

CHAPTER 288

AGRICULTURE

SENATE BILL 05-176

BY SENATOR(S) Owen, Keller, and Tapia;
also REPRESENTATIVE(S) Plant, Buescher, Hall, and Curry.

AN ACT

CONCERNING THE SUNSET DATE FOR THE DEPARTMENT OF AGRICULTURE'S AUTHORITY TO SET CERTAIN AMOUNTS OF MONEY A PERSON MUST PAY FOR CERTAIN ACTIVITIES, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 35-1-106 (1) (p) (III), Colorado Revised Statutes, is amended to read:

35-1-106. Powers and duties of commission - repeal. (1) (p) (III) This paragraph (p) is repealed, effective July 1, ~~2005~~ 2007.

SECTION 2. 35-1-106.5 (1) and (3), Colorado Revised Statutes, are amended to read:

35-1-106.5. Inspection and consumer services cash fund - creation - repeal. (1) To and including June 30, ~~2005~~ 2007, 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.

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

(3) This section is repealed, effective July 1, ~~2005~~ 2007. Any unexpended and unencumbered moneys remaining in the inspection and consumer services cash fund as of June 30, ~~2005~~ 2007, shall be transferred to the general fund.

SECTION 3. 35-1-107 (6), Colorado Revised Statutes, is amended to read:

35-1-107. Commissioner of agriculture - report - publications - deputy commissioner. (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~~ 2007, to the general fund.

SECTION 4. 35-9-118 (3) (a), Colorado Revised Statutes, is amended to read:

35-9-118. Powers and duties of the commissioner. (3) (a) The commissioner shall promulgate rules, pursuant to article 4 of title 24, C.R.S., to determine the annual registration fee for each pesticide registered. 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,~~ any such fee shall include an increment of ~~twenty dollars~~ AS APPROVED BY THE AGRICULTURAL COMMISSION, which increment shall be collected by the commissioner and transmitted to the state treasurer, who shall credit the same to the groundwater protection fund; except that the commissioner by rule or as otherwise provided by law may reduce the amount of the increment if necessary pursuant to section 24-75-402 (3), C.R.S., to reduce the uncommitted reserves of the fund to which all or any portion of the increment is credited. After the uncommitted reserves of the fund are sufficiently reduced, the commissioner by rule or as otherwise provided by law may increase the amount of the increment as provided in section 24-75-402 (4), C.R.S. The remainder of the fee shall be credited to the pesticide fund as specified in this article. ~~In the event that a pesticide product has been placed under a cease and desist order for nonregistration under the provisions of section 35-9-121, the registrant shall pay a penalty fee of one hundred dollars, in addition to any other penalty or sum assessed pursuant to this article.~~

SECTION 5. 35-9-121 (2) (b), Colorado Revised Statutes, is amended to read:

35-9-121. Enforcement. (2) (b) (I) At any time after service of the order to cease and desist, the person may request, at his discretion, an immediate hearing or a hearing not more than ten days, excluding Saturdays, Sundays, and legal holidays, after such request to determine whether ~~or not such~~ A violation has occurred. Such hearing shall be conducted pursuant to the provisions of article 4 of title 24, C.R.S.

(II) THE REGISTRANT SHALL PAY A PENALTY FEE OF ONE HUNDRED DOLLARS, IN ADDITION TO ANY OTHER ASSESSED PENALTY, IF THE COMMISSIONER DETERMINES THAT THE REGISTRANT HAS VIOLATED THIS ARTICLE OR ANY RULE PROMULGATED UNDER THIS ARTICLE AFTER A HEARING IS HELD PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b).

SECTION 6. 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 as established by the agricultural commission for the first brand; except that, on and after July 1, ~~2005~~ 2007, the fee shall be twenty-five dollars. The registrant shall pay a fee as established by the agricultural commission for each succeeding brand and a fee 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~~ 2007, 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 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~~ 2007, the daily penalty shall be five dollars per day. The sum total of all such daily penalties shall not exceed five hundred dollars. 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 7. 35-12-106 (1), (2), and (9), Colorado Revised Statutes, are amended 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 as established by the agricultural commission; except that, on and after July 1, ~~2005~~ 2007, 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 AS ESTABLISHED BY THE AGRICULTURAL COMMISSION. 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 as established by the agricultural commission; except that, on and after July 1, ~~2005~~ 2007, 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~~ 2007, to the general fund.

SECTION 8. 35-13-108 (4), Colorado Revised Statutes, is amended to read:

35-13-108. Civil penalties. (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~~ 2007, to the general fund.

SECTION 9. 35-13-109 (4) (a), Colorado Revised Statutes, is amended to read:

35-13-109. Registration - application - fees. (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~~ 2007, to the general fund.

SECTION 10. The introductory portions to 35-14-127 (4) (a) (I) and (4) (a.5) and 35-14-127 (4) (c), (5), (6), (7), (8), (9), (10), (12), and (13), Colorado Revised Statutes, are amended to read:

35-14-127. Licenses - fees - stickers - certificates - repeal. (4) (a) (I) To and including June 30, ~~2005~~ 2007, the agricultural commission shall establish annual license fees for scales based on capacity, in the following classifications:

(a.5) On and after July 1, ~~2005~~ 2007, the annual license fee for scales is based on capacity as follows:

(c) The annual license fee for belt conveyor and in-motion railroad scales shall be as determined by the agricultural commission; except that, on and after July 1, ~~2005~~ 2007, such annual license fee shall be one hundred twenty-five dollars per scale.

(5) (a) (I) To and including June 30, ~~2005~~ 2007, the annual license fee for textile meters, 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~~ 2007.

(b) On and after July 1, ~~2005~~ 2007, the annual license fee for textile meters is five dollars per meter.

(6) On and after July 1, ~~2005~~ 2007, the annual license fee for cordage meters is five dollars per meter.

(7) On and after July 1, ~~2005~~ 2007, the annual license fee for moisture meters is twenty dollars per meter.

(8) On and after July 1, ~~2005~~ 2007, the license fee for certified weighers is five dollars.

(9) On and after July 1, ~~2005~~ 2007, the license fee for persons who sell or install weighing and measuring devices is five dollars.

(10) On and after July 1, ~~2005~~ 2007, the license fee for persons who service weighing and measuring devices is five dollars.

(12) (a) (I) To and including June 30, ~~2005~~ 2007, the fees for special tests where scale test trucks, passenger vehicles, or light duty pickup trucks are used shall be as determined by the agricultural commission. The agricultural commission shall review and set the fees annually. 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~~ 2007.

(b) On and after July 1, ~~2005~~ 2007, 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 inspection and consumer services cash fund created in section 35-1-106.5 or, on or after July 1, ~~2005~~ 2007, to the general fund.

SECTION 11. 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 be established by the agricultural commission; except that, on and after July 1, ~~2005~~ 2007, 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 rates established by the agricultural commission; except that, on and after July 1, ~~2005~~ 2007, such rates shall be the same rates as set forth for special tests in section 35-14-127 (12).

SECTION 12. 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 inspection and consumer services cash fund created in section 35-1-106.5 or, on or after July 1,

~~2005~~ 2007, 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 13. 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~~ 2007, the license 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 license 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 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 are as follows:

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

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

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

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

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

(B) This subparagraph (I) is repealed, effective July 1, ~~2005~~ 2007.

(II) On and after July 1, ~~2005~~ 2007, 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~~ 2007, the license 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 a wholesaler who has not been engaged in business during the previous calendar year 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 are as follows:

Class I. Wholesaler - Up to and including 50 cases per week.

Class II. Wholesaler - Over 50 cases to and including 100 cases per week.

Class III. Wholesaler - Over 100 cases to and including 250 cases per week.

Class IV. Wholesaler - Over 250 cases to and including 750 cases per week.

Class V. Wholesaler - Over 750 cases per week.

(B) This subparagraph (I) is repealed, effective July 1, ~~2005~~ 2007.

(II) On and after July 1, ~~2005~~ 2007, 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 inspection and consumer services cash fund created in section 35-1-106.5 or, on or after July 1, ~~2005~~ 2007, to the general fund.

SECTION 14. 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 inspection and consumer services cash fund created in section 35-1-106.5 or, on or after July 1, ~~2005~~ 2007, to the general fund.

SECTION 15. 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, 2003, to and including June 30, ~~2005~~ 2007, the fee for each license under this article shall be 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~~ 2007.

(b) On and after July 1, ~~2005~~ 2007, 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 inspection and consumer services cash fund created in section 35-1-106.5 or, on or after July 1, ~~2005~~ 2007, to the general fund.

SECTION 16. 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 inspection and consumer services cash fund created in section 35-1-106.5 or, on or after July 1, ~~2005~~ 2007, to the general fund.

SECTION 17. 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 as established by the agricultural commission; except that, on and after July 1, ~~2005~~ 2007, 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 late fee in addition to the registration fee. To and including June 30, ~~2005~~ 2007, the late fee shall be equal to the annual registration fee established by the agricultural commission. On and after July 1, ~~2005~~ 2007, 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 inspection and consumer services cash fund created in section 35-1-106.5 or, on or after July 1, ~~2005~~ 2007, to the general fund.

SECTION 18. The introductory portion to 35-60-105 (1) and 35-60-105 (1) (c), (1) (d), (2), (3) (a), (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~~ 2007, 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~~ 2007, an annual inspection fee 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 minimum set forth in paragraph (d) of this subsection (1).

(B) This subparagraph (I) is repealed, effective July 1, ~~2005~~ 2007.

(II) On and after July 1, ~~2005~~ 2007, 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~~ 2007, the minimum total inspection fee paid shall be as established by the agricultural commission.

(B) This subparagraph (I) is repealed, effective July 1, ~~2005~~ 2007.

(II) On and after July 1, ~~2005~~ 2007, the minimum total inspection fee paid shall be twenty-five dollars per year.

(2) (a) (I) To and including June 30, ~~2005~~ 2007, 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 inspection fee REQUIRED 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 as established by the agricultural commission. The annual flat inspection fee REQUIRED 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~~ 2007.

(b) On and after July 1, ~~2005~~ 2007, 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.

(3) Each person who is required to pay the inspection fee set forth in subsection (1) of this section shall:

(a) File with the department, not later than the last day of January of each year, an annual statement that sets forth the number of net tons of commercial feeds distributed in the state during the preceding calendar year. Inspection fees that are due in accordance with subsection (1) of this section shall be paid when the annual statement is filed. Inspection fees that have not been remitted to the department within fifteen calendar days following the due date shall be assessed a penalty fee of ten percent of the amount due or a minimum ~~of ten dollars~~ FEE AS ESTABLISHED BY THE AGRICULTURAL COMMISSION, whichever amount is greater, which shall be added to the inspection fees that are due and owed. 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.

(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~~ 2007, 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 inspection and consumer services cash fund created in section 35-1-106.5 or, on or after July 1, ~~2005~~ 2007, to the general fund.

SECTION 19. 35-60-113 (4), Colorado Revised Statutes, is amended to read:

35-60-113. Civil penalties. (4) All moneys collected pursuant to 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.

SECTION 20. 12-11-101 (1) (a) (I) and (1) (a) (II), Colorado Revised Statutes, are 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~~ 2007, shall obtain a license from the department of agriculture and shall pay therefor an annual license fee, which shall be established by the 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~~ 2007, 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.

SECTION 21. The introductory portion to 12-16-105 (1) (a) (I), 12-16-105 (1) (a) (II), the introductory portion to 12-16-105 (1) (b), and 12-16-105 (2), Colorado Revised Statutes, are amended to read:

12-16-105. License fee - renewal - repeal. (1) (a) (I) To and including June 30, ~~2005~~ 2007, for filing the application described in section 12-16-104, each applicant for a license in each of the following categories shall pay to the commissioner a fee as determined by the agricultural commission, which fee shall be transmitted to the state treasurer for credit to the 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~~ 2007.

(b) On and after July 1, ~~2005~~ 2007, 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:

(2) If any licensee fails for any reason to apply for the renewal of ~~his~~ A license before March 1 of each year, ~~he~~ SUCH LICENSEE shall, upon ~~his~~ application for a renewal license and before such license is issued, pay a penalty ~~equal to the license fee~~ AS ESTABLISHED BY THE AGRICULTURAL COMMISSION, which shall be in addition to ~~his~~ THE license fee.

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 inspection and consumer services cash fund created in section 35-1-106.5, C.R.S., or, on or after July 1, ~~2005~~ 2007, 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~~ 2007, each applicant for a commodity handler license or agent license shall pay, 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 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~~ 2007.

(b) On and after July 1, ~~2005~~ 2007, 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. 12-16-206 (2), Colorado Revised Statutes, is amended to read:

12-16-206. Licenses - requirements. (2) If any licensee fails to apply for license renewal before March 1 of each year, such licensee shall, upon application for a renewal license and before such license is issued, pay a penalty fee ~~equal to the license fee~~ AS ESTABLISHED BY THE AGRICULTURAL COMMISSION. Such penalty fee shall be in addition to the license fee.

SECTION 25. 12-16-217 (2) and (3), Colorado Revised Statutes, are amended 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. On and after July 1, ~~2005, said~~ 2007, THE 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~~ 2007, to the general fund.

SECTION 26. 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 inspection and consumer services cash fund created in section 35-1-106.5, C.R.S., or, on or after July 1, ~~2005~~ 2007, to the general fund.

SECTION 27. Appropriations - adjustments to the 2005 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, 2005, shall be adjusted as follows:

(a) The general fund appropriation to commissioner's office and administrative services is decreased by six hundred ninety-seven thousand two hundred twenty dollars (\$697,220).

(b) The cash funds appropriation to commissioner's office and administrative services is increased by four hundred sixteen thousand nine hundred forty-five dollars (\$416,945). Said sum 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 two hundred eighty thousand two hundred seventy-five dollars (\$280,275). Said sum shall be from the appropriation made to the agricultural services division in part (e) of this section.

(d) The general fund appropriation to the agricultural services division is decreased by two million eight hundred seventy-eight thousand seventy-one dollars (\$2,878,071) and 43.0 FTE.

(e) The cash funds appropriation to the agricultural services division is increased by three million one hundred fifty-eight thousand three hundred forty-six dollars (\$3,158,346) and 43.0 FTE. Said sum shall be from the inspection and consumer services cash fund created in section 35-1-106.5, Colorado Revised Statutes.

SECTION 28. Effective date. This act shall take effect July 1, 2005.

SECTION 29. 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: June 3, 2005