

First Regular Session Sixty-seventh  
General Assembly STATE OF  
COLORADO

DRAFT

LLS NO. 09-0219.01 Thomas Morris **SUNSET BILL Sunset Process - Senate Agriculture and  
Natural Resources Committee**

---

**SHORT TITLE:** "Sunset Measurement Stds Dept Of Ag"

---

**A BILL FOR AN ACT**

101 **CONCERNING THE CONTINUATION OF THE AUTHORITY OF THE**  
102 **DEPARTMENT OF AGRICULTURE TO REGULATE MEASUREMENT**  
103 **STANDARDS.**

---

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

**Sunset Process - Senate Agriculture and Natural Resources Committee.**  
Implements the recommendations of the department of regulatory agencies in its sunset review of the department of agriculture's regulation of measurement standards as follows:

□ *Recommendation 1: Continues the issuance of licenses and certificates related to measurement standards until July 1,*

Capital letters indicate new material to be added to existing statute. Dashes through the words indicate deletions from existing statute.

2018.

☐ Recommendation 2: Specifies that tuning forks used to determine the accuracy of radar guns are not subject to annual testing.

☐ Recommendation 3: Directs the commissioner of agriculture to promulgate rules to clarify the circumstances under which a blue or red tag should be issued for inaccurate weighing or measuring devices.

☐ Recommendation 4: Repeals obsolete definitions. Changes references to "primary standards" to "reference standards" to conform to federal law.

☐ Recommendation 5: Directs the agricultural commission to establish by rule annual license fees for scales based on capacity.

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

2 **Recommendation 1**

3 **SECTION 1.** 35-14-134, Colorado Revised Statutes, is amended  
4 to read:

5 **35-14-134. Repeal of sections - review of functions.** Sections  
6 35-14-102 (3), 35-14-121 to 35-14-124.5, 35-14-127, 35-14-129, and  
7 35-14-131 (2) (d), (2) (j), and (2) (m) are repealed, effective July 1, ~~2009~~  
8 2018. Prior to such repeal, the licensing and certification functions of the  
9 department shall be reviewed as provided for in section 24-34-104, C.R.S.

10 **SECTION 2. Repeal.** 24-34-104 (40) (j) (II), Colorado Revised  
11 Statutes, is repealed as follows:

12 **24-34-104. General assembly review of regulatory agencies  
13 and functions for termination, continuation, or reestablishment.**

14 (40) The following agencies, functions, or both, shall terminate on July  
15 1, 2009:

16 (j) The following functions of the commissioner of the department  
17 of agriculture:

1           (ii) ~~The issuance of licenses and certificates related to~~  
2 ~~measurement standards in accordance with article 14 of title 35, C.R.S.;~~

3           **SECTION 3.** ~~24-34-104 (49), Colorado Revised Statutes, is~~  
4 ~~amended BY THE ADDITION OF A NEW SUBSECTION to read:~~

5           **24-34-104. General assembly review of regulatory agencies**  
6 **and functions for termination, continuation, or reestablishment.**

7           (49) ~~The following agencies, functions, or both, shall terminate on July~~  
8 ~~1, 2018:~~

9           (c) ~~THE ISSUANCE OF LICENSES AND CERTIFICATES RELATED TO~~  
10 ~~MEASUREMENT STANDARDS BY THE COMMISSIONER OF THE DEPARTMENT~~  
11 ~~OF AGRICULTURE IN ACCORDANCE WITH ARTICLE 14 OF TITLE 35, C.R.S.~~

12           **Recommendation 2**

13           **SECTION 4.** ~~35-14-107 (1) (g), Colorado Revised Statutes, is~~  
14 ~~amended to read:~~

15           **35-14-107. Powers and duties of the commissioner - rules.**

16           (1) ~~The commissioner shall:~~

17           (g) ~~Test annually the standards of weights and measures used by~~  
18 ~~any city or county within the state and approve the same when found to~~  
19 ~~be correct; EXCEPT THAT TUNING FORKS USED TO DETERMINE THE~~  
20 ~~ACCURACY OF RADAR GUNS SHALL NOT BE SUBJECT TO ANNUAL TESTING;~~

21           **Recommendation 3**

22           **SECTION 5.** ~~35-14-124, Colorado Revised Statutes, is amended~~  
23 ~~BY THE ADDITION OF A NEW SUBSECTION to read:~~

24           **35-14-124. Inaccurate devices - stickers - tags - wire seals**  
25 **rules.** (5) ~~THE COMMISSIONER SHALL PROMULGATE RULES TO CLARIFY~~  
26 ~~THE CIRCUMSTANCES UNDER WHICH A BLUE OR RED TAG SHOULD BE~~  
27 ~~ISSUED.~~

1 **Recommendation 4**

2 **SECTION 6.** 35-14-102 (14), (17), (21), (25), (26), (30), and  
3 (31.6), Colorado Revised Statutes, are amended, and the said 35-14-102  
4 is further amended BY THE ADDITION OF A NEW SUBSECTION, to  
5 read:

6 **35-14-102. Definitions.** As used in this article, unless the context  
7 otherwise requires:

8 (14) "Laboratory" means the metrology laboratory ~~of the~~  
9 ~~measurement standards section of the division of inspection and~~  
10 ~~consumer services in the department.~~

11 (17) "Moisture content" means the percentage content of moisture  
12 and other volatiles on a wet basis in a grain sample ~~or official grain~~  
13 ~~sample as determined in a manner recognized by the United States~~  
14 ~~department of agriculture.~~

15 (21) ~~"Nonconsumer package" or "package of nonconsumer~~  
16 ~~commodity" means any commodity in package form other than a~~  
17 ~~consumer package and particularly a package intended solely for~~  
18 ~~industrial or institutional use or for wholesale distribution.~~

19 (25) ~~"Primary standards" means the physical standards of the state~~  
20 ~~which serve as the legal reference from which all other standards and~~  
21 ~~weights and measures are derived pursuant to section 35-14-104.~~

22 (26) ~~"Principal display panel" means that part of a label that is so~~  
23 ~~designed as to most likely be displayed, presented, shown, or examined~~  
24 ~~under normal and customary conditions of display and purchase. When~~  
25 ~~there is more than one principal display panel on a package, each of such~~  
26 ~~panels shall meet the requirements pertaining to the principal display~~  
27 ~~panel.~~

1           (27.5) "REFERENCE STANDARDS" MEANS THE PHYSICAL  
2 STANDARDS OF THE STATE THAT SERVE AS THE LEGAL REFERENCE FROM  
3 WHICH ALL OTHER STANDARDS AND WEIGHTS AND MEASURES ARE  
4 DERIVED PURSUANT TO SECTION 35-14-104.

5           (30) "Secondary standards" means the physical standards ~~which~~  
6 THAT are traceable to the ~~primary~~ REFERENCE standards through  
7 comparisons, using acceptable procedures, and are used in the  
8 enforcement of weights and measures laws ~~and regulations~~ RULES.

9           (31.6) ~~"Type evaluation" means the testing, examination, or~~  
10 ~~evaluation of a type by a participating laboratory under the national type~~  
11 ~~evaluation program.~~

12           **SECTION 7.** 35-14-104, Colorado Revised Statutes, is amended  
13 to read:

14           **35-14-104. Physical standards.** Weights and measures that are  
15 traceable to the United States prototype standards supplied by the federal  
16 government, or approved as being satisfactory by the national institute of  
17 standards and technology, shall be the state's ~~primary~~ REFERENCE  
18 standards of weights and measures and shall be maintained in such  
19 calibration as prescribed by the national institute of standards and  
20 technology. All secondary standards may be prescribed by the  
21 commissioner and shall be verified upon their initial receipt and as often  
22 thereafter as deemed necessary by the commissioner. The commissioner  
23 shall have the custody AND KEEP ACCURATE RECORDS of the state  
24 standards of weights and measures and of the other standards and  
25 equipment provided for by this article. ~~and he shall keep accurate records~~  
26 ~~of the same.~~

27           **Recommendation 5**

1           **SECTION 8.** 35-14-127 (4) (a) (I), Colorado Revised Statutes, is  
2 amended to read:

3           **35-14-127. Licenses - fees - rules - stickers - certificates.**

4           (4) (a) (I) The agricultural commission shall establish *BY RULE* annual  
5 license fees for scales based on capacity: ~~in the following classifications:~~

6           ~~(A) Scales with a capacity of 80,001 pounds and over;~~

7           ~~(B) Scales with a capacity of 30,001 pounds through 80,000~~  
8 ~~pounds;~~

9           ~~(C) Scales with a capacity of 10,001 pounds through 30,000~~  
10 ~~pounds;~~

11           ~~(D) Scales with a capacity of 2,001 pounds through 10,000~~  
12 ~~pounds;~~

13           ~~(E) Scales with a capacity of 451 pounds through 2,000 pounds;~~

14           ~~(F) Scales with a capacity of 76 pounds through 450 pounds; and~~

15           ~~(G) Scales with a capacity of 75 pounds or less.~~

16           **SECTION 9. Applicability.** This act shall apply to acts  
17 occurring on or after the effective date of this act.

18           **SECTION 10. Safety clause.** The general assembly hereby finds,  
19 determines, and declares that this act is necessary for the immediate  
20 preservation of the public peace, health, and safety.