

CHAPTER 212

AGRICULTURE

HOUSE BILL 10-1377

BY REPRESENTATIVE(S) Lambert, Ferrandino, Pommer;
also SENATOR(S) Tapia, Keller, White.

AN ACT

CONCERNING THE TEMPORARY FUNDING OF CERTAIN AGRICULTURE PROGRAMS ENTIRELY WITH CASH FUNDS, AND MAKING APPROPRIATIONS THEREFOR.

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

SECTION 1. The introductory portion to 35-12-104 (1), Colorado Revised Statutes, is amended, and the said 35-12-104 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

35-12-104. Registration - repeal. (1) Each product 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 commission. EXCEPT AS PROVIDED IN SUBSECTION (1.5) OF THIS SECTION, for each fiscal year, commencing on July 1, fifty percent of the department's direct and indirect costs of administering and enforcing ~~the provisions of this article~~ shall be funded from the general fund. The commission shall establish a fee schedule to cover ~~the remaining~~ ANY direct and indirect costs NOT FUNDED FROM THE GENERAL FUND. All registrations shall expire annually on the date specified by rule of the commissioner. Applications for renewal of registrations must be submitted on or before such date. Each application for registration or renewal of registration shall include the following information:

(1.5) (a) FOR THE FISCAL YEARS COMMENCING JULY 1, 2010, AND JULY 1, 2011, ONE HUNDRED PERCENT OF THE DEPARTMENT'S DIRECT AND INDIRECT COSTS OF ADMINISTERING AND ENFORCING THIS ARTICLE SHALL BE COVERED BY FEES ESTABLISHED BY THE COMMISSION.

(b) THIS SUBSECTION (1.5) IS REPEALED, EFFECTIVE JULY 1, 2012.

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. 35-12-106 (8), Colorado Revised Statutes, is amended to read:

35-12-106. Distribution fees - repeal. (8) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (8), for each fiscal year, COMMENCING JULY 1, fifty percent of the direct and indirect costs of administering and enforcing ~~the provisions of this article shall be funded from the general fund.~~ The commission shall establish a fee schedule to cover ~~the remaining~~ ANY direct and indirect costs NOT FUNDED FROM THE GENERAL FUND. 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.

(b) (I) FOR THE FISCAL YEARS COMMENCING JULY 1, 2010, AND JULY 1, 2011, ONE HUNDRED PERCENT OF THE DIRECT AND INDIRECT COSTS OF ADMINISTERING AND ENFORCING THIS ARTICLE SHALL BE COVERED BY FEES ESTABLISHED BY THE COMMISSION.

(II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2012.

SECTION 3. 35-14-127 (12.5) (b), Colorado Revised Statutes, is amended to read:

35-14-127. Licenses - fees - rules - stickers - certificates - repeal. (12.5) (b) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (b), for ~~the~~ EACH fiscal year, commencing on July 1, ~~2007, and for each subsequent fiscal year,~~ twenty-five percent of the direct and indirect costs associated with the licensing, testing, inspection, and regulation of certified weighers, scales with a capacity of greater than one thousand pounds, belt conveyers, in-motion railroad scales, and moisture testing devices shall be funded from the general fund. The commission shall establish a fee schedule to cover ~~the remaining~~ ANY direct and indirect costs NOT FUNDED FROM THE GENERAL FUND.

(II) (A) FOR THE FISCAL YEARS COMMENCING JULY 1, 2010, AND JULY 1, 2011, ONE HUNDRED PERCENT OF THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE LICENSING, TESTING, INSPECTION, AND REGULATION OF CERTIFIED WEIGHERS, SCALES WITH A CAPACITY OF GREATER THAN ONE THOUSAND POUNDS, BELT CONVEYERS, IN-MOTION RAILROAD SCALES, AND MOISTURE TESTING DEVICES SHALL BE COVERED BY FEES ESTABLISHED BY THE COMMISSION.

(B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1, 2012.

SECTION 4. 35-14-128 (2), Colorado Revised Statutes, is amended to read:

35-14-128. Laboratory approval - service - condemnation - repeal. (2) (a) The laboratory may require that specified weights, measures, or standards submitted for calibration be cleaned or sanded, scraped, and painted before submission. The fee for any metrology service shall be established by the commission. EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (2), for ~~the~~ EACH fiscal year, commencing on July 1, ~~2007, and for each subsequent fiscal year,~~ seventy-five percent of the direct and indirect costs associated with metrology laboratory services, including the regulation of weighing and measuring device

sales, installation, and service persons, shall be funded from the general fund. The commission shall establish a fee schedule to cover ~~the remaining~~ ANY direct and indirect costs NOT FUNDED FROM THE GENERAL FUND.

(b) (I) FOR THE FISCAL YEARS COMMENCING JULY 1, 2010, AND JULY 1, 2011, ONE HUNDRED PERCENT OF THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH METROLOGY LABORATORY SERVICES, INCLUDING THE REGULATION OF WEIGHING AND MEASURING DEVICE SALES, INSTALLATION, AND SERVICE PERSONS, SHALL BE COVERED BY FEES ESTABLISHED BY THE COMMISSION.

(II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2012.

SECTION 5. 35-60-104 (2) (a), Colorado Revised Statutes, is amended to read:

35-60-104. Registration fees - repeal. (2) (a) (I) 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 AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), for ~~the~~ EACH fiscal year, commencing on July 1, 2007, ~~and for each subsequent fiscal year~~, fifty percent of the direct and indirect costs of administering and enforcing ~~the provisions of~~ this article shall be funded from the general fund. The agricultural commission shall establish a fee schedule to cover ~~the remaining~~ ANY direct and indirect costs NOT FUNDED FROM THE GENERAL FUND.

(II) (A) FOR THE FISCAL YEARS COMMENCING JULY 1, 2010, AND JULY 1, 2011, ONE HUNDRED PERCENT OF THE DIRECT AND INDIRECT COSTS OF ADMINISTERING AND ENFORCING THIS ARTICLE SHALL BE COVERED BY FEES ESTABLISHED BY THE COMMISSION.

(B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1, 2012.

SECTION 6. 35-60-105 (1) (c) (I), Colorado Revised Statutes, is amended to read:

35-60-105. Distribution fees - reports - repeal. (1) (c) (I) (A) EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (I), for ~~the~~ EACH fiscal year, commencing on July 1, 2007, ~~and for each subsequent fiscal year~~, fifty percent of the direct and indirect costs of administering and enforcing ~~the provisions of~~ this article shall be funded from the general fund. The agricultural commission shall establish a fee schedule to cover ~~the remaining~~ ANY direct and indirect costs NOT FUNDED FROM THE GENERAL FUND.

(B) FOR THE FISCAL YEARS COMMENCING JULY 1, 2010, AND JULY 1, 2011, ONE HUNDRED PERCENT OF THE DIRECT AND INDIRECT COSTS OF ADMINISTERING AND ENFORCING THIS ARTICLE SHALL BE COVERED BY FEES ESTABLISHED BY THE COMMISSION. THIS SUB-SUBPARAGRAPH (B) IS REPEALED, EFFECTIVE JULY 1, 2012.

SECTION 7. 12-16-105 (1) (b), Colorado Revised Statutes, is amended to read:

12-16-105. License fee - renewal - rules - repeal. (1) (b) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (b), for ~~the~~ EACH fiscal year,

commencing on July 1, 2007, and for each subsequent fiscal year, twenty-five percent of the direct and indirect costs of administering and enforcing the provisions of this article shall be funded from the general fund. The agricultural commission shall establish a fee schedule to cover the remaining ANY direct and indirect costs NOT FUNDED FROM THE GENERAL FUND.

(II) (A) FOR THE FISCAL YEARS COMMENCING JULY 1, 2010, AND JULY 1, 2011, ONE HUNDRED PERCENT OF THE DIRECT AND INDIRECT COSTS OF ADMINISTERING AND ENFORCING THIS ARTICLE SHALL BE COVERED BY FEES ESTABLISHED BY THE COMMISSION.

(B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1, 2012.

SECTION 8. 12-16-205 (1) (b), Colorado Revised Statutes, is amended to read:

12-16-205. Commodity handler licenses - application requirements - fee - repeal. (1) (b) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (b), for the EACH fiscal year, commencing on July 1, 2007, and for each subsequent fiscal year, twenty-five percent of the direct and indirect costs of administering and enforcing the provisions of this article shall be funded from the general fund. The agricultural commission shall establish a fee schedule to cover the remaining ANY direct and indirect costs NOT FUNDED FROM THE GENERAL FUND.

(II) (A) FOR THE FISCAL YEARS COMMENCING JULY 1, 2010, AND JULY 1, 2011, ONE HUNDRED PERCENT OF THE DIRECT AND INDIRECT COSTS OF ADMINISTERING AND ENFORCING THIS ARTICLE SHALL BE COVERED BY FEES ESTABLISHED BY THE COMMISSION.

(B) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1, 2012.

SECTION 9. 12-16-217 (2), Colorado Revised Statutes, is amended to read:

12-16-217. Inspection fees - repeal. (2) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (2), for the EACH fiscal year, commencing on July 1, 2007, and for each subsequent fiscal year, twenty-five percent of the direct and indirect costs of administering and enforcing the provisions of this article shall be funded from the general fund. The agricultural commission shall establish a fee schedule to cover the remaining ANY direct and indirect costs NOT FUNDED FROM THE GENERAL FUND. 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.

(b) (I) FOR THE FISCAL YEARS COMMENCING JULY 1, 2010, AND JULY 1, 2011, ONE HUNDRED PERCENT OF THE DIRECT AND INDIRECT COSTS OF ADMINISTERING AND ENFORCING THIS ARTICLE SHALL BE COVERED BY FEES ESTABLISHED BY THE COMMISSION. 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.

(II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2012.

SECTION 10. Appropriations in 2010 long bill to be adjusted. (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, 2010, shall be adjusted as follows:

(a) The general fund appropriation for the commissioner's office and administrative services is decreased by two hundred eighty-seven thousand sixty-four dollars (\$287,064).

(b) The cash funds appropriation for the commissioner's office and administrative services, is increased by one hundred seventy-eight thousand eight hundred thirty-five dollars (\$178,835). Said sum shall be from the inspection and consumer services cash fund created in section 35-1-106.5 (1), Colorado Revised Statutes.

(c) The reappropriated funds appropriation for the commissioner's office and administrative services, is increased by one hundred eight thousand two hundred twenty-nine dollars (\$108,229). Said sum shall be from the appropriation made to the agriculture services division in paragraph (f) of this subsection (1).

(d) The general fund appropriation for the agricultural services division, for program costs, is decreased by nine hundred seventy-four thousand five hundred eighteen dollars (\$974,518) and 12.5 FTE.

(e) The cash funds appropriation for the agricultural services division, for program costs, is increased by nine hundred seventy-four thousand five hundred eighteen dollars (\$974,518) and 12.5 FTE. Said sum shall be from the inspection and consumer services cash fund created in section 35-1-106.5 (1), Colorado Revised Statutes.

(f) The cash funds appropriation for the agricultural services division, for indirect cost assessment, is increased by one hundred eight thousand two hundred twenty-nine dollars (\$108,229). Said sum shall be from the inspection and consumer services cash fund created in section 35-1-106.5 (1), Colorado Revised Statutes.

(g) The general fund appropriation for the agricultural services division, for lease purchase lab equipment, is decreased by thirty-nine thousand six hundred seventy-two dollars (\$39,672).

(h) The cash funds appropriation for the agricultural services division, for lease purchase lab equipment, is increased by thirty-nine thousand six hundred seventy-two dollars (\$39,672). Said sum shall be from the inspection and consumer services cash fund created in section 35-1-106.5 (1), Colorado Revised Statutes.

SECTION 11. 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 6, 2010