

  
*Colorado Legislative Council Staff Fiscal Note*  
**FINAL**  
**FISCAL NOTE**

**Drafting Number:** LLS 11-0673  
**Prime Sponsor(s):** Rep. Coram  
 Sen. Schwartz

**Date:** May 12, 2011  
**Bill Status:** Signed into Law  
**Fiscal Analyst:** Clare Pramuk (303-866-2677)

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

| Fiscal Impact Summary                                                                                                                                             | FY 2011-2012 | FY 2012-2013 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|--------------|
| <b>State Revenue</b>                                                                                                                                              |              |              |
| Cash Funds                                                                                                                                                        |              |              |
| Inspection and Consumer Services Cash Fund                                                                                                                        | \$875        | \$875        |
| <b>State Expenditures</b>                                                                                                                                         |              |              |
| General Fund                                                                                                                                                      |              |              |
|                                                                                                                                                                   |              | \$150        |
| Cash Funds                                                                                                                                                        |              |              |
| Inspection and Consumer Services Cash Fund                                                                                                                        | \$600        | 450          |
| <b>FTE Position Change</b>                                                                                                                                        |              |              |
| <b>Effective Date:</b> The bill was signed into law by the Governor on April 8, 2011, and takes effect August 10, 2011, assuming no referendum petition is filed. |              |              |
| <b>Appropriation Summary for FY 2011-2012:</b> None required.                                                                                                     |              |              |
| <b>Local Government Impact:</b> None.                                                                                                                             |              |              |

**Summary of Legislation**

This bill requires the Commissioner of Agriculture to license grain protein analyzers prior to commercial use. In FY 2011-12, the commissioner is to charge a fee to cover all the direct and indirect costs associated with licensing, testing, inspection and regulation. In FY 2012-13, 25 percent of the costs are to be funded from the General Fund. The bill exempts grain protein analyzers from requiring a national certificate of conformance.

**State Revenue**

*Revenue to the Inspection and Consumer Services Cash Fund are expected to increase by \$875 in FY 2011-12 and FY 2012-13 from licensing fees.*

***Fee Impact on Individuals, Families or Business.*** Section 2-2-322, C.R.S., requires legislative service agency review of measures which create or increase any fee collected by a state agency. Approximately 25 grain protein analyzers will be licensed annually. The fee will be set in rule by the commissioner, but is assumed to be \$35 for purposes of estimating the revenue impact. Table 1 below identifies the fee impact of this bill.

| <b>Table 1. Annual Fee Impact on Individuals, Families or Business under HB11-1159</b> |                    |                     |                   |                        |                         |
|----------------------------------------------------------------------------------------|--------------------|---------------------|-------------------|------------------------|-------------------------|
| <b>Type of Fee</b>                                                                     | <b>Current Fee</b> | <b>Proposed Fee</b> | <b>Fee Change</b> | <b>Number Affected</b> | <b>Total Fee Impact</b> |
| Grain Protein Analyzer License                                                         | 0                  | \$35                | \$35              | 25                     | \$875                   |
| <b>TOTAL</b>                                                                           |                    |                     |                   |                        | <b>\$875</b>            |

### **State Expenditures**

***This bill will increase expenditures of the Department of Agriculture by \$600 in FY 2011-12 and FY 2012-13.*** In FY 2011-12, this is funded entirely from the Inspection and Consumer Services Cash Fund. In FY 2012-13, this will be funded \$150 from the General Fund and \$450 from the Inspection and Consumer Services Cash Fund.

Expenditures for the department's licensing of the United States Department of Agriculture Federal Grain Inspection Service standards are \$600 annually. Because grain protein analyzers are located with moisture testers that are currently licensed, inspections of the analyzers is not expected to increase department workload.

### **State Appropriations**

The Department of Agriculture requires an appropriation of \$600 from the Inspection and Consumer Services Cash Fund for FY 2011-12.

### **Departments Contacted**

Agriculture