5 OR, ON OR AFTER JULY 1, 2005, TO THE GENERAL FUND.

SECTION 7. 35-13-103, Colorado Revised Statutes, is amended to read:

35-13-103. Commissioner to promulgate rules. The commissioner shall, in addition to other relevant criteria, use as a guide to make, promulgate, and enforce ~~regulations~~ RULES setting forth minimum general safety standards covering the design, construction, location, installation, and operation of equipment for storage, handling, transportation by tank truck or tank trailer, and utilization of anhydrous ammonia fertilizer such standards as provided in ~~Agricultural Ammonia Institute Standard M-1, dated December, 1965~~ AMERICAN NATIONAL STANDARDS INSTITUTE

STANDARD K61.1-1999, or subsequent revisions thereof. Said ~~regulations~~ RULES shall be as are reasonably necessary for the protection of the safety of the public and persons using such materials and shall be in substantial conformity with the generally accepted standards of safety concerning the same subject matter. Such ~~regulations~~ RULES shall be adopted by the commissioner only after a public hearing thereon.

SECTION 8. The introductory portion to 35-13-107 (1) and 35-13-107 (1) (a), Colorado Revised Statutes, are amended to read:

35-13-107. Enforcement. (1) The department of agriculture is authorized to administer and supervise the enforcement of this article AND OF RULES ADOPTED UNDER THIS ARTICLE OR UNDER SECTION 35-1-107 (5). To this end, the department of agriculture and the commissioner shall:

(a) Provide for and have full and complete power and authority to make such periodic investigations and inspections as may be deemed necessary to disclose violations; ~~of this article;~~

SECTION 9. 35-13-108, Colorado Revised Statutes, is amended to read:

35-13-108. Civil penalties. (1) (a) ~~Any person, firm, association, or corporation who violates any of the provisions of this article is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not less than thirty days nor more than six months.~~ THE COMMISSIONER MAY IMPOSE A CIVIL PENALTY ON ANY PERSON WHO VIOLATES ANY PROVISION OF THIS ARTICLE OR ANY RULE ADOPTED UNDER THIS ARTICLE OR UNDER SECTION 35-1-107 (5). SUCH PENALTY SHALL NOT EXCEED SEVEN HUNDRED FIFTY DOLLARS PER DAY PER VIOLATION.

(b) BEFORE IMPOSING A CIVIL PENALTY, THE COMMISSIONER MAY CONSIDER THE EFFECT OF SUCH PENALTY ON THE ABILITY OF THE VIOLATOR TO STAY IN BUSINESS.

(2) THE COMMISSIONER SHALL NOT IMPOSE A CIVIL PENALTY UNLESS THE PERSON CHARGED IS GIVEN NOTICE AND AN OPPORTUNITY FOR A HEARING PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S.

(3) IF THE COMMISSIONER IS UNABLE TO COLLECT, OR IF ANY PERSON FAILS TO PAY, ALL OR ANY PORTION OF A CIVIL PENALTY IMPOSED PURSUANT TO THIS SECTION, THE COMMISSIONER MAY RECOVER THE AMOUNT OF THE PENALTY, PLUS COSTS AND ATTORNEY FEES, BY ACTION IN A COURT OF COMPETENT JURISDICTION.

(4) ALL MONEYS COLLECTED PURSUANT TO THIS SECTION SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE INSPECTION AND CONSUMER SERVICES CASH FUND, CREATED IN SECTION 35-1-106.5 OR, ON OR AFTER JULY 1, 2005, TO THE GENERAL FUND.

SECTION 10. Article 13 of title 35, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

35-13-109. Registration - application - fees. (1) ON OR BEFORE JULY 1 OF EACH

YEAR, EVERY PERSON WHO OWNS ONE OR MORE ANHYDROUS AMMONIA STORAGE TANKS, MOBILE TRANSPORTATION TANKS, OR TANK-MOUNTED APPLICATORS WITHIN THIS STATE SHALL REGISTER EACH OF SUCH TANKS OR APPLICATORS WITH THE DEPARTMENT AND SHALL PAY A REGISTRATION FEE AS ESTABLISHED BY THE AGRICULTURAL COMMISSION. A REGISTRATION IS NOT TRANSFERABLE. NO REDUCTION OF A REGISTRATION FEE SHALL BE MADE FOR A FRACTIONAL PART OF A YEAR.

(2) AN APPLICATION FOR REGISTRATION SHALL STATE:

(a) THE NAME OF THE APPLICANT;

(b) IF THE APPLICANT IS A FIRM, THE NAMES OF ITS MEMBERS;

(c) IF THE APPLICANT IS A CORPORATION, THE NAMES OF ITS OFFICERS;

(d) THE APPLICANT'S BUSINESS ADDRESS;

(e) THE APPLICANT'S TELEPHONE NUMBER;

(f) THE NAME AND LOCATION OF EACH FIXED BULK FACILITY; AND

(g) THE SERIAL NUMBER OR OTHER IDENTIFYING NUMBER OF EACH MOBILE TRANSPORTATION TANK OR TANK-MOUNTED APPLICATOR.

(3) THE AGRICULTURAL COMMISSION MAY DETERMINE THE AMOUNT OF ANY REGISTRATION FEE AUTHORIZED UNDER THIS ARTICLE.

(4) (a) ALL FEES, FINES, AND PENALTIES COLLECTED PURSUANT TO THIS SECTION SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE INSPECTION AND CONSUMER SERVICES CASH FUND CREATED IN SECTION 35-1-106.5 OR, ON OR AFTER JULY 1, 2005, TO THE GENERAL FUND.

(b) FEES ESTABLISHED PURSUANT TO THIS SECTION SHALL BE REPORTED, ON OR BEFORE DECEMBER 1 OF EACH YEAR, TO THE AGRICULTURE, NATURAL RESOURCES AND ENERGY COMMITTEE OF THE SENATE AND THE AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

SECTION 11. 35-14-127 (2), (4) (a), (4) (c), (5), (6), (7), (8), (9), (10), (12), and (13), Colorado Revised Statutes, are amended, and the said 35-14-127 (4) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

35-14-127. Licenses - fees - stickers - certificates - repeal. (2) Any person desiring to obtain a license for the operation of a scale, textile meter, or cordage meter shall make application therefor to the department upon a form furnished by the commissioner which shall contain such information as the commissioner may by rule ~~or regulation~~, require. Every application for license shall be accompanied by the proper fee as established by this article OR BY THE AGRICULTURAL COMMISSION.

(4) (a) (I) TO AND INCLUDING JUNE 30, 2005, the AGRICULTURAL COMMISSION SHALL ESTABLISH annual license ~~fee~~ FEES for scales ~~is~~ based on capacity, ~~as follows~~

IN THE FOLLOWING CLASSIFICATIONS:

- ~~(F)~~ (A) Scales with a capacity of 80,001 pounds and over; ~~\$100.00~~
- ~~(H)~~ (B) Scales with a capacity of 30,001 pounds through 80,000 pounds; ~~75.00~~
- ~~(H)~~ (C) Scales with a capacity of 10,001 pounds through 30,000 pounds; ~~40.00~~
- ~~(V)~~ (D) Scales with a capacity of 2,001 pounds through 10,000 pounds; ~~20.00~~
- ~~(V)~~ (E) Scales with a capacity of 451 pounds through 2,000 pounds; ~~12.00~~
- ~~(VI)~~ (F) Scales with a capacity of 76 pounds through 450 pounds; ~~7.00~~ AND
- ~~(VII)~~ (G) Scales with a capacity of 75 pounds or less. ~~5.00~~

(II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2005.

(a.5) ON AND AFTER JULY 1, 2005, THE ANNUAL LICENSE FEE FOR SCALES IS BASED ON CAPACITY AS FOLLOWS:

- (I) SCALES WITH A CAPACITY OF 80,001 POUNDS AND OVER \$100.00
- (II) SCALES WITH A CAPACITY OF 30,001 POUNDS THROUGH 80,000 POUNDS 75.00
- (III) SCALES WITH A CAPACITY OF 10,001 POUNDS THROUGH 30,000 POUNDS 40.00
- (IV) SCALES WITH A CAPACITY OF 2,001 POUNDS THROUGH 10,000 POUNDS 20.00
- (V) SCALES WITH A CAPACITY OF 451 POUNDS THROUGH 2,000 POUNDS 12.00
- (VI) SCALES WITH A CAPACITY OF 76 POUNDS THROUGH 450 POUNDS 7.00
- (VII) SCALES WITH A CAPACITY OF 75 POUNDS OR LESS 5.00

(c) The annual license fee for belt conveyor and in-motion railroad scales shall be ~~one hundred twenty-five dollars per scale~~ AS DETERMINED BY THE AGRICULTURAL COMMISSION; EXCEPT THAT, ON AND AFTER JULY 1, 2005, SUCH ANNUAL LICENSE FEE SHALL BE ONE HUNDRED TWENTY-FIVE DOLLARS PER SCALE.

(5) (a) (I) TO AND INCLUDING JUNE 30, 2005, the annual license fee for textile

meters, ~~is five dollars per meter~~ CORDAGE METERS, MOISTURE METERS, CERTIFIED WEIGHERS, PERSONS WHO SELL OR INSTALL WEIGHING AND MEASURING DEVICES, AND PERSONS WHO SERVICE WEIGHING AND MEASURING DEVICES SHALL BE AS DETERMINED BY THE AGRICULTURAL COMMISSION.

(II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2005.

(b) ON AND AFTER JULY 1, 2005, THE ANNUAL LICENSE FEE FOR TEXTILE METERS IS FIVE DOLLARS PER METER.

(6) ON AND AFTER JULY 1, 2005, the annual license fee for cordage meters is five dollars per meter.

(7) ON AND AFTER JULY 1, 2005, the annual license fee for moisture meters is twenty dollars per meter.

(8) ON AND AFTER JULY 1, 2005, the license fee for certified weighers is five dollars.

(9) ON AND AFTER JULY 1, 2005, the license fee for persons who sell or install WEIGHING AND MEASURING devices is five dollars.

(10) ON AND AFTER JULY 1, 2005, the license fee for ~~weighing and measuring device servicemen~~ PERSONS WHO SERVICE WEIGHING AND MEASURING DEVICES is five dollars.

(12) (a) (I) TO AND INCLUDING JUNE 30, 2005, the ~~fee~~ FEES for a special test TESTS where SCALE TEST TRUCKS, passenger vehicles, or light duty pickup trucks are used shall ~~not exceed twenty-five dollars per hour plus the mileage charge set forth in section 24-9-104, C.R.S. The fee for a special test where scale test trucks are used shall not exceed twenty-five dollars per hour plus one dollar and twenty-five cents per mile traveled~~ BE AS DETERMINED BY THE AGRICULTURAL COMMISSION. The ~~commissioner~~ AGRICULTURAL COMMISSION shall review and set the fees annually. ~~at a rate not to exceed actual costs.~~ If any test of a device at one location requires time beyond the first day, the special test fee shall be effective for the balance of time after one day and until the test is completed. The special test fee may be charged for any test made at the request of the owner of the device.

(II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2005.

(b) ON AND AFTER JULY 1, 2005, THE FEE FOR A SPECIAL TEST WHERE PASSENGER VEHICLES OR LIGHT DUTY PICKUP TRUCKS ARE USED SHALL NOT EXCEED TWENTY-FIVE DOLLARS PER HOUR PLUS THE MILEAGE CHARGE SET FORTH IN SECTION 24-9-104, C.R.S. THE FEE FOR A SPECIAL TEST WHERE SCALE TEST TRUCKS ARE USED SHALL NOT EXCEED TWENTY-FIVE DOLLARS PER HOUR PLUS ONE DOLLAR AND TWENTY-FIVE CENTS PER MILE TRAVELED. THE COMMISSIONER SHALL REVIEW AND SET THE FEES ANNUALLY AT A RATE NOT TO EXCEED ACTUAL COSTS. IF ANY TEST OF A DEVICE AT ONE LOCATION REQUIRES TIME BEYOND THE FIRST DAY, THE SPECIAL TEST FEE SHALL BE EFFECTIVE FOR THE BALANCE OF TIME AFTER ONE DAY AND UNTIL THE TEST IS COMPLETED. THE SPECIAL TEST FEE MAY BE CHARGED FOR ANY TEST MADE AT THE REQUEST OF THE OWNER OF THE DEVICE.

(13) All license fees and testing fees collected by the department under this article shall be transmitted to the state treasurer, who shall credit the same to the ~~general fund~~ INSPECTION AND CONSUMER SERVICES CASH FUND CREATED IN SECTION 35-1-106.5 OR, ON OR AFTER JULY 1, 2005, TO THE GENERAL FUND.

SECTION 12. 35-14-128 (2), Colorado Revised Statutes, is amended to read:

35-14-128. Laboratory approval - service - condemnation. (2) The laboratory may require that specified standards submitted for calibration be cleaned or sanded, scraped, and painted before submission. Precision weights, volume, and length standards shall be cleaned and dried before submission. The fee for any metrology service shall ~~not exceed twenty dollars per hour. The commissioner shall set the fee annually at a rate not to exceed actual costs.~~ BE ESTABLISHED BY THE AGRICULTURAL COMMISSION; EXCEPT THAT, ON AND AFTER JULY 1, 2005, THE FEES FOR METROLOGY SERVICES SHALL BE SET ANNUALLY AT A LEVEL THAT DOES NOT EXCEED ACTUAL COSTS OR TWENTY DOLLARS PER HOUR, WHICHEVER IS LESS. When metrology services are to be performed outside the laboratory, the laboratory shall be reimbursed for travel and time at the ~~same rates for special tests set forth in section 35-14-127(12)~~ ESTABLISHED BY THE AGRICULTURAL COMMISSION; EXCEPT THAT, ON AND AFTER JULY 1, 2005, SUCH RATES SHALL BE THE SAME RATES AS SET FORTH FOR SPECIAL TESTS IN SECTION 35-14-127 (12).

SECTION 13. 35-14-131 (3), Colorado Revised Statutes, is amended to read:

35-14-131. Civil penalties. (3) Any civil penalty collected under this section shall be transmitted to the state treasurer, who shall credit the same to the ~~general fund~~ INSPECTION AND CONSUMER SERVICES CASH FUND CREATED IN SECTION 35-1-106.5 OR, ON OR AFTER JULY 1, 2005, TO THE GENERAL FUND. Penalties shall be determined by the commissioner or the commissioner's designee and may be collected by the department by action instituted in a court of competent jurisdiction for collection of such penalty. In determining the amount of any civil penalty to be assessed, the commissioner shall consider any relevant factors. The final decision of the commissioner or the commissioner's designee shall be subject to judicial review. In the event that such an action is instituted for the collection of such penalty, the court may consider the appropriateness of the amount of the penalty, if such issue is raised by the party against whom the penalty was assessed.

SECTION 14. 35-21-104 (4) (a), (4) (b), and (5), Colorado Revised Statutes, are amended to read:

35-21-104. Licenses - application - fees - repeal. (4) (a) (I) (A) TO AND INCLUDING JUNE 30, 2005, the ~~annual license fees~~ CATEGORIES for retailers are based on the total annual gross sales, excluding the sale of gasoline, of the establishment for the previous calendar year, as reported to the department of revenue. In the case of chain stores, the ~~annual license fee~~ CATEGORY is based on total annual gross sales, excluding the sale of gasoline, of individual stores for the previous calendar year as reported by the home office of such chain to the department. Notwithstanding any provision of this paragraph (a) to the contrary, a retailer who has not been engaged in business during the previous calendar year shall ~~pay two dollars for its annual license fee~~ OBTAIN A CLASS I RETAILER LICENSE DURING THE CALENDAR YEAR IN WHICH IT BEGINS OR RESUMES OPERATION. FEES FOR EACH LICENSE CATEGORY SHALL

BE AS ESTABLISHED BY THE AGRICULTURAL COMMISSION. Retail classes ~~and fees~~ are as follows:

Class I. Retailer - Gross sales up to and including \$50,000. ~~fee \$2.00.~~

Class II. Retailer - Over \$50,000 to and including \$100,000 gross sales. ~~fee \$5.00.~~

Class III. Retailer - Over \$100,000 to and including \$200,000 gross sales. ~~fee \$8.00.~~

Class IV. Retailer - Over \$200,000 to and including \$500,000 gross sales. ~~fee \$15.00.~~

Class V. Retailer - Over \$500,000 gross sales. ~~fee \$25.00.~~

(B) THIS SUBPARAGRAPH (I) IS REPEALED, EFFECTIVE JULY 1, 2005.

(II) ON AND AFTER JULY 1, 2005, THE ANNUAL LICENSE FEES FOR RETAILERS ARE BASED ON THE TOTAL ANNUAL GROSS SALES, EXCLUDING THE SALE OF GASOLINE, OF THE ESTABLISHMENT FOR THE PREVIOUS CALENDAR YEAR, AS REPORTED TO THE DEPARTMENT OF REVENUE. IN THE CASE OF CHAIN STORES, THE ANNUAL LICENSE FEE IS BASED ON TOTAL ANNUAL GROSS SALES, EXCLUDING THE SALE OF GASOLINE, OF INDIVIDUAL STORES FOR THE PREVIOUS CALENDAR YEAR AS REPORTED BY THE HOME OFFICE OF SUCH CHAIN TO THE DEPARTMENT. NOTWITHSTANDING ANY PROVISION OF THIS PARAGRAPH (a) TO THE CONTRARY, A RETAILER WHO HAS NOT BEEN ENGAGED IN BUSINESS DURING THE PREVIOUS CALENDAR YEAR SHALL PAY TWO DOLLARS FOR ITS ANNUAL LICENSE FEE. RETAIL CLASSES AND FEES ARE AS FOLLOWS:

CLASS I. RETAILER - GROSS SALES UP TO AND INCLUDING \$50,000, FEE \$2.00.

CLASS II. RETAILER - OVER \$50,000 TO AND INCLUDING \$100,000 GROSS SALES, FEE \$5.00.

CLASS III. RETAILER - OVER \$100,000 TO AND INCLUDING \$200,000 GROSS SALES, FEE \$8.00.

CLASS IV. RETAILER - OVER \$200,000 TO AND INCLUDING \$500,000 GROSS SALES, FEE \$15.00.

CLASS V. RETAILER - OVER \$500,000 GROSS SALES, FEE \$25.00.

(b) (I) (A) TO AND INCLUDING JUNE 30, 2005, the ~~annual license fees~~ CATEGORIES for wholesalers are based on the average number of cases of eggs (thirty dozen per case) sold per week during the previous year; except that ~~for a wholesaler who has not been engaged in business during the previous calendar year the fee is twenty-five dollars.~~ SHALL OBTAIN A CLASS I WHOLESALER LICENSE DURING THE CALENDAR YEAR IN WHICH IT BEGINS OR RESUMES OPERATION. FEES FOR EACH LICENSE CATEGORY SHALL BE AS ESTABLISHED BY THE AGRICULTURAL COMMISSION. The applicant for a wholesale license shall keep such records as may be necessary to indicate accurately the quantity of eggs sold per week during the year and shall allow the commissioner to examine these records in determining the quantity of eggs sold. A

wholesaler shall retain such records of quantity sold for a period of two years. The wholesale classes ~~and fees~~ are as follows:

Class I. Wholesaler - Up to and including 50 cases per week. ~~fee \$25.00.~~

Class II. Wholesaler - Over 50 cases to and including 100 cases per week. ~~fee \$50.00.~~

Class III. Wholesaler - Over 100 cases to and including 250 cases per week. ~~fee \$100.00.~~

Class IV. Wholesaler - Over 250 cases to and including 750 cases per week. ~~fee \$300.00.~~

Class V. Wholesaler - Over 750 cases per week. ~~fee \$500.00.~~

(B) THIS SUBPARAGRAPH (I) IS REPEALED, EFFECTIVE JULY 1, 2005.

(II) ON AND AFTER JULY 1, 2005, THE ANNUAL LICENSE FEES FOR WHOLESALERS ARE BASED ON THE AVERAGE NUMBER OF CASES OF EGGS (THIRTY DOZEN PER CASE) SOLD PER WEEK DURING THE PREVIOUS YEAR; EXCEPT THAT FOR A WHOLESALER WHO HAS NOT BEEN ENGAGED IN BUSINESS DURING THE PREVIOUS CALENDAR YEAR, THE FEE IS TWENTY-FIVE DOLLARS. THE APPLICANT FOR A WHOLESALE LICENSE SHALL KEEP SUCH RECORDS AS MAY BE NECESSARY TO INDICATE ACCURATELY THE QUANTITY OF EGGS SOLD PER WEEK DURING THE YEAR AND SHALL ALLOW THE COMMISSIONER TO EXAMINE THESE RECORDS IN DETERMINING THE QUANTITY OF EGGS SOLD. A WHOLESALER SHALL RETAIN SUCH RECORDS OF QUANTITY SOLD FOR A PERIOD OF TWO YEARS. THE WHOLESALE CLASSES AND FEES ARE AS FOLLOWS:

CLASS I. WHOLESALER - UP TO AND INCLUDING 50 CASES PER WEEK, FEE \$25.00.

CLASS II. WHOLESALER - OVER 50 CASES TO AND INCLUDING 100 CASES PER WEEK, FEE \$50.00.

CLASS III. WHOLESALER - OVER 100 CASES TO AND INCLUDING 250 CASES PER WEEK, FEE \$100.00.

CLASS IV. WHOLESALER - OVER 250 CASES TO AND INCLUDING 750 CASES PER WEEK, FEE \$300.00.

CLASS V. WHOLESALER - OVER 750 CASES PER WEEK, FEE \$500.00.

(5) All license fees shall be deposited with the state treasurer and credited to the ~~general fund. Commencing with the fiscal year beginning July 1, 1965, the general assembly shall appropriate to the department of agriculture from the general fund such moneys as are necessary for the administration of this article~~ INSPECTION AND CONSUMER SERVICES CASH FUND CREATED IN SECTION 35-1-106.5 OR, ON OR AFTER JULY 1, 2005, TO THE GENERAL FUND.

SECTION 15. 35-21-107.5 (4), Colorado Revised Statutes, is amended to read:

35-21-107.5. Civil penalties. (4) All moneys collected pursuant to this section shall be transmitted to the state treasurer and credited to the ~~general fund~~ INSPECTION AND CONSUMER SERVICES CASH FUND CREATED IN SECTION 35-1-106.5 OR, ON OR AFTER JULY 1, 2005, TO THE GENERAL FUND.

SECTION 16. 35-33-403 (1) and (2), Colorado Revised Statutes, are amended to read:

35-33-403. License fees - evidence of financial responsibility - repeal. (1) (a) (I) Effective July 1, ~~1989~~ 2003, TO AND INCLUDING JUNE 30, 2005, the fee for each license under this article shall be as follows: ~~Locker plants, fifty dollars for each year; processors, fifty dollars for each year; food plan operators, one hundred dollars for each year~~ ESTABLISHED BY THE AGRICULTURAL COMMISSION. There shall be no reduction of a license fee for any fractional part of a year.

(II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2005.

(b) ON AND AFTER JULY 1, 2005, THE FEE FOR EACH LICENSE UNDER THIS ARTICLE SHALL BE AS FOLLOWS: LOCKER PLANTS, FIFTY DOLLARS FOR EACH YEAR; PROCESSORS, FIFTY DOLLARS FOR EACH YEAR; FOOD PLAN OPERATORS, ONE HUNDRED DOLLARS FOR EACH YEAR. THERE SHALL BE NO REDUCTION OF A LICENSE FEE FOR ANY FRACTIONAL PART OF A YEAR.

(2) All fees collected pursuant to this section shall be deposited in the state treasury and credited to the ~~general fund~~ INSPECTION AND CONSUMER SERVICES CASH FUND CREATED IN SECTION 35-1-106.5 OR, ON OR AFTER JULY 1, 2005, TO THE GENERAL FUND.

SECTION 17. 35-33-405 (3), Colorado Revised Statutes, is amended to read:

35-33-405. Civil penalties - disposition. (3) Any penalty collected under this section shall be transmitted to the state treasurer, who shall credit the same to the ~~general fund~~ INSPECTION AND CONSUMER SERVICES CASH FUND CREATED IN SECTION 35-1-106.5 OR, ON OR AFTER JULY 1, 2005, TO THE GENERAL FUND.

SECTION 18. 35-60-104 (2) (a), (2) (b), and (2) (d), Colorado Revised Statutes, are amended to read:

35-60-104. Registration fees. (2) (a) A person required to be registered pursuant to section 35-60-103 (1) shall pay an annual registration fee ~~of ten dollars~~ AS ESTABLISHED BY THE AGRICULTURAL COMMISSION; EXCEPT THAT, ON AND AFTER JULY 1, 2005, THE ANNUAL REGISTRATION FEE SHALL BE TEN DOLLARS.

(b) Any person who fails to register within fifteen business days after notification of the requirement to register, or any registrant who fails to comply with the registration renewal requirements, shall pay a ~~ten-dollar~~ late fee in addition to the registration fee. TO AND INCLUDING JUNE 30, 2005, THE LATE FEE SHALL BE EQUAL TO THE ANNUAL REGISTRATION FEE ESTABLISHED BY THE AGRICULTURAL COMMISSION. ON AND AFTER JULY 1, 2005, THE LATE FEE SHALL BE TEN DOLLARS.

(d) All fees collected by the department under paragraphs (a) and (b) of this

subsection (2) shall be transmitted to the state treasurer, who shall credit the same to the ~~general fund~~ INSPECTION AND CONSUMER SERVICES CASH FUND CREATED IN SECTION 35-1-106.5 OR, ON OR AFTER JULY 1, 2005, TO THE GENERAL FUND.

SECTION 19. The introductory portion to 35-60-105 (1) and 35-60-105 (1) (c), (1) (d), (2), (4) (b), and (6), Colorado Revised Statutes, are amended to read:

35-60-105. Inspection fees - reports - repeal. (1) Except as provided in subsection (5) of this section, an inspection fee of fifteen cents per ton OR, TO AND INCLUDING JUNE 30, 2005, IN AN AMOUNT ESTABLISHED BY THE AGRICULTURAL COMMISSION, shall be paid on commercial feeds distributed in this state by the person whose name appears on the label as the manufacturer, guarantor, or distributor subject to the following conditions:

(c) (I) (A) TO AND INCLUDING JUNE 30, 2005, an annual inspection fee ~~of ten dollars per product~~ AS ESTABLISHED BY THE AGRICULTURAL COMMISSION shall be paid in lieu of the inspection fee on commercial feed that is distributed in the state only in packages of ten pounds or less. Products sold in packages of ten pounds or less are not subject to the ~~twenty-five-dollar per year~~ minimum set forth in paragraph (d) of this subsection (1).

(B) THIS SUBPARAGRAPH (I) IS REPEALED, EFFECTIVE JULY 1, 2005.

(II) ON AND AFTER JULY 1, 2005, AN ANNUAL INSPECTION FEE OF TEN DOLLARS PER PRODUCT SHALL BE PAID IN LIEU OF THE INSPECTION FEE ON COMMERCIAL FEED THAT IS DISTRIBUTED IN THE STATE ONLY IN PACKAGES OF TEN POUNDS OR LESS. PRODUCTS SOLD IN PACKAGES OF TEN POUNDS OR LESS ARE NOT SUBJECT TO THE TWENTY-FIVE-DOLLAR PER YEAR MINIMUM SET FORTH IN PARAGRAPH (d) OF THIS SUBSECTION (1).

(d) (I) (A) TO AND INCLUDING JUNE 30, 2005, the minimum total inspection fee paid shall be ~~twenty-five dollars per year~~ AS ESTABLISHED BY THE AGRICULTURAL COMMISSION.

(B) THIS SUBPARAGRAPH (I) IS REPEALED, EFFECTIVE JULY 1, 2005.

(II) ON AND AFTER JULY 1, 2005, THE MINIMUM TOTAL INSPECTION FEE PAID SHALL BE TWENTY-FIVE DOLLARS PER YEAR.

(2) (a) (I) TO AND INCLUDING JUNE 30, 2005, in the case of a commercial feed that is distributed in the state both in packages of ten pounds or less, and in packages weighing over ten pounds, the ~~fifteen-cent per ton~~ inspection fee PURSUANT TO SUBSECTION (1) OF THIS SECTION shall be paid on the commercial feeds distributed in package weights over ten pounds with a minimum inspection fee ~~of twenty-five dollars~~ AS ESTABLISHED BY THE AGRICULTURAL COMMISSION. The annual flat inspection fee ~~of ten dollars per product~~ PURSUANT TO PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION shall be paid on the products sold in packages of ten pounds or less.

(II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2005.

(b) ON AND AFTER JULY 1, 2005, IN THE CASE OF A COMMERCIAL FEED THAT IS DISTRIBUTED IN THE STATE BOTH IN PACKAGES OF TEN POUNDS OR LESS, AND IN PACKAGES WEIGHING OVER TEN POUNDS, THE FIFTEEN-CENT PER TON INSPECTION FEE SHALL BE PAID ON THE COMMERCIAL FEEDS DISTRIBUTED IN PACKAGE WEIGHTS OVER TEN POUNDS WITH A MINIMUM INSPECTION FEE OF TWENTY-FIVE DOLLARS. THE ANNUAL FLAT FEE OF TEN DOLLARS PER PRODUCT SHALL BE PAID ON THE PRODUCTS SOLD IN PACKAGES OF TEN POUNDS OR LESS.

(4) (b) If the list required in paragraph (a) of this subsection (4) is not received with the annual statement or within fifteen days after its due date, a penalty fee of ten dollars per product OR, TO AND INCLUDING JUNE 30, 2005, IN AN AMOUNT ESTABLISHED BY THE AGRICULTURAL COMMISSION, shall be added to the amount due. The assessment of a penalty fee is in addition to and not a substitute for any other penalties or remedies available to the commissioner under this article.

(6) All fees collected under this section shall be transmitted to the state treasurer, who shall credit the same to the ~~general fund~~ INSPECTION AND CONSUMER SERVICES CASH FUND CREATED IN SECTION 35-1-106.5 OR, ON OR AFTER JULY 1, 2005, TO THE GENERAL FUND.

SECTION 20. 12-11-101 (1) (a), Colorado Revised Statutes, is amended to read:

12-11-101. Requirements for slaughterer business. (1) Every person carrying on the trade or business of a slaughterer of livestock in this state:

(a) (I) ~~TO AND INCLUDING JUNE 30, 2005, shall obtain a license from the department of agriculture and shall pay therefor an annual license fee which shall be established by the state board of stock inspection commissioners in a manner consistent with the provisions of section 24-34-105, C.R.S., and which, in the board's discretion, may be based upon the number of animals slaughtered during the previous calendar year, as determined from records of the department or the records of the applicant~~ AGRICULTURAL COMMISSION. THE AGRICULTURAL COMMISSION SHALL ANNUALLY DETERMINE THE AMOUNT OF REVENUES DERIVED FROM THE ASSESSMENT OF LICENSE FEES THAT SHALL BE DEPOSITED IN THE INSPECTION AND CONSUMER SERVICES CASH FUND CREATED IN SECTION 35-1-106.5, C.R.S., AND THE AMOUNT OF SUCH REVENUES THAT SHALL BE DEPOSITED IN THE BRAND INSPECTION FUND CREATED IN SECTION 35-41-102, C.R.S.

(II) ON AND AFTER JULY 1, 2005, EVERY SUCH PERSON SHALL OBTAIN A LICENSE FROM THE DEPARTMENT OF AGRICULTURE AND SHALL PAY THEREFOR AN ANNUAL LICENSE FEE WHICH SHALL BE ESTABLISHED BY THE STATE BOARD OF STOCK INSPECTION COMMISSIONERS IN A MANNER CONSISTENT WITH THE PROVISIONS OF SECTION 24-34-105, C.R.S., AND WHICH, IN THE BOARD'S DISCRETION, MAY BE BASED UPON THE NUMBER OF ANIMALS SLAUGHTERED DURING THE PREVIOUS CALENDAR YEAR, AS DETERMINED FROM RECORDS OF THE DEPARTMENT OR THE RECORDS OF THE PERSON.

(III) ~~The applicant~~ EVERY SUCH PERSON shall maintain accurate records regarding the number of animals slaughtered during a calendar year, and such records shall be made available to employees of the department during normal business hours. Records shall be kept for a period of two years. On and after July 1, 1990, every

application for a slaughterer's license and accompanying materials shall comply with the provisions of section 24-4-104 (13), C.R.S. A license issued under this article shall not be transferable to a lessee.

SECTION 21. 12-16-105 (1), Colorado Revised Statutes, is amended to read:

12-16-105. License fee - renewal - repeal. (1) (a) (I) TO AND INCLUDING JUNE 30, 2005, for filing the application described in section 12-16-104, each applicant FOR A LICENSE IN EACH OF THE FOLLOWING CATEGORIES shall pay ~~the following fee~~ to the commissioner ~~who~~ A FEE AS DETERMINED BY THE AGRICULTURAL COMMISSION, WHICH FEE shall ~~transmit all such fees~~ BE TRANSMITTED to the state treasurer for credit to the ~~general fund~~ INSPECTION AND CONSUMER SERVICES CASH FUND CREATED IN SECTION 35-1-106.5, C.R.S.:

~~(a)~~ (A) Dealers; ~~fifty dollars for each year~~; except that a dealer who signs an affidavit stating that such dealer will pay cash for each transaction for farm products shall pay no application fee;

~~(b)~~ (B) Agents; ~~ten dollars for each year~~ AND

~~(c) Repealed.~~

~~(d)~~ (C) Small-volume dealers. ~~twenty dollars for each year.~~

(II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2005.

(b) ON AND AFTER JULY 1, 2005, FOR FILING THE APPLICATION DESCRIBED IN SECTION 12-16-104, EACH APPLICANT SHALL PAY THE FOLLOWING FEE TO THE COMMISSIONER, WHO SHALL TRANSMIT ALL SUCH FEES TO THE STATE TREASURER FOR CREDIT TO THE GENERAL FUND:

(I) DEALERS, FIFTY DOLLARS FOR EACH YEAR; EXCEPT THAT A DEALER WHO SIGNS AN AFFIDAVIT STATING THAT SUCH DEALER WILL PAY CASH FOR EACH TRANSACTION FOR FARM PRODUCTS SHALL PAY NO APPLICATION FEE;

(II) AGENTS, TEN DOLLARS FOR EACH YEAR;

(III) SMALL-VOLUME DEALERS, TWENTY DOLLARS FOR EACH YEAR.

SECTION 22. 12-16-114.5 (5), Colorado Revised Statutes, is amended to read:

12-16-114.5. Civil penalties. (5) All moneys collected from civil penalties pursuant to the provisions of this section shall be transmitted to the state treasurer and credited to the ~~general fund~~ INSPECTION AND CONSUMER SERVICES CASH FUND CREATED IN SECTION 35-1-106.5, C.R.S., OR, ON OR AFTER JULY 1, 2005, TO THE GENERAL FUND.

SECTION 23. 12-16-205 (1), Colorado Revised Statutes, is amended to read:

12-16-205. Commodity handler or agent licenses - application requirements - repeal. (1) (a) (I) TO AND INCLUDING JUNE 30, 2005, each applicant for a

commodity handler license ~~shall pay a license fee of fifty dollars for each year and each applicant for an~~ OR agent license shall pay, ~~a license fee of ten dollars for each year~~ IN WHICH SUCH LICENSE IS TO BE VALID, A LICENSE FEE ESTABLISHED BY THE AGRICULTURAL COMMISSION, WHICH LICENSE FEE the department shall collect and transmit to the state treasurer, who shall credit the same to the ~~general fund~~ INSPECTION AND CONSUMER SERVICES CASH FUND CREATED IN SECTION 35-1-106.5, C.R.S.

(II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2005.

(b) ON AND AFTER JULY 1, 2005, EACH APPLICANT FOR A COMMODITY HANDLER LICENSE SHALL PAY A LICENSE FEE OF FIFTY DOLLARS FOR EACH YEAR AND EACH APPLICANT FOR AN AGENT LICENSE SHALL PAY A LICENSE FEE OF TEN DOLLARS FOR EACH YEAR, WHICH THE DEPARTMENT SHALL COLLECT AND TRANSMIT TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE GENERAL FUND.

SECTION 24. 12-16-217 (2), Colorado Revised Statutes, is amended, and the said 12-16-217 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-16-217. Inspection fees. (2) Each inspection fee shall be uniform for the particular service rendered, and the amount of such fee shall be determined by the state agricultural commission. ~~so that~~ ON AND AFTER JULY 1, 2005, said fee, as nearly as possible, shall cover fifty percent of the operational costs of the inspection service after the deduction of any federal moneys that may be forthcoming for such an inspection service. The inspection fee shall be paid by the person, firm, corporation, or other organization requesting the service at the time it is rendered or as otherwise provided and authorized by the commission.

(3) ALL MONEYS COLLECTED PURSUANT TO THIS SECTION SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE INSPECTION AND CONSUMER SERVICES CASH FUND CREATED IN SECTION 35-1-106.5, C.R.S., OR, ON OR AFTER JULY 1, 2005, TO THE GENERAL FUND.

SECTION 25. 12-16-219.5 (5), Colorado Revised Statutes, is amended to read:

12-16-219.5. Civil penalties. (5) All moneys collected from civil penalties pursuant to the provisions of this section shall be transmitted to the state treasurer and credited to the ~~general fund~~ INSPECTION AND CONSUMER SERVICES CASH FUND CREATED IN SECTION 35-1-106.5, C.R.S., OR, ON OR AFTER JULY 1, 2005, TO THE GENERAL FUND.

SECTION 26. Appropriation - adjustments in 2003 long bill. (1) For the implementation of this act, appropriations made in the annual general appropriation act to the department of agriculture for the fiscal year beginning July 1, 2003, shall be adjusted as follows:

(a) The general fund appropriation to commissioner's office and administrative services is reduced by six hundred fifty-eight thousand nine hundred twenty dollars (\$658,920).

(b) The cash funds appropriation to commissioner's office and administrative services is increased by three hundred fifty-six thousand nine hundred fifty dollars (\$356,950). Of this amount, ten thousand nine hundred forty-five dollars (\$10,945) shall be for the purchase of legal services from the department of law. Said sums shall be from the inspection and consumer services cash fund created in section 35-1-106.5, Colorado Revised Statutes.

(c) The cash funds exempt appropriation to commissioner's office and administrative services is increased by three hundred twelve thousand nine hundred eleven dollars (\$312,911).

(d) The general fund appropriation to the agricultural services division is reduced by two million seven hundred sixty-seven thousand nine hundred fifty dollars (\$2,767,950) and 43.0 FTE.

(e) The cash funds appropriation to the agricultural services division is increased by three million eighty thousand eight hundred sixty-one dollars (\$3,080,861) and 43.0 FTE. Said sum shall be paid from the inspection and consumer services cash fund created in section 35-1-106.5, Colorado Revised Statutes.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of law, for the fiscal year beginning July 1, 2003, the sum of ten thousand nine hundred forty-five dollars (\$10,945), or so much thereof as may be necessary, for the provision of legal services to the department of agriculture related to the implementation of this act. Such sum shall be from cash funds exempt received from the department of agriculture out of the appropriation made in paragraph (b) of subsection (1) of this section.

SECTION 27. Effective date - applicability. This act shall take effect upon passage and shall apply to acts committed and fees payable on or after said date.

SECTION 28. 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: May 14, 2003