

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 11-0673.01 Kate Meyer

HOUSE BILL 11-1159

HOUSE SPONSORSHIP

Coram,

SENATE SPONSORSHIP

Schwartz,

House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

Agriculture, Natural Resources, and Energy
Appropriations

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT THE COMMISSIONER OF**
102 **AGRICULTURE LICENSE GRAIN PROTEIN ANALYZERS PRIOR TO**
103 **COMMERCIAL USE, AND, IN CONNECTION THEREWITH,**
104 **EXEMPTING GRAIN PROTEIN ANALYZERS FROM THE**
105 **REQUIREMENT THAT A CERTIFICATE OF CONFORMANCE BE**
106 **ISSUED PRIOR TO USE FOR COMMERCIAL OR LAW ENFORCEMENT**
107 **PURPOSES, AND MAKING AN APPROPRIATION.**

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

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

HOUSE
3rd Reading Unam ended
February 15, 2011

HOUSE
2nd Reading Unam ended
February 14, 2011

http://www.leg.state.co.us/bills/summaries.)

The bill requires the commissioner of agriculture to license a grain protein analyzer before the analyzer is operated for commercial use. The bill also authorizes the state agricultural commission to charge a fee for licensing grain protein analyzers, and exempts grain protein analyzers from the requirement that a certificate of conformance for the analyzer be issued prior to commercial or law enforcement use.

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

2 **SECTION 1.** 35-14-102, Colorado Revised Statutes, is amended
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **35-14-102. Definitions.** As used in this article, unless the context
5 otherwise requires:

6 (9.5) "GRAIN PROTEIN ANALYZER" MEANS THE EQUIPMENT AND
7 ACCESSORIES USED TO DETERMINE THE PROTEIN CONTENT OF GRAIN.

8 **SECTION 2.** 35-14-105, Colorado Revised Statutes, is amended
9 to read:

10 **35-14-105. Technical requirements for weighing and**
11 **measuring devices - certificate required - exception.** (1) The
12 specifications, tolerances, and other technical requirements, including
13 user requirements, for commercial, law enforcement, data gathering, and
14 other weighing and measuring devices as adopted by the national
15 conference on weights and measures and published in the national
16 institute of standards and technology handbook 44, "Specifications,
17 Tolerances, and Other Technical Requirements for Commercial Weighing
18 and Measuring Devices", and supplements ~~thereto~~ or revisions ~~thereof~~;
19 ~~shall~~ TO THAT HANDBOOK, apply to weighing and measuring devices in
20 this state, except as modified or rejected or as otherwise specified by this
21 article or any rule promulgated pursuant to this article. EXCEPT AS

1 PROVIDED IN SUBSECTION (2) OF THIS SECTION, any weight or measure or
2 any weighing or measuring instrument or device shall be issued a
3 certificate of conformance from the national type evaluation program
4 prior to use for commercial or law enforcement purposes.

5 (2) A CERTIFICATE OF CONFORMANCE IS NOT REQUIRED FOR A
6 GRAIN PROTEIN ANALYZER.

7 **SECTION 3.** 35-14-127 (5), (12.5) (b) (I), and (12.5) (b) (II) (A),
8 Colorado Revised Statutes, are amended to read:

9 **35-14-127. Licenses - fees - rules - stickers - certificates -**
10 **repeal.** (5) The COMMISSION SHALL DETERMINE THE annual license fee
11 for textile meters, cordage meters, moisture meters, GRAIN PROTEIN
12 ANALYZERS, certified weighers, persons who sell or install weighing and
13 measuring devices, and persons who service weighing and measuring
14 devices. ~~shall be as determined by the commission.~~

15 (12.5) (b) (I) Except as provided in subparagraph (II) of this
16 paragraph (b), for each fiscal year, commencing on July 1, twenty-five
17 percent of the direct and indirect costs associated with the licensing,
18 testing, inspection, and regulation of certified weighers, scales with a
19 capacity of greater than one thousand pounds, belt conveyers, in-motion
20 railroad scales, ~~and~~ moisture testing devices, ~~shall~~ AND GRAIN PROTEIN
21 ANALYZERS MUST be funded from the general fund. The commission
22 shall establish a fee schedule to cover any direct and indirect costs not
23 funded from the general fund.

24 (II) (A) For the fiscal years commencing July 1, 2010, and July 1,
25 2011, one hundred percent of the direct and indirect costs associated with
26 the licensing, testing, inspection, and regulation of certified weighers,
27 scales with a capacity of greater than one thousand pounds, belt

1 conveyers, in-motion railroad scales, ~~and~~ moisture testing devices, ~~shall~~
2 AND GRAIN PROTEIN ANALYZERS MUST be covered by fees established by
3 the commission.

4 **SECTION 4.** 35-14-129 (1), Colorado Revised Statutes, is
5 amended to read:

6 **35-14-129. Moisture-testing devices and grain protein**
7 **analyzers - specifications.** (1) Before OPERATING any moisture-testing
8 device ~~is operated~~ OR GRAIN PROTEIN ANALYZER for commercial use, THE
9 OWNER OF THE DEVICE OR ANALYZER SHALL FIRST PROCURE a license ~~shall~~
10 ~~be obtained~~ FOR OPERATION OF THE DEVICE OR ANALYZER from the
11 commissioner. An application for ~~such~~ THE license ~~shall~~ MUST be made
12 upon a form furnished by the commissioner. A moisture-testing device
13 ~~shall be~~ OR A GRAIN PROTEIN ANALYZER IS considered in commercial use
14 if the results of the device OR ANALYZER are a factor in determining:

- 15 (a) The price of the commodity tested; ~~for moisture content~~; or
16 (b) FOR A MOISTURE-TESTING DEVICE, THE drying or other
17 processing charge based upon moisture content of the commodity.

18 **SECTION 5. Appropriation - adjustments in 2011 long bill.**
19 For the implementation of this act, the cash funds appropriation made in
20 the annual general appropriation act for the fiscal year beginning July 1,
21 2011, to the department of agriculture, agricultural services division, for
22 inspection and consumer services, is increased by six hundred dollars
23 (\$600). Said sum shall be from the inspection and consumer services
24 cash fund created in section 35-1-106.5 (1), Colorado Revised Statutes.

25 **SECTION 6. Act subject to petition - effective date -**
26 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day
27 following the expiration of the ninety-day period after final adjournment

1 of the general assembly (August 10, 2011, if adjournment sine die is on
2 May 11, 2011); except that, if a referendum petition is filed pursuant to
3 section 1 (3) of article V of the state constitution against this act or an
4 item, section, or part of this act within such period, then the act, item,
5 section, or part shall not take effect unless approved by the people at the
6 general election to be held in November 2012 and shall take effect on the
7 date of the official declaration of the vote thereon by the governor.

8 (2) The provisions of this act shall apply to grain protein analyzers
9 operated for commercial use on or after the applicable effective date of
10 this act.