



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number:	LLS 23-0929	Date:	March 28, 2023
Prime Sponsors:	Rep. McCormick; Catlin Sen. Pelton R.; Marchman	Bill Status:	House Agriculture
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Bill Topic: UPDATE LIVESTOCK HEALTH ACT

Summary of Fiscal Impact:

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill modifies the role of the Commissioner of Agriculture in relation to the inspection, testing, and quarantine of livestock during an infectious or contagious disease. It increases state workload beginning in FY 2023-24.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Summary of Legislation

The bill removes the requirement that the any inspection, testing, and quarantine of livestock occur pursuant to any rules promulgated by the Commissioner of Agriculture. The bill shifts the authority to issue an order of condemnation in cases where there is an outbreak of contagious or infectious diseases among livestock from the State Agricultural Commission to the Commissioner of Agriculture, in collaboration with State Veterinarian and the Governor.

Investigation authority. The bill gives the Commissioner of Agriculture the authority to investigate buildings, yards, pens, pastures, and other areas where animals may be kept, held, or transported to ensure compliance with the Livestock Health Act. During an investigation, the Commissioner of Agriculture may administer oaths and take statements, issue administrative subpoenas, compel witnesses to disclose relevant information, and petition for a court to compel a witness to appear, testify, or produce evidence.

Health certificates. Under current law, it is unlawful to falsify a health certificate issued for the import of livestock into Colorado. The bill expands this prohibition to include exports.

Comparable Crime Analysis

Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or creates a new factual basis for an existing crime. Using Judicial Department data, the following section outlines crimes that are comparable to the offense in this bill and discusses assumptions on future rates of criminal convictions resulting from the bill.

Prior conviction data and assumptions. This bill creates the new offense of altering or falsifying health certificate issued for the export of livestock out of the state. Violations of any provision of the Livestock Health Act constitutes a class 2 misdemeanor. From FY 2019-20 to FY 2021-22, zero offenders have been sentenced and convicted criminal offenses under the Act; therefore, the fiscal note assumes that there will be minimal or no additional case filings or convictions for the new offense under the bill. It is assumed that violations of the Act are generally dealt with administratively, rather than criminally. Because the bill is not expected to have a tangible impact on criminal justice-related expenditures or revenue at the state or local levels, these potential impacts are not discussed further in this fiscal note.

State Expenditure

The bill shifts responsibility within the Department of Agriculture, which may result in an increase in workload for staff within the department. The Judicial Department may see an increase in workload dependent on the number of cases where a district court is required to compel a witness to appear and when an individual fails to obey a subpoena. These workload changes are expected to be minimal and no appropriation is required.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Agriculture

Information Technology

Judicial