

CHAPTER 165

AGRICULTURE

SENATE BILL 10-038

BY SENATOR(S) Hodge, Carroll M., Newell, Schwartz, Whitehead;
also REPRESENTATIVE(S) Fischer, Apuan, Curry, Frangas, Merrifield, Vigil.

AN ACT

CONCERNING THE "ORGANIC CERTIFICATION ACT", AND, IN CONNECTION THEREWITH, AUTHORIZING THE COMMISSIONER OF AGRICULTURE TO CONTRACT WITH INDEPENDENT ORGANICS INSPECTORS AND ALTERING THE COMPOSITION OF THE ORGANIC CERTIFICATION ADVISORY BOARD, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. 35-11.5-104 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

35-11.5-104. Rules. (1) To carry out the provisions of this article, the commissioner shall adopt appropriate rules pursuant to section 24-4-103, C.R.S., concerning the following:

(1) ESTABLISHMENT OF MINIMUM STANDARDS FOR THE QUALIFICATION OF INDIVIDUALS WHO ARE AUTHORIZED TO MAKE INSPECTIONS AS AGENTS OF THE COMMISSIONER UNDER THIS ARTICLE AND WHO ARE NOT EMPLOYEES OF THE DEPARTMENT.

SECTION 2. 35-11.5-105 (1), Colorado Revised Statutes, is amended to read:

35-11.5-105. Delegation of duties - inspections - cooperative agreements - confidentiality. (1) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1), the powers and duties vested in the commissioner by this article may be delegated to qualified employees of the department.

(b) INSPECTIONS CONDUCTED UNDER THE STATE ORGANIC CERTIFICATION PROGRAM MAY BE PERFORMED BY THE COMMISSIONER OR THE COMMISSIONER'S AUTHORIZED AGENTS.

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 3. 35-11.5-114 (1) and (2), Colorado Revised Statutes, are amended to read:

35-11.5-114. Advisory board. (1) ~~(a) For~~ EFFECTIVE JULY 1, 2010, FOR the purpose of assisting the commissioner in formulating rules ~~and regulations~~ for carrying out the provisions of this article, there is hereby created an organic certification advisory board, to be composed of ~~nine~~ TWELVE members appointed by the commissioner, as follows: ~~Seven shall be engaged in the production or marketing of various types of organic products, including grains, fruits, and vegetables;~~ NINE SHALL REPRESENT CERTIFIED ORGANIC OPERATIONS; ONE SHALL BE A CONSUMER REPRESENTING THE GENERAL PUBLIC; one shall be a representative from the Colorado cooperative extension service; and one shall be a representative from the Colorado agricultural experiment station. THE NINE ADVISORY BOARD MEMBERS REPRESENTING CERTIFIED ORGANIC OPERATIONS SHALL REPRESENT THE FOLLOWING FOUR CATEGORIES OF ORGANIC CERTIFICATION, IN PROPORTION TO THE NUMBER OF ORGANIC OPERATIONS CERTIFIED IN EACH CATEGORY:

(a) CROP PRODUCTION;

(b) ~~Effective June 16, 1993, the nine-member board shall be composed as follows. Six shall be engaged in the production or marketing of various types of organic products, including grains, fruits, and vegetables; one shall be a consumer representing the general public; one shall represent the Colorado cooperative extension service, and one shall represent the Colorado agricultural experiment station.~~ LIVESTOCK PRODUCTION;

(c) PROCESSING/HANDLING; AND

(d) WILD CROP HANDLING.

(2) The members of the organic certification advisory board shall serve terms of three years and may be reappointed. ~~except that, of the members first appointed, the member from the Colorado cooperative extension service, the member from the Colorado agricultural experiment station and one of the production or marketing members shall serve terms of three years. Of the remaining six members, three shall serve terms of two years and three shall serve terms of one year.~~

SECTION 4. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the plant health, pest control, and environmental protection cash fund created in section 35-1-106.3 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of agriculture, for allocation to the agricultural services division, for the fiscal year beginning July 1, 2010, the sum of twenty-eight thousand one hundred twelve dollars (\$28,112) cash funds, or so much thereof as may be necessary, for the implementation of this act.

SECTION 5. Effective date - applicability. This act shall take effect July 1, 2010, and shall apply to advisory committee members appointed on or after said date.

SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 29, 2010