

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 20-0509.01 Jennifer Berman x3286

HOUSE BILL 20-1184

HOUSE SPONSORSHIP

Buentello and Pelton, Arndt, Catlin, Holtorf, Valdez D., Will, Young

SENATE SPONSORSHIP

Hisey and Donovan,

House Committees

Rural Affairs & Agriculture
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE "COLORADO SEED ACT",**
102 **AND, IN CONNECTION THEREWITH, IMPLEMENTING**
103 **RECOMMENDATIONS CONTAINED IN THE 2019 SUNSET REPORT**
104 **BY THE DEPARTMENT OF REGULATORY AGENCIES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Sunset Process - House Rural Affairs and Agriculture Committee. The bill implements recommendations of the department of regulatory agencies' sunset review and report on the registration functions

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

of the commissioner of agriculture (commissioner) regarding the "Colorado Seed Act" by:

- ! Continuing the commissioner's registration functions for 11 years, until 2031 (**Sections 1 and 2** of the bill);
- ! Repealing the statutory fee caps for registration and allowing the commissioner to establish registration fees by rule (**section 3**);
- ! Removing the fee discount afforded to registrants with respect to registering a second and any additional locations (**section 3**);
- ! Authorizing the commissioner to establish a registration renewal schedule by rule and repealing language that made each registration effective for one year from March 1 through the last day in February, regardless of when the registration was approved (**section 3**); and
- ! Removing obsolete language requiring money to be transferred between funds in 2009 (**section 4**).

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-34-104, **repeal**
3 (18)(a)(III); and **add** (32) as follows:

4 **24-34-104. General assembly review of regulatory agencies**
5 **and functions for repeal, continuation, or reestablishment - legislative**
6 **declaration - repeal.** (18) (a) The following agencies, functions, or both,
7 are scheduled to repeal on July 1, 2020:

8 (III) ~~The registration functions of the commissioner of agriculture~~
9 ~~specified in article 27 of title 35, C.R.S.;~~

10 (32) (a) THE FOLLOWING AGENCIES, FUNCTIONS, OR BOTH, ARE
11 SCHEDULED FOR REPEAL ON SEPTEMBER 1, 2031:

12 (I) THE REGISTRATION FUNCTIONS OF THE COMMISSIONER OF
13 AGRICULTURE SPECIFIED IN ARTICLE 27 OF TITLE 35.

14 (b) THIS SUBSECTION (32) IS REPEALED, EFFECTIVE SEPTEMBER 1,
15 2033.

16 **SECTION 2.** In Colorado Revised Statutes, **amend** 35-27-125 as

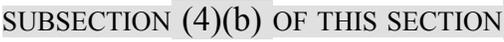
1 follows:

2 **35-27-125. Repeal of article - termination of functions.** This
3 ~~article~~ ARTICLE 27 is repealed, effective ~~July 1, 2020. Prior to such~~
4 ~~SEPTEMBER 1, 2031. BEFORE THE~~ repeal, the registration functions of the
5 ~~commissioner of agriculture shall be reviewed as provided for in~~ ARE
6 ~~SCHEDULED FOR REVIEW IN ACCORDANCE WITH~~ section 24-34-104. ~~C.R.S.~~

7 **SECTION 3.** In Colorado Revised Statutes, 35-27-111, **amend**
8 (2)(b) and (4) as follows:

9 **35-27-111. Registration of custom seed conditioners, farmer**
10 **seed labelers, retail seed dealers, and seed labelers - form - fees -**
11 **renewal - rules.** (2) (b) (I) Each registration completed pursuant to this
12 section ~~shall be~~ IS effective ~~on the first day of the month following the~~
13 ~~month it was submitted to the department and shall expire on the last day~~
14 ~~of the month twelve months from the date it became effective~~ FOR UP TO
15 ONE YEAR, SUBJECT TO A RENEWAL SCHEDULE ESTABLISHED BY THE
16 COMMISSIONER BY RULE.

17 (II) ~~Notwithstanding subparagraph (I) of this paragraph (b),~~
18 ~~registrations renewed between March 1, 2000, and February 1, 2001, shall~~
19 ~~expire February 28, 2001. Effective March 1, 2001, all registrations shall~~
20 ~~be effective March 1 of each year and shall expire the last day of~~
21 ~~February of each year.~~

22 
23 (4) (a)  SUBJECT TO MODIFICATION BY RULE PURSUANT TO
24  SUBSECTION (4)(b) OF THIS SECTION, THE REGISTRATION FEE FOR EACH
25  REGISTRANT IS AS FOLLOWS:

26 (I)  FOR CUSTOM SEED CONDITIONERS AND SEED LABELERS, FIVE
27  HUNDRED NINETEEN DOLLARS;

1 (II) FOR FARMER SEED LABELERS AND RETAIL SEED DEALERS, ONE
2 HUNDRED THIRTY DOLLARS; AND

3 (III) FOR RETAIL SEED DEALERS FOR EACH SEPARATE LOCATION,
4 FORTY-THREE DOLLARS.

5 (a) (b) The commission ~~shall establish~~ MAY ADJUST registration
6 fees BY RULE; except that registration fees for:

7 (I) Custom seed conditioners and seed labelers ~~shall~~ MUST not
8 exceed ~~three~~ SEVEN hundred dollars; and

9 (II) Farmer seed labelers and retail seed dealers ~~shall~~ MUST not
10 exceed ~~seventy-five~~ TWO HUNDRED dollars.

11 (b) (c) The commissioner shall, BY RULE, establish fees for each
12 additional separate registration location according to the class of
13 registrant; except that the fee for:

14 (I) Custom seed conditioners and seed labelers ~~shall~~ MUST not
15 exceed ~~seventy-five~~ TWO HUNDRED dollars for each ~~such~~ additional
16 separate location; and

17 (II) Farmer seed labelers and retail seed dealers ~~shall~~ MUST not
18 exceed ~~twenty-five~~ TWO HUNDRED dollars for each ~~such~~ additional
19 separate location.

20 **SECTION 4.** In Colorado Revised Statutes, **amend** 35-27-124 as
21 follows:

22 **35-27-124. Fees credited to plant health, pest control, and**
23 **environmental protection cash fund.** All fees and civil fines collected
24 pursuant to this ~~article~~ ARTICLE 27 shall be transmitted to the state
25 treasurer, who shall credit the same to the plant health, pest control, and
26 environmental protection cash fund created in section 35-1-106.3. The
27 fees and fines imposed by this ~~article~~ ~~shall~~ ARTICLE 27 supplement any

1 general fund appropriation appropriated for the purposes of this ~~article.~~
2 ~~Within sixty days after July 1, 2009, the unexpended and unencumbered~~
3 ~~balance of the seed cash fund, as that fund existed prior to July 1, 2009,~~
4 ~~shall be transferred to the plant health, pest control, and environmental~~
5 ~~protection cash fund~~ ARTICLE 27.

6 **SECTION 5. Safety clause.** The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, or safety.