

**First Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 25-0154.01 Richard Sweetman x4333

**HOUSE BILL 25-1084**

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**HOUSE SPONSORSHIP**

**McCormick, Martinez**

**SENATE SPONSORSHIP**

**Marchman and Simpson, Bridges, Roberts**

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**House Committees**

Agriculture, Water & Natural Resources

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE SUBSTITUTION OF GENDER-NEUTRAL LANGUAGE FOR**  
102                    **GENDERED LANGUAGE IN TITLE 35 OF THE COLORADO REVISED**  
103                    **STATUTES.**

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**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/>.)*

**Water Resources and Agriculture Review Committee.** The bill substitutes gender-neutral language for gendered language in title 35 of the Colorado Revised Statutes. The bill also updates archaic language in title 35.

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

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

2           **SECTION 1.** In Colorado Revised Statutes, 35-1-102, **amend** the  
3 introductory portion and (1) as follows:

4           **35-1-102. Definitions.** As used in this ~~article~~ ARTICLE 1, unless  
5 the context otherwise requires:

6           (1) "Agriculture" means the science and art of production of  
7 plants and animals useful to ~~man~~ HUMANS, including, to a variable extent,  
8 the preparation of these products for ~~man's~~ HUMAN use and their disposal  
9 by marketing or otherwise, and includes horticulture, floriculture,  
10 viticulture, forestry, dairy, livestock, poultry, bee, and ~~any and~~ all forms  
11 of farm products and farm production.

12           **SECTION 2.** In Colorado Revised Statutes, 35-1-106, **amend**  
13 (1)(e) as follows:

14           **35-1-106. Powers and duties of commission - rules.** (1) In  
15 addition to all other powers and duties conferred upon the commission by  
16 this article 1, the commission has the following specific powers and  
17 duties:

18           (e) To furnish the commissioner with advice on any agricultural  
19 or livestock problem with which ~~he~~ THE COMMISSIONER may be  
20 confronted;

21           **SECTION 3.** In Colorado Revised Statutes, **amend** 35-1-109 as  
22 follows:

23           **35-1-109. Employees interchangeable.** ~~It is the duty of The~~  
24 ~~commissioner of agriculture in the administration of his department to so~~  
25 SHALL organize the ~~same~~ DEPARTMENT SO that all employees of the  
26 department, so far as possible, ~~shall be~~ ARE interchangeable in work

1 assignment ~~to the end~~ SO that they may be shifted within the department  
2 so as to meet seasonal and emergency demands upon any division or  
3 section of the department and SO THAT the number of such help  
4 EMPLOYEES IS kept to a minimum possible for efficient operation.

5 **SECTION 4.** In Colorado Revised Statutes, **amend** 35-2-101 as  
6 follows:

7 **35-2-101. Information furnished - by whom.** The commissioner  
8 of agriculture, acting under the direction of the state agricultural  
9 commission in the collection of information necessary to ~~the performance~~  
10 ~~of his or her~~ PERFORM THE COMMISSIONER'S duties as such commissioner  
11 and subject to ~~the provisions of~~ section 24-1-136, C.R.S., in regard to THE  
12 publication of such information, ~~is authorized to~~ MAY call upon the  
13 several state, county, city, town, and school district officers and officers  
14 of the several state institutions of education and penal and other state  
15 institutions, and it is the duty of all such officers to furnish, upon written  
16 or printed request of the commissioner, such information as may be  
17 required for properly setting forth the resources of the state and their  
18 development, upon blanks furnished by the commissioner. UPON REQUEST  
19 OF THE COMMISSIONER, each owner, operator, or manager of any  
20 manufacturing, mining, or other business establishment operating in this  
21 state, or other person having information necessary for carrying out the  
22 purposes of this ~~article, upon the request of the commissioner~~ ARTICLE 2,  
23 shall furnish the ~~same~~ INFORMATION upon blanks supplied by the  
24 commission. Except as otherwise provided by law, any agricultural  
25 statistics collected by any of the several state, county, city, town, school  
26 district, or institutional officers specified in this section shall be collected  
27 in accordance with the requirements of this ~~article~~ ARTICLE 2.

1           **SECTION 5.** In Colorado Revised Statutes, **amend** 35-2-102 as  
2 follows:

3           **35-2-102. Statistical reports.** It is the duty of the assessor of each  
4 county in this state, at the time of making the annual assessment of  
5 property, to collect such statistics in relation to THE population, farm  
6 operations, ~~the~~ principal farm products, agricultural resources, and  
7 livestock of the county as may be required by the commissioner of  
8 agriculture, and it is the duty of all persons within this state having  
9 information relative to such matters to give such information to the  
10 assessor upon ~~his~~ THE ASSESSOR'S request. ~~therefor~~. The original sheets  
11 on which such statistics are collected shall be forwarded to the  
12 commissioner of agriculture as soon as they are completed, but not later  
13 than June 1 of each year, immediately following their collection. ~~From~~  
14 ~~these~~ THE STATE AGRICULTURAL COMMISSION SHALL COMPILE THE  
15 original sheets ~~there shall be compiled in the office of the state~~  
16 ~~agricultural commission~~ INTO complete reports on all subjects covered for  
17 each county in the state. The blanks to be used by county assessors in the  
18 collection of statistics required by the state agricultural commission shall  
19 be supplied by the commission, and the form ~~thereof~~ shall be fixed by the  
20 commissioner of agriculture after ~~conference~~ CONSULTING with a  
21 representative of Colorado state university and with the bureau of crop  
22 estimates of the United States department of agriculture, OR ANY  
23 SUCCESSOR ORGANIZATION, through the official representative for  
24 Colorado. This report shall be issued subject to ~~the provisions of~~ section  
25 24-1-136. ~~C.R.S.~~

26           **SECTION 6.** In Colorado Revised Statutes, **amend** 35-2-103 as  
27 follows:

1           **35-2-103. Cooperation with secretary of agriculture.** To  
2 facilitate the work of collecting agricultural and livestock statistics  
3 required by this ~~article~~ ARTICLE 2, the commissioner of agriculture is  
4 ~~empowered to~~ MAY enter into a cooperative agreement with the secretary  
5 of agriculture of the United States, or ~~his~~ THE SECRETARY'S accredited  
6 representatives, under which the facilities and information of the bureau  
7 of crop estimates of the United States department of agriculture, OR ANY  
8 SUCCESSOR ORGANIZATION, relating to the state of Colorado are made  
9 available for the use of the state agricultural commission, and the  
10 facilities and information of ~~said~~ THE state agricultural commission are  
11 likewise made available for the use of ~~said~~ THE bureau of crop estimates,  
12 OR ANY SUCCESSOR ORGANIZATION.

13           **SECTION 7.** In Colorado Revised Statutes, **amend** 35-2-104 as  
14 follows:

15           **35-2-104. Failure to give information to commission - penalty.**  
16 Any person having in ~~his~~ THE PERSON'S possession information necessary  
17 to carrying out the purposes of this ~~article~~, ARTICLE 2 who fails or refuses  
18 to furnish ~~such~~ THE information to the state agricultural commission upon  
19 proper request by the commissioner of agriculture is guilty of a  
20 misdemeanor and, upon conviction thereof, shall be punished by a fine of  
21 not less than ten dollars nor more than five hundred dollars and costs of  
22 prosecution. Any county or state official who fails or refuses to collect or  
23 compile for the state agricultural commission ~~such~~ THE information ~~as he~~  
24 THE OFFICIAL is required by this ~~article~~ ARTICLE 2 to collect and compile,  
25 when properly requested by the commissioner of agriculture so to do, and  
26 who is supplied with proper blanks for collecting and compiling the same,  
27 is guilty of a misdemeanor and, upon conviction thereof, shall be

1 punished by a fine of not less than twenty dollars nor more than five  
2 hundred dollars and costs of prosecution.

3 **SECTION 8.** In Colorado Revised Statutes, **amend** 35-3-109 as  
4 follows:

5 **35-3-109. Community and county committees - rules.** (1) The  
6 department by ~~regulations~~ RULE shall provide:

7 (a) For the organization within each community of a voluntary  
8 association, in which all agricultural producers who are citizens of this  
9 state and residents in such community ~~shall be~~ ARE entitled to equal  
10 participation; for the selection by each ~~such~~ association of a community  
11 committee, composed of three members of such association; and for the  
12 selection of a ~~chairman~~ CHAIR of each such community committee; AND

13 (b) For the selection by the members of such community  
14 committees within each county of a county committee for such county,  
15 composed of three members of such community committees, and for the  
16 selection of a ~~chairman~~ CHAIR of each ~~such~~ county committee.

17 **SECTION 9.** In Colorado Revised Statutes, 35-3.5-102, **amend**  
18 (7) as follows:

19 **35-3.5-102. Agricultural operation deemed not nuisance - state**  
20 **agricultural commission - attorney fees - exceptions.** (7) A local  
21 government may adopt an ordinance or pass a resolution that provides  
22 additional protection for agricultural operations; except that ~~no~~ such AN  
23 ordinance or resolution shall NOT prevent an owner from selling ~~his or her~~  
24 THE OWNER'S land or prevent or hinder the owner in seeking approval to  
25 put the land into alternative use.

26 **SECTION 10.** In Colorado Revised Statutes, 35-4-107, **amend**  
27 (3) as follows:



1 shipment of any plant material into Colorado ~~when~~ THAT IS found to be  
2 in violation of a quarantine declared pursuant to section 35-4-110 or ~~when~~  
3 found to carry exotic pests not previously found in the United States or  
4 pests known to cause high levels of economic damage under similar  
5 conditions of climate and natural habitat in other areas outside this state  
6 by the commissioner may be placed in isolation or quarantine by the  
7 commissioner and shall be completely under the commissioner's control.  
8 The owner or bailee shall comply with all terms of the quarantine, abate  
9 such pests as directed by and to the satisfaction of the commissioner, or  
10 remove such shipment from the state within such time as ordered by the  
11 commissioner. Articles not removed from the state as ordered shall be  
12 destroyed by the commissioner with no recompense ~~therefor~~ to the owner.  
13 ~~Any~~ AN owner or bailee claiming that ~~his or her~~ THE OWNER'S OR BAILEE'S  
14 shipment of plant material was destroyed or ordered removed from the  
15 state without reasonable justification may request a hearing on that issue  
16 before the commissioner within ten days after such destruction or order  
17 of removal. If it is determined that a shipment of plant material was  
18 destroyed or ordered removed from the state by the commissioner without  
19 reasonable justification and that such action was done arbitrarily and  
20 capriciously, the department of agriculture shall reimburse such owner or  
21 bailee for any losses suffered.

22 **SECTION 12.** In Colorado Revised Statutes, **amend** 35-4-113.5  
23 as follows:

24 **35-4-113.5. Delegation of duties.** The commissioner, ~~in his~~ AT  
25 THE COMMISSIONER'S discretion, may delegate ~~his~~ THE COMMISSIONER'S  
26 authority to an employee to execute ~~the provisions of this article~~ ARTICLE  
27 4.



1           **SECTION 13.** In Colorado Revised Statutes, **amend** 35-4-116 as  
2 follows:

3           **35-4-116. Rules.** The commissioner may ~~promulgate~~ ADOPT such  
4 rules ~~and regulations~~ as ~~he~~ THE COMMISSIONER deems necessary for the  
5 administration and enforcement of this ~~article~~. ~~Such~~ ARTICLE 4. THE rules  
6 ~~and regulations~~ shall be ~~promulgated~~ ADOPTED in accordance with article  
7 4 of title 24. ~~C.R.S.~~

8           **SECTION 14.** In Colorado Revised Statutes, 35-5-101, **amend**  
9 the introductory portion, (12), and (12.1) as follows:

10           **35-5-101. Definitions.** As used in this ~~article~~ ARTICLE 5, unless  
11 the context otherwise requires:

12           (12) "Resident landowner" means a person who owns five or more  
13 acres of land within the boundaries of the proposed district and ~~has his~~  
14 WHOSE legal residence IS within the county where the proposed district is  
15 located or within an adjacent county.

16           (12.1) "Resident lessee" means a person leasing five or more acres  
17 of state-owned land controlled by the state board of land commissioners  
18 within the boundaries of the proposed district and ~~having his~~ WHOSE legal  
19 residence IS within the county where the proposed district is located or  
20 within an adjacent county.

21           **SECTION 15.** In Colorado Revised Statutes, 35-5-104, **amend**  
22 (1), (5), and (8) as follows:

23           **35-5-104. Pest control district - procedure to establish.**

24           (1) Whenever twenty-five percent of the resident landowners and  
25 resident lessees within a contiguous territory desire to form a pest control  
26 district, as ~~defined~~ DESCRIBED in this subsection (1), they may file a  
27 petition for that purpose with the board of county commissioners of the

1 county in which the land is located. Such petition shall be addressed to  
2 the board of county commissioners of such county; ~~and shall~~ MUST  
3 contain a description of the boundaries of the proposed district and a  
4 description of the land of each person signing such petition; ~~and shall~~  
5 MUST state that the ~~said~~ proposed district has been invaded, or is in danger  
6 of being invaded, by noxious weeds, insect pests, or plant diseases  
7 injurious to agricultural crops, trees, fruits, or pasture; ~~and shall~~ MUST  
8 name the specific pests or diseases against which ~~said~~ THE petitioners  
9 desire to be protected; and ~~shall~~ MUST state the termination date of the  
10 proposed district. ~~Such~~ THE petition shall be signed by each resident  
11 landowner and resident lessee joining in the petition by ~~his~~ THE  
12 INDIVIDUAL'S proper signature ~~together with his~~ AND address, and the date  
13 of the petition ~~shall~~ MUST be the date of its filing in the office of the board  
14 of county commissioners. ~~Any~~ A petitioner may revoke and cancel ~~his~~  
15 THE PETITIONER'S signature to ~~such~~ A petition at any time before ~~said~~ THE  
16 petition is filed, but not after such filing has been made.

17 (5) If ~~the~~ AN owner or lessee of any lands adjoining an established  
18 pest control district desires to have such lands included within the district,  
19 ~~he~~ THE OWNER OR LESSEE may petition the board of county commissioners  
20 of the county in which the district is located and to which district  
21 annexation of ~~his~~ THE land is desired. The petition ~~shall~~ MUST contain a  
22 description of the boundaries of the lands so desired to be annexed and  
23 shall be signed by the petitioner. The board shall act on ~~said~~ THE petition  
24 within ten days after ~~the receipt thereof~~ RECEIVING IT. If the board finds  
25 that the petition is in order, that the boundaries of the lands described in  
26 the petition are accurate, that the lands adjoin the established district, and  
27 that the petition is properly signed, ~~it~~ THE BOARD shall, by order, declare

1 that the lands petitioned to be annexed to the district shall be included as  
2 a part of the district. Within ten days after ~~such~~ TAKING action upon the  
3 petition, the board shall notify the petitioner, the county assessor, the  
4 district advisory committee of the district in which ~~such~~ THE lands are to  
5 be included, and the department of agriculture of ~~its~~ THE BOARD'S action.  
6 Two or more owners and lessees of lands adjoining an established pest  
7 control district may join in and sign a single petition for annexation of  
8 their adjoining lands to an established district in the manner prescribed in  
9 this subsection (5).

10 (8) When a pest control district ~~which~~ THAT was established for  
11 the control and eradication of specified pests desires to add additional  
12 pests to be controlled within the district, the district advisory committee  
13 shall petition the board of county commissioners of the county in which  
14 ~~such~~ THE district is located, requesting that a stipulated pest or pests  
15 should be added to the pests to be controlled in the district. The board of  
16 county commissioners shall act on the petition within ten days after  
17 ~~receipt thereof~~ RECEIVING IT. If the board of county commissioners  
18 determines that such pests should be controlled within the district, ~~said~~  
19 THE board shall submit the question to all landowners and lessees of the  
20 district by causing to be mailed to each landowner and lessee, to the  
21 address as shown by the records of the county assessor or state board of  
22 land commissioners, a ballot requesting ~~his~~ THE LANDOWNER'S OR  
23 LESSEE'S vote for or against the addition of the stipulated pests to be  
24 controlled within the district and the return of ~~such~~ THE ballot within ten  
25 days to the board. If fifty-one percent of the landowners and lessees  
26 voting in the district vote in favor of the inclusion of ~~said~~ THE STIPULATED  
27 pests within those to be controlled, the board shall immediately declare

1 that the stipulated pests shall be controlled within the district and shall so  
2 inform the district advisory committee.

3 **SECTION 16.** In Colorado Revised Statutes, **amend** 35-5-106 as  
4 follows:

5 **35-5-106. County pest inspector, deputies, and employees.** The  
6 board of county commissioners of ~~the~~ A county concerned may appoint  
7 a qualified person, subject to the approval of the commissioner and  
8 district advisory committee, as county pest inspector. ~~It is the duty of said~~  
9 ~~THE~~ inspector ~~to~~ SHALL carry out ~~his~~ THE INSPECTOR'S duties as provided  
10 in this ~~article~~ ARTICLE 5 under the direction of the board and the  
11 commissioner. The inspector, with the approval of the board, may employ  
12 such deputies and employees as are necessary to perform ~~his~~ THE  
13 INSPECTOR'S duties under this ~~article~~ ARTICLE 5. The ~~salary~~ BOARD SHALL  
14 DETERMINE THE SALARIES of the inspector and of ~~his~~ THE INSPECTOR'S  
15 deputies and employees. ~~shall be determined by the board.~~

16 **SECTION 17.** In Colorado Revised Statutes, 35-5-108, **amend**  
17 (4) and (6)(b) as follows:

18 **35-5-108. Control or eradication methods and procedures -**  
19 **notice - assessments - protests.** (4) If ~~any~~ A landowner within the  
20 district is dissatisfied with the itemized statement of expense ~~he~~  
21 DESCRIBED IN SUBSECTION (3) OF THIS SECTION, THE LANDOWNER may,  
22 within thirty days ~~from~~ AFTER the mailing or publication of the account  
23 showing ~~such~~ THE charge, file a written protest with the board of county  
24 commissioners. Not later than ten days after the filing of ~~such~~ THE protest,  
25 the board of county commissioners shall fix a time and place for hearing  
26 on the protest filed, to be held not less than ten days nor more than thirty  
27 days ~~from~~ AFTER the date of notice of the hearing, and, immediately after

1 ~~such~~ THE hearing, the board of county commissioners shall make written  
2 findings and such changes in the assessment as may be determined to  
3 conform with ~~such~~ THE findings.

4 (6) (b) If ~~any~~ A lessee within the district is dissatisfied with the  
5 itemized statement of expense ~~he~~ DESCRIBED IN SUBSECTION (3) OF THIS  
6 SECTION, THE LESSEE may file a written protest with the board of county  
7 commissioners as provided by subsection (4) of this section.

8 **SECTION 18.** In Colorado Revised Statutes, **amend** 35-5-110 as  
9 follows:

10 **35-5-110. Public nuisance - abatement.** Any noxious weeds,  
11 insect pests, or plant diseases with respect to which a control district has  
12 been proclaimed and ~~any and~~ all stages thereof; their carriers; and ~~any and~~  
13 all premises, plants, and things infested or exposed to infestation  
14 ~~therewith~~ WITH NOXIOUS WEEDS, INSECT PESTS, OR PLANT DISEASES within  
15 such area are declared to be a public nuisance, subject to all laws and  
16 remedies relating to the prevention and abatement of nuisances. The  
17 inspector, under the supervision and direction of the commissioner and  
18 with the approval of the board of county commissioners, in a summary  
19 manner or otherwise, may take such action, including removal and  
20 destruction, with reference to such A nuisance as ~~in his~~ THE INSPECTOR,  
21 IN THE INSPECTOR'S discretion, ~~seems~~ DEEMS necessary. The remedies of  
22 this section ~~shall be~~ ARE cumulative with all other remedies provided in  
23 this ~~article~~ ARTICLE 5.

24 **SECTION 19.** In Colorado Revised Statutes, 35-5-111, **amend**  
25 (1) as follows:

26 **35-5-111. Reports of acreage infested - county tax levy - fund**  
27 **- allocation.** (1) The commissioner ~~is directed, and it is his duty, to~~

1 SHALL ascertain each year, from reports of the inspectors and other  
2 sources, the approximate amount of land and highways infested with the  
3 most troublesome noxious weeds, insect pests, or plant diseases, and their  
4 location, and transmit such information tabulated by counties, not later  
5 than July 1 of each year, to the board of county commissioners of each  
6 county affected by such infestation. On the basis of such information, the  
7 board of county commissioners of each county may make a tax levy each  
8 year on real property for the purpose of paying the cost of noxious weed,  
9 insect pest, or plant disease control or eradication in a district of the  
10 county as provided by this section, but such levy ~~shall~~ MUST not exceed  
11 two mills in any one year.

12 **SECTION 20.** In Colorado Revised Statutes, **amend** 35-5-113 as  
13 follows:

14 **35-5-113. Deputy or agent may exercise power.** Whenever any  
15 power or authority is given by ~~any provisions of this article~~ THIS ARTICLE  
16 5 to any person, ~~it~~ THE POWER OR AUTHORITY may be exercised by any  
17 deputy or agent duly authorized by ~~him~~ THE PERSON.

18 **SECTION 21.** In Colorado Revised Statutes, 35-5-117, **amend**  
19 (1) as follows:

20 **35-5-117. Emergency measures - governor.** (1) When the  
21 governor determines and declares an emergency resulting from a major  
22 grasshopper or range caterpillar infestation, ~~he~~ THE GOVERNOR shall  
23 specify the area or areas of the major infestation. Within such area or  
24 areas, ~~he is authorized to~~ THE GOVERNOR MAY direct that such emergency  
25 measures be taken as ~~he~~ THE GOVERNOR deems necessary to alleviate  
26 conditions ~~which~~ THAT gravely jeopardize property and resources.

27 **SECTION 22.** In Colorado Revised Statutes, 35-5-120, **amend**

1 (4) as follows:

2 **35-5-120. Grasshopper and range caterpillar control.** (4) If the  
3 commissioner, with approval of the district advisory committee, ~~as~~  
4 ~~established in section 35-5-105~~, determines at any time that control  
5 operations would not significantly reduce the grasshopper or range  
6 caterpillar populations in the established control districts, ~~he~~ THE  
7 COMMISSIONER may order that ~~said~~ THE operations be suspended or  
8 terminated.

9 **SECTION 23.** In Colorado Revised Statutes, 35-5.5-103, **amend**  
10 the introductory portion and (4) as follows:

11 **35-5.5-103. Definitions.** As used in this ~~article~~ ARTICLE 5.5,  
12 unless the context otherwise requires:

13 (4) "Commissioner" means the commissioner of the department  
14 of agriculture or ~~his or her~~ THE COMMISSIONER'S designee.

15 **SECTION 24.** In Colorado Revised Statutes, 35-5.5-107, **amend**  
16 (3) as follows:

17 **35-5.5-107. Local advisory board - formation - duties.** (3) Each  
18 local advisory board shall annually elect a ~~chairman~~ CHAIR and secretary.  
19 A majority of the members of the board ~~shall constitute~~ CONSTITUTES a  
20 quorum for the conduct of business.

21 **SECTION 25.** In Colorado Revised Statutes, 35-5.5-108.7,  
22 **amend** (1)(e) as follows:

23 **35-5.5-108.7. State noxious weed advisory committee - repeal.**  
24 (1) (e) A quorum of the state advisory committee shall elect or appoint  
25 annually a ~~chairman~~ CHAIR and a ~~vice-chairman~~ VICE-CHAIR.

26 **SECTION 26.** In Colorado Revised Statutes, **amend** 35-7-110 as  
27 follows:

1           **35-7-110. State reimbursed for actual cost.** All poisons or other  
2 materials for ~~such~~ control furnished by the state to ~~such~~ cooperators shall  
3 be supplied at actual cost, and the state shall be reimbursed by ~~such~~  
4 cooperators, landowners, lessees, or contract holders for the actual cost  
5 of materials and labor, other than supervision, expended by the state in  
6 such treatment under cooperative agreements with them. Such  
7 reimbursement shall be made by each owner, lessee, or contract holder in  
8 the proportion that the number of acres of land treated for ~~him or her~~ THE  
9 OWNER, LESSEE, OR CONTRACT HOLDER bears to the total acreage treated  
10 in the area designated for treatment or according to such equitable  
11 proportion or plan as ~~shall be~~ IS provided for in the agreement. Any such  
12 agreement ~~shall~~ MUST require full reimbursement to be made to the state  
13 within thirty days after presentation by the department, or its agents, of an  
14 itemized account. ~~therefor.~~

15           **SECTION 27.** In Colorado Revised Statutes, 35-7-112, **amend**  
16 (2) as follows:

17           **35-7-112. Eradication contracts required - procedure without**  
18 **contracts.** (2) If ~~the~~ AN owner, after ten days' written notice to ~~him~~ THE  
19 OWNER in person or by mail to ~~his~~ THE OWNER'S last-known post office  
20 address, fails, neglects, or refuses to reimburse the department, or its  
21 agents, in the amount of ~~such~~ THE expenses INCURRED BY THE  
22 DEPARTMENT, the department shall certify an itemized statement ~~thereof~~  
23 OF THE EXPENSES, together with a description of ~~such lands~~ THE LAND  
24 sufficient to identify the ~~same~~ LAND to the board of county commissioners  
25 of the county ~~wherein~~ IN WHICH the ~~same~~ LAND is situated. ~~Thereupon,~~  
26 ~~such an~~ AFTER THE DEPARTMENT CERTIFIES THE ITEMIZED STATEMENT,  
27 THE account shall be audited, allowed, and paid ~~in like manner~~ as



1 provided in section 35-7-110. ~~Public notices in~~ A PUBLIC NOTICE  
2 PUBLISHED FOR THE PURPOSES OF this section ~~provided for shall~~ MUST  
3 designate ~~as accurately as may be~~ the boundaries of the area to be treated;  
4 ~~shall~~ make specific reference to this statute; ~~and shall~~ call upon all  
5 owners, known or unknown, of lands within the prescribed area to  
6 proceed at once to destroy the pests mentioned in ~~such~~ THE notice or to  
7 enter into cooperative agreements for their control or eradication; and  
8 ~~shall~~ designate reasonable times and places within or near ~~such~~ THE area  
9 ~~where and when~~ AND WHERE the federal agency, or other agents, and the  
10 department, or its agents, will be present for the purpose of entering into  
11 ~~such~~ cooperative agreements and proceeding with their execution.

12           **SECTION 28.** In Colorado Revised Statutes, **amend** 35-7-114 as  
13 follows:

14           **35-7-114. Charges against landowner - lien rights.** Whenever  
15 ~~any~~ A county has been required to pay ~~any~~ AN expense charged against  
16 ~~any landowners~~ A LANDOWNER, under a cooperative agreement or  
17 otherwise, on account of ~~such~~ pest control operations conducted upon or  
18 for the benefit of ~~his or her~~ THE LANDOWNER'S lands, ~~such~~ THE county  
19 ~~shall have~~ HAS a lien upon ~~such~~ THE lands for the amount so paid or for  
20 such lesser amount as ~~such~~ THE landowner ~~shall be~~ IS adjudged to pay  
21 after a hearing before the board of county commissioners.

22           **SECTION 29.** In Colorado Revised Statutes, **amend** 35-7-115 as  
23 follows:

24           **35-7-115. Enforcing collection - hearing.** Upon payment by ~~any~~  
25 A county of ~~any such~~ A bill of expenses ~~so~~ charged against ~~any~~ A  
26 landowner, lessee, or contract holder, the board of county commissioners  
27 shall make demand and notice in writing upon ~~such~~ THE landowner,

1 lessee, or contract holder, in person or by mail addressed to ~~him or her~~ at  
2 ~~his or her~~ THE LANDOWNER, LESSEE, OR CONTRACT HOLDER AT THE  
3 LANDOWNER'S, LESSEE'S, OR CONTRACT HOLDER'S last-known place of  
4 residence, twenty days prior to the published meeting date for  
5 reimbursement to the county in the amount of ~~such~~ THE expenses. ~~Such~~  
6 THE written notice ~~shall~~ MUST inform ~~such~~ THE person that ~~he or she~~ THE  
7 PERSON may appear before the board on the published meeting date and  
8 be heard as to the amount and accuracy of the claim. If ~~such~~ THE claim,  
9 as originally demanded by the board or as adjusted upon the hearing, is  
10 not paid, then, in the case of a private landowner, the board of county  
11 commissioners shall certify the claim to the county assessor who shall add  
12 the amount ~~thereof~~ OF THE CLAIM to any taxes due or to become due upon  
13 ~~his or her~~ THE PERSON'S lands, and ~~said~~ THE lands shall be sold for the  
14 satisfaction ~~thereof~~ OF THE CLAIMS at the same time and in the same  
15 manner as is provided by law for the sale of real estate for delinquent  
16 taxes. In cases where ~~such~~ THE accounts are payable by a lessee or  
17 contract holder, suit may be maintained in behalf of the county in ~~any~~ A  
18 court of competent jurisdiction for the recovery of ~~such~~ THE accounts and  
19 costs of suit. All such accounts when collected by the county shall be paid  
20 into the general fund ~~thereof~~ OF THE COUNTY or into the fund used by the  
21 county to meet its obligations under this part 1.

22 **SECTION 30.** In Colorado Revised Statutes, **amend** 35-7-116 as  
23 follows:

24 **35-7-116. Collections paid to treasurer.** All reimbursements to  
25 the state, whether made by individuals, counties, or other cooperators  
26 pursuant to this part 1, shall be turned over to the state treasurer ~~and by~~  
27 ~~him~~ TO BE credited to the rodent pest control fund ~~referred to~~ CREATED in

1 section 35-7-103.

2 **SECTION 31.** In Colorado Revised Statutes, 35-9-103, **amend**  
3 (5) and (10) as follows:

4 **35-9-103. Definitions.** As used in this article 9, unless the context  
5 otherwise requires:

6 (5) "Device" means any instrument or contrivance, other than a  
7 firearm, intended for trapping, destroying, repelling, or mitigating ~~any~~ A  
8 pest or any other form of plant or animal life, other than ~~man~~ HUMANS and  
9 other than bacteria, viruses, or other microorganisms on or in living ~~man~~  
10 HUMANS or other living animals; except that "device" ~~shall~~ DOES not  
11 include equipment used for the application of pesticides when sold  
12 separately ~~therefrom~~ FROM A DEVICE.

13 (10) "Pest" means any insect, rodent, nematode, fungus, weed, or  
14 other form of terrestrial or aquatic plant or animal life or virus, bacteria,  
15 or other microorganism, except viruses, bacteria, or other microorganisms  
16 on or in living ~~man~~ HUMANS or in other living animals, ~~which~~ THAT the  
17 commissioner or the administrator of the EPA declares to be a pest.

18 **SECTION 32.** In Colorado Revised Statutes, 35-9-108, **amend**  
19 (2), (5) introductory portion, (6) introductory portion, and (7) as follows:

20 **35-9-108. Registration - review and evaluation - criteria - state**  
21 **limited-use or restricted-use pesticide - cancellation - summary**  
22 **suspension.** (2) If the commissioner determines that the pesticide, THE  
23 labeling, or any other materials submitted with ~~the~~ AN application do not  
24 comply with ~~the provisions of this article,~~ ~~he~~ THIS ARTICLE 9, THE  
25 COMMISSIONER shall notify the applicant of the particulars in which there  
26 is a lack of compliance.

27 (5) The commissioner, in ~~his~~ THE COMMISSIONER'S discretion,

1 may, at the time of registration, designate ~~the~~ A pesticide as a state  
2 restricted-use or limited-use pesticide and may restrict or limit the  
3 distribution or use of ~~such~~ THE pesticide. The commissioner may include  
4 in ~~said~~ THE restriction the time and conditions under which the pesticide  
5 may be distributed or used and may impose any or all of the following  
6 additional requirements:

7 (6) After a pesticide is registered, the commissioner may cancel  
8 the registration of ~~said~~ THE pesticide pending notice and an opportunity  
9 for hearing if ~~he~~ THE COMMISSIONER determines that:

10 (7) If the commissioner has reasonable grounds to believe and  
11 finds that ~~the~~ A registrant has been guilty of deliberate and willful  
12 violation of use or distribution restrictions imposed pursuant to this ~~article~~  
13 ARTICLE 9 or that the public health, safety, or welfare imperatively  
14 requires emergency action, ~~he~~ THE COMMISSIONER may summarily  
15 suspend the registration pending proceedings for suspension or  
16 cancellation of the registration.

17 **SECTION 33.** In Colorado Revised Statutes, 35-9-111, **amend**  
18 (1) introductory portion as follows:

19 **35-9-111. Device registration - application - fees - expiration**  
20 **- rules.** (1) Each applicant for registration of a device shall file with the  
21 commissioner, in the form and manner ~~he~~ THE COMMISSIONER shall  
22 designate:

23 **SECTION 34.** In Colorado Revised Statutes, 35-9-112, **amend**  
24 (3) introductory portion and (4) as follows:

25 **35-9-112. Renewal of pesticide and device registration - fees.**  
26 (3) The commissioner may require the applicant to submit any additional  
27 information ~~he~~ THE COMMISSIONER deems necessary, including: ~~but not~~

1 limited to:

2 (4) The commissioner, at the time of ~~such~~ THE renewal OF A  
3 REGISTRATION, may, ~~in his~~ AT THE COMMISSIONER'S discretion, designate  
4 ~~any such~~ A pesticide as a state restricted-use or limited-use pesticide in  
5 the same manner as set forth in section 35-9-108 (5).

6 **SECTION 35.** In Colorado Revised Statutes, 35-9-115, **amend**  
7 (4) as follows:

8 **35-9-115. Pesticide dealer license - requirements - application**  
9 **- fees - expiration.** (4) Each licensee shall report to the commissioner,  
10 in the form and manner ~~he~~ THE COMMISSIONER ~~shall designate~~  
11 DESIGNATES, any change to the information provided in ~~such~~ THE  
12 licensee's application or in ~~such~~ THE reports previously submitted within  
13 fifteen days ~~of such~~ AFTER THE change.

14 **SECTION 36.** In Colorado Revised Statutes, 35-9-118, **amend**  
15 (2) introductory portion and (2)(c)(I) as follows:

16 **35-9-118. Powers and duties of the commissioner - exemptions**  
17 **- rules.** (2) The commissioner ~~is authorized to~~ MAY adopt all reasonable  
18 rules for the administration and enforcement of this ~~article~~ ARTICLE 9,  
19 including: ~~but not limited to:~~

20 (c) (I) Adopting a list of restricted-use pesticides or limited-use  
21 pesticides for the state or designated areas within ~~this~~ THE state if the  
22 commissioner determines that such pesticides require rules restricting  
23 their distribution or use. The commissioner may include in the rule the  
24 time and conditions of THE distribution or use of ~~such~~ restricted-use or  
25 limited-use pesticides and may require that any such pesticide be  
26 purchased, possessed, or used only under permit of the commissioner and  
27 under ~~his~~ THE COMMISSIONER'S supervision. The commissioner may

1 require all persons issued such permits to maintain records regarding the  
2 use of such pesticides.

3 **SECTION 37.** In Colorado Revised Statutes, 35-9-119, **amend**  
4 (1), (2)(b), and (3) as follows:

5 **35-9-119. Investigations - access - subpoena.** (1) The  
6 commissioner, upon ~~his~~ THE COMMISSIONER'S own motion or upon the  
7 complaint of any person, may make any and all investigations necessary  
8 to insure compliance with this ~~article~~ ARTICLE 9.

9 (2) (b) The commissioner ~~shall have full authority to~~ MAY  
10 administer oaths and take statements; ~~to~~ issue administrative subpoenas  
11 requiring the attendance of witnesses before ~~him~~ THE COMMISSIONER and  
12 the production of all books, memoranda, papers, and other documents,  
13 articles, or instruments; and ~~to~~ compel the disclosure by such witnesses  
14 of all facts known to them relative to the matters under investigation.  
15 Upon the failure or refusal of ~~any~~ A witness to obey ~~any~~ A subpoena, the  
16 commissioner may petition the district court, and, upon a proper showing,  
17 the court may enter an order compelling the witness to appear and testify  
18 or produce documentary evidence. Failure to obey such an order of the  
19 court ~~shall be~~ IS punishable as a contempt of court.

20 (3) Complaints of record made to the commissioner and the results  
21 of ~~his~~ THE COMMISSIONER'S investigations may, in the discretion of the  
22 commissioner, be closed to public inspection, except as provided by court  
23 order, during the investigatory period and until dismissed or until notice  
24 of hearing and charges are served on a licensee or registrant.

25 **SECTION 38.** In Colorado Revised Statutes, 35-9-120, **amend**  
26 (2) introductory portion and (2)(c) as follows:

27 **35-9-120. Prohibited acts - deceptive trade practice.** (2) It is

1 ~~unlawful and~~ a violation of this ~~article~~ ARTICLE 9 for any pesticide dealer:

2 (c) To permit the use of ~~his~~ THE PESTICIDE DEALER'S license by  
3 persons to whom the license was not issued;

4 **SECTION 39.** In Colorado Revised Statutes, 35-9-121, **amend**  
5 (1), (2)(a), (2)(b)(I), and (3) as follows:

6 **35-9-121. Enforcement - cease-and-desist orders - hearings.**

7 (1) The commissioner or ~~his~~ THE COMMISSIONER'S designee shall enforce  
8 ~~the provisions of this article~~ THIS ARTICLE 9.

9 (2) (a) Whenever the commissioner has reasonable cause to  
10 believe a violation of ~~any~~ A provision of this ~~article~~ ARTICLE 9 or ~~any~~ A  
11 rule ~~made~~ ADOPTED pursuant to this ~~article~~ ARTICLE 9 has occurred and  
12 immediate enforcement is deemed necessary, ~~he~~ THE COMMISSIONER may  
13 issue a cease-and-desist order, which may require ~~any~~ A person to cease  
14 violating ~~any~~ A provision of this ~~article~~ ARTICLE 9 or ~~any~~ A rule ~~made~~  
15 ADOPTED pursuant to this ~~article~~. ~~Such~~ ARTICLE 9. THE cease-and-desist  
16 order ~~shall~~ MUST set forth the provisions alleged to have been violated,  
17 the facts alleged to have constituted the violation, and the requirement  
18 that all actions be ceased forthwith.

19 (b) (I) At any time after service of the order to cease and desist,  
20 the person may request, at ~~his~~ THE PERSON'S discretion, an immediate  
21 hearing or a hearing not more than ten days, excluding Saturdays,  
22 Sundays, and legal holidays, after such request to determine whether a  
23 violation has occurred. Such hearing shall be conducted pursuant to ~~the~~  
24 ~~provisions of article 4 of title 24. C.R.S.~~

25 (3) Whenever the commissioner possesses evidence satisfactory  
26 to ~~him~~ THE COMMISSIONER that ~~any~~ A person has engaged in or is about  
27 to engage in ~~any~~ AN act or practice constituting a violation of ~~any~~ A

1 provision of this ~~article~~ ARTICLE 9 or of ~~any~~ A rule adopted under this  
2 ~~article, he~~ ARTICLE 9, THE COMMISSIONER may apply to ~~any~~ A court of  
3 competent jurisdiction to temporarily or permanently restrain or enjoin the  
4 act or practice in question and to enforce compliance with this ~~article~~  
5 ARTICLE 9 or ~~any~~ A rule adopted under this ~~article~~ ARTICLE 9. In any such  
6 action, the commissioner ~~shall~~ IS not ~~be~~ required to plead or prove  
7 irreparable injury or the inadequacy of the remedy at law. Under no  
8 circumstances shall the court require the commissioner to post a bond.

9 **SECTION 40.** In Colorado Revised Statutes, 35-9-123, **amend**  
10 (4) and (5) as follows:

11 **35-9-123. Embargo - penalty.** (4) When a pesticide or device  
12 detained or embargoed under subsection (2) of this section has been  
13 found by the commissioner to be in violation of any provision of this  
14 ~~article~~ ARTICLE 9 or any rule ~~promulgated~~ ADOPTED pursuant to this  
15 ~~article~~ ARTICLE 9 and if the violation has not been resolved in thirty days,  
16 the commissioner may petition a court of competent jurisdiction for a  
17 condemnation of such pesticide or device. When the commissioner has  
18 found that a pesticide or device so detained or embargoed is not  
19 adulterated or misbranded, ~~he~~ THE COMMISSIONER shall remove the tag or  
20 other marking.

21 (5) If the court finds that a detained or embargoed pesticide or  
22 device is in violation of this ~~article~~ ARTICLE 9 or rules adopted ~~thereunder,~~  
23 ~~such~~ PURSUANT TO THIS ARTICLE 9, THE pesticide or device shall after  
24 entry of the decree be destroyed at the expense of the owner, claimant, or  
25 custodian ~~thereof~~ OF THE PESTICIDE OR DEVICE, under the supervision of  
26 the commissioner, and all court costs and attorney fees and storage and  
27 other proper expenses shall be assessed against the owner, claimant, or



1     custodian of ~~such~~ THE pesticide or device or ~~his~~ THE OWNER'S,  
2     CLAIMANT'S, OR CUSTODIAN'S agent. However, if the adulteration or  
3     misbranding can be corrected by proper labeling or processing of the  
4     pesticide or device, the court, after entry of the decree and after such  
5     costs, attorney fees, and expenses have been paid and a good and  
6     sufficient bond has been executed, conditioned upon the proper labeling  
7     or processing of such pesticide or device, may by order ~~direct~~ that ~~such~~  
8     THE pesticide or device be delivered to the owner, claimant, or custodian  
9     ~~thereof~~ for such labeling or processing under the supervision of the  
10    commissioner. The expense of such supervision shall be paid by the  
11    owner, claimant, or custodian. The pesticide or device shall be returned  
12    to the owner, claimant, or custodian ~~of the pesticide or device~~ on the  
13    representation to the court by the commissioner that the pesticide or  
14    device is no longer in violation of this ~~article~~ ARTICLE 9 and that the  
15    expenses of such supervision have been paid.

16           **SECTION 41.** In Colorado Revised Statutes, 35-10-103, **amend**  
17    (5) and (9) as follows:

18           **35-10-103. Definitions.** As used in this article 10, unless the  
19    context otherwise requires:

20           (5) "Device" means any instrument or contrivance, other than a  
21    firearm, intended for trapping, destroying, repelling, or mitigating any  
22    pest or any other form of plant or animal life, other than ~~man~~ HUMANS and  
23    other than bacteria, viruses, or other microorganisms on or in living ~~man~~  
24    HUMANS or other living animals; except that "device" ~~shall~~ DOES not  
25    include equipment used for the application of pesticides when sold  
26    separately ~~therefrom~~ FROM A DEVICE.

27           (9) "Pest" means any insect, rodent, nematode, fungus, weed, or

1 other form of terrestrial or aquatic plant or animal life or virus, bacteria,  
2 or other microorganism, except viruses, bacteria, or other microorganisms  
3 on or in living ~~man~~ HUMANS or in other living animals, ~~which~~ THAT the  
4 commissioner or the administrator of the EPA declares to be a pest.

5 **SECTION 42.** In Colorado Revised Statutes, 35-10-106, **amend**  
6 (1)(c) and (3)(a) as follows:

7 **35-10-106. Commercial applicator - license requirements -**  
8 **application - fees.** (1) As requisites for licensure, the applicant for a  
9 commercial applicator business license shall:

10 (c) Provide verifiable training to all technicians in ~~his~~ THE  
11 APPLICANT'S employ according to standards adopted by the commissioner;

12 (3) (a) If a commercial applicator operates under more than one  
13 business name from a single location, THE COMMERCIAL APPLICATOR  
14 SHALL LIST the name of each such business providing services related to  
15 pesticide application ~~shall be listed~~ with the commissioner in the form  
16 and manner ~~he shall designate~~ DESIGNATED BY THE COMMISSIONER. The  
17 commissioner may require that a separate fee be paid for each business  
18 name so listed.

19 **SECTION 43.** In Colorado Revised Statutes, 35-10-110, **amend**  
20 (4) as follows:

21 **35-10-110. Registered limited commercial and registered**  
22 **public applicators - requirements for operation.** (4) If the  
23 commissioner, pursuant to section 35-10-109, establishes a registry of  
24 limited commercial and public applicators, ~~he or she~~ THE COMMISSIONER  
25 may also require that each registered applicator report, in the form and  
26 manner the commissioner ~~shall designate~~ DESIGNATES, any change to the  
27 information provided by ~~such~~ THE applicator to the registry or in any ~~such~~

1 reports previously submitted within fifteen days after ~~said~~ THE change.

2 **SECTION 44.** In Colorado Revised Statutes, 35-10-112, **amend**  
3 (1)(b) as follows:

4 **35-10-112. Notification requirements - registry of**  
5 **pesticide-sensitive persons - preemption - rules.** (1) (b) The  
6 commissioner shall provide standardized notification signs to any person  
7 accepted for the registry for ~~such~~ THE person to post on ~~his~~ THE PERSON'S  
8 property. These signs shall be designed, manufactured, and distributed  
9 solely by the department.

10 **SECTION 45.** In Colorado Revised Statutes, 35-10-115, **amend**  
11 (1)(a), (1)(c), and (3) as follows:

12 **35-10-115. Qualified supervisor, certified operator, and**  
13 **private applicator licenses - examination - application - fees.** (1) Each  
14 applicant for a qualified supervisor, certified operator, or private  
15 applicator license shall:

16 (a) Pass a written examination in each class or subclass of  
17 pesticide application, or device use, in which ~~he or she~~ THE APPLICANT  
18 wishes to be licensed;

19 (c) If ~~he~~ THE APPLICANT wishes to be licensed to engage in aerial  
20 application of pesticides, possess a certificate issued by the federal  
21 aviation administration as specified in license qualifications adopted by  
22 the commissioner.

23 (3) Each licensee shall ~~be required to~~ report to the commissioner,  
24 in the form and manner ~~he shall designate~~ THE COMMISSIONER  
25 DESIGNATES, any change to the information provided in ~~such~~ THE  
26 licensee's application or in any such reports previously submitted within  
27 fifteen days ~~of such~~ AFTER THE change.

1           **SECTION 46.** In Colorado Revised Statutes, 35-10-116, **amend**  
2 (2) as follows:

3           **35-10-116. Qualified supervisor and certified operator licenses**  
4 **- expiration - renewal of licenses - reinstatement.** (2) A licensee  
5 licensed pursuant to section 35-10-115 may ~~have the option to~~ apply to  
6 renew a license without further examination if ~~he~~ THE LICENSEE has  
7 completed, within the previous three years, the competency requirements  
8 established by the commissioner.

9           **SECTION 47.** In Colorado Revised Statutes, 35-10-117, **amend**  
10 (3) introductory portion, (3)(a), (3)(c)(II), and (5) as follows:

11           **35-10-117. Unlawful acts - deceptive trade practice.** (3) It is  
12 ~~unlawful and~~ a violation of this ~~article~~ ARTICLE 10 for ~~any~~ A commercial  
13 applicator, qualified supervisor, or certified operator:

14           (a) To permit the use of ~~his~~ THE COMMERCIAL APPLICATOR'S,  
15 QUALIFIED SUPERVISOR'S, OR CERTIFIED OPERATOR'S license by any other  
16 person;

17           (c) (II) If a commercial applicator receives instructions from a  
18 party contracting for ~~such~~ THE applicator's services and the commercial  
19 applicator knows or should know that using the device or applying the  
20 pesticide in the manner specified by the contracting party may not or does  
21 not meet generally accepted standards for such use or application, the  
22 commercial applicator ~~must~~ SHALL so inform the contracting party. If the  
23 contracting party, after being so advised, continues to require the  
24 commercial applicator to perform the application or use the device  
25 according to these instructions, the commercial applicator may follow  
26 these instructions for ~~such~~ THE application or use unless ~~such~~ THE  
27 application or use would violate any of the directions contained on the

1 pesticide or the device or the labeling of either or would violate any  
2 provision of this ~~article~~ ARTICLE 10 or article 9 of this ~~title~~ TITLE 35 or any  
3 rule ~~or regulation~~ adopted pursuant to this ~~article~~ ARTICLE 10 or article 9  
4 of this ~~title~~ TITLE 35. If the commercial applicator complies with these  
5 requirements, the party contracting for ~~such~~ THE application of any  
6 pesticide or use of any device ~~shall have~~ HAS no cause of action for  
7 damages against the commercial applicator if the application or use  
8 causes death or injury to the contracting party or ~~his~~ THE CONTRACTING  
9 PARTY'S property or is unsatisfactory in its result, unless the contracting  
10 party establishes, by a preponderance of the evidence, that such death,  
11 injury, or unsatisfactory result resulted from negligence or an intentional  
12 act not encompassed within or necessitated by the instructions provided  
13 by ~~such~~ THE contracting party.

14 (5) It is ~~unlawful and~~ a violation of this ~~article~~ ARTICLE 10 for any  
15 employee or official of the department to disclose or use for ~~his~~ THE  
16 EMPLOYEE'S OR OFFICIAL'S own advantage any information derived from  
17 any applications, reports, or records, including medical records, submitted  
18 to the department pursuant to this ~~article~~ ARTICLE 10 or to reveal such  
19 information to anyone except authorized persons, who may include  
20 officials or employees of the state, the federal government, the courts of  
21 this or other states, and physicians.

22 **SECTION 48.** In Colorado Revised Statutes, 35-10-119, **amend**  
23 (2), (3), and (5) as follows:

24 **35-10-119. Inspections - investigations - access - subpoena.**

25 (2) The commissioner, upon ~~his~~ THE COMMISSIONER'S own motion or  
26 upon the complaint of any person, may make ~~any and~~ all investigations  
27 necessary to ~~insure~~ ENSURE compliance with this ~~article~~ ARTICLE 10.

1 (3) Complaints of record made to the commissioner and the results  
2 of ~~his~~ THE COMMISSIONER'S investigations may, in the discretion of the  
3 commissioner, be closed to public inspection, except to the person in  
4 interest, as defined in section 24-72-202 (4), ~~C.R.S.~~, or as provided by  
5 court order, during the investigatory period and until dismissed or until  
6 notice of hearing and charges are served on a licensee.

7 (5) The commissioner ~~shall have full authority to~~ MAY administer  
8 oaths and take statements; ~~to~~ issue subpoenas requiring the attendance of  
9 witnesses before ~~him~~ THE COMMISSIONER and the production of all books,  
10 memoranda, papers, and other documents, articles, or instruments; and ~~to~~  
11 compel the disclosure by such witnesses of all facts known to them  
12 relative to the matters under investigation. Upon the failure or refusal of  
13 ~~any~~ A witness to obey ~~any~~ A subpoena, the commissioner may petition the  
14 district court, and, upon a proper showing, the court may enter an order  
15 compelling the witness to appear and testify or produce documentary  
16 evidence. Failure to obey such an order of the court ~~shall be~~ IS punishable  
17 as a contempt of court.

18 **SECTION 49.** In Colorado Revised Statutes, 35-10-120, **amend**  
19 (1) and (3) as follows:

20 **35-10-120. Enforcement.** (1) The commissioner or ~~his~~ THE  
21 COMMISSIONER'S designee shall enforce ~~the provisions of this article~~ THIS  
22 ARTICLE 10.

23 (3) Whenever the commissioner possesses sufficient evidence  
24 satisfactory to ~~him~~ THE COMMISSIONER indicating that ~~any~~ A person has  
25 engaged in or is about to engage in ~~any~~ AN act or practice constituting a  
26 violation of ~~any~~ A provision of this ~~article~~ ARTICLE 10 or of ~~any~~ A rule  
27 adopted under this ~~article~~ ARTICLE 10, the commissioner may apply to ~~any~~

1 A court of competent jurisdiction to temporarily or permanently restrain  
2 or enjoin the act or practice in question and to enforce compliance with  
3 this ~~article~~ ARTICLE 10 or any rule or order ADOPTED under this ~~article~~  
4 ARTICLE 10. In any such action, the commissioner ~~shall~~ IS not ~~be~~ required  
5 to plead or prove irreparable injury or the inadequacy of the remedy at  
6 law. Under no circumstances shall the court require the commissioner to  
7 post a bond.

8 **SECTION 50.** In Colorado Revised Statutes, 35-10-125, **amend**  
9 (2) introductory portion and (2)(a) as follows:

10 **35-10-125. Advisory committee.** (2) The ADVISORY committee  
11 is a state public body, as ~~that term is~~ defined in section 24-6-402 (1)(d),  
12 ~~C.R.S.~~, and consists of the following members:

13 (a) A formulator, or ~~his~~ A FORMULATOR'S Colorado representative,  
14 actively engaged in the sale of pesticides in Colorado;

15 **SECTION 51.** In Colorado Revised Statutes, 35-11-102, **amend**  
16 the introductory portion, (4), and (12) as follows:

17 **35-11-102. Definitions.** As used in this ~~article~~ ARTICLE 11, unless  
18 the context otherwise requires:

19 (4) "Contamination" means the degradation of natural water  
20 quality as a result of ~~man's~~ HUMAN activities.

21 (12) "Pollution" means the ~~man-made~~ HUMAN-MADE or  
22 ~~man-induced~~ HUMAN-INDUCED alteration of the physical, chemical,  
23 biological, or radiological integrity of water.

24 **SECTION 52.** In Colorado Revised Statutes, 35-11-105, **amend**  
25 (2) as follows:

26 **35-11-105. Issuance of provisional chemigation permit - fees.**  
27 (2) ~~The~~ AN applicant for a provisional chemigation permit shall, on the

1 application, certify that the irrigation system for which ~~he~~ THE APPLICANT  
2 is seeking a permit includes properly installed and functioning equipment  
3 in compliance with section 35-11-107.

4 **SECTION 53.** In Colorado Revised Statutes, 35-11-106, **amend**  
5 (2) as follows:

6 **35-11-106. Issuance of chemigation permit - fees.** (2) ~~The AN~~  
7 applicant for a chemigation permit shall, on the application, certify that  
8 the irrigation system for which ~~he~~ THE APPLICANT is seeking a permit  
9 includes properly installed and functioning equipment in compliance with  
10 ~~the provisions of~~ section 35-11-107. Upon receipt of a permit, the permit  
11 holder shall attach, in a prominent place, the permit to the irrigation  
12 system for which the permit was issued.

13 **SECTION 54.** In Colorado Revised Statutes, 35-11-111, **amend**  
14 (2) and (3) as follows:

15 **35-11-111. Inspections - entry upon land.** (2) Prior to an  
16 inspection, the inspector shall notify a permit holder of the time and date  
17 of ~~an~~ THE inspection. The inspector shall inform the permit holder that ~~he~~  
18 ~~is entitled to~~ THE PERMIT HOLDER MAY be present at the inspection. If a  
19 permit holder denies access to an inspector, the inspector may seek an  
20 inspection warrant issued by the district court for the district in which the  
21 permit holder's land is located. The court shall issue ~~such~~ THE inspection  
22 warrant upon presentation by the inspector of an affidavit stating:

23 (a) The information ~~which~~ THAT gives the inspector reasonable  
24 cause to believe that ~~any provision of this article~~ THIS ARTICLE 11 is being  
25 violated or has been violated or the information showing that ~~such~~ THE  
26 entry and inspection is required in order to determine whether ~~the~~  
27 ~~provisions of this article are~~ THIS ARTICLE 11 IS being complied with, as



1 the case may be;

2 (b) That the inspector notified the permit holder of an inspection;

3 (c) That the inspector was denied access by the permit holder; and

4 (d) A general description of the location of the affected land.

5 (3) Each irrigation system subject to ~~the provisions of this article~~

6 ~~which THIS ARTICLE 11 THAT~~ has not been issued a permit pursuant to ~~the~~

7 ~~provisions of this article~~ THIS ARTICLE 11 may be inspected, without prior

8 notice, by an inspector who has information ~~which~~ THAT gives ~~him~~ THE

9 INSPECTOR reasonable cause to believe that any provision of this ~~article~~

10 ARTICLE 11 is being violated. If the landowner denies access to the

11 inspector, the inspector may seek an inspection warrant issued by the

12 district court for the district in which the landowner's land is located. The

13 district court shall issue such inspection warrant upon presentation by an

14 inspector of an affidavit stating:

15 (a) The information ~~which~~ THAT gives the inspector reasonable

16 cause to believe that ~~any provision of this article~~ THIS ARTICLE 11 is being

17 violated or has been violated;

18 (b) That the landowner has denied access to the inspector; and

19 (c) A general description of the location of the affected land.

20 **SECTION 55.** In Colorado Revised Statutes, **amend** 35-14-106

21 as follows:

22 **35-14-106. Administration.** The commissioner shall administer

23 and enforce ~~the provisions of this article and shall have and~~ THIS ARTICLE

24 14 AND may exercise ~~any and~~ all of the administrative powers conferred

25 upon the head of a department of the state. The commissioner ~~is~~

26 ~~authorized to~~ MAY employ, pursuant to section 13 of article XII of the

27 state constitution, such deputies and inspectors as ~~he may deem~~ THE

1 COMMISSIONER DEEMS necessary for the proper enforcement of this ~~article~~  
2 ARTICLE 14, subject to the constitution and laws of the state. The powers  
3 and duties given to and imposed upon the commissioner are also given to  
4 and imposed upon the deputies and inspectors when acting under the  
5 instructions and at the direction of the commissioner.

6 **SECTION 56.** In Colorado Revised Statutes, 35-14-107, **amend**  
7 (1)(k) and (1)(m) as follows:

8 **35-14-107. Powers and duties of commissioner - rules.** (1) The  
9 commissioner shall:

10 (k) Approve for use, and may mark, such weights and measures  
11 as ~~he or she~~ THE COMMISSIONER finds to be correct and may reject and  
12 mark as rejected such weights and measures as ~~he or she~~ THE  
13 COMMISSIONER finds to be incorrect. Weights and measures that have  
14 been rejected may be seized if not corrected within the time specified or  
15 if used or disposed of in an unauthorized manner. The commissioner may  
16 condemn and seize weights and measures THAT ARE found to be incorrect  
17 and that ~~are not capable of being~~ CANNOT BE made correct.

18 (m) Prescribe the appropriate term or unit or weight or measure  
19 to be used whenever ~~he~~ THE COMMISSIONER determines, in the case of a  
20 specific commodity, that an existing practice of declaring the quantity by  
21 weight, measure, numerical count, or combination ~~thereof~~ OF WEIGHT,  
22 MEASURE, OR NUMERICAL COUNT does not facilitate value comparison or  
23 is represented in any manner that tends to mislead or deceive any person;

24 **SECTION 57.** In Colorado Revised Statutes, 35-14-108, **amend**  
25 (1) introductory portion, (1)(a), (1)(d), and (2) as follows:

26 **35-14-108. Special police powers.** (1) When necessary to  
27 perform ~~his~~ duties or to implement ~~the provisions of this article~~ THIS

1 ARTICLE 14 or the rules ~~and regulations promulgated~~ ADOPTED pursuant  
2 ~~thereto~~ TO THIS ARTICLE 14, the commissioner or ~~his~~ THE COMMISSIONER'S  
3 authorized agent may:

4 (a) Enter any commercial premises during normal business hours;  
5 except that, in the event such premises are not open to the public, ~~he~~ THE  
6 COMMISSIONER shall first present ~~his~~ THE COMMISSIONER'S credentials and  
7 obtain consent before making entry ~~thereto~~ unless a search warrant has  
8 previously been obtained;

9 (d) Stop any commercial vehicle and, after presentment of ~~his~~ THE  
10 COMMISSIONER'S credentials, require that the person in charge of the  
11 vehicle produce any documents in ~~his~~ THE PERSON'S possession  
12 concerning the contents of ~~said~~ THE vehicle; inspect the contents of ~~such~~  
13 THE vehicle at the site; and, if necessary, require ~~such~~ THE person to  
14 proceed with the vehicle to some specified place for inspection.

15 (2) The commissioner may administer oaths and take statements;  
16 issue subpoenas requiring the attendance of witnesses before ~~him or her~~  
17 THE COMMISSIONER and the production of all books, memoranda, papers,  
18 and other documents, articles, or instruments; and compel the disclosure  
19 by such witnesses of all facts known to them relative to the matters under  
20 investigation. Upon the failure or refusal of ~~any~~ A witness to obey ~~any~~ A  
21 subpoena, the commissioner may petition the district court, and, upon a  
22 proper showing, the court may enter an order compelling the witness to  
23 appear and testify or produce documentary evidence. Failure to obey such  
24 an order of the court ~~shall be~~ IS punishable as a contempt of court.

25 **SECTION 58.** In Colorado Revised Statutes, **amend** 35-14-110  
26 as follows:

27 **35-14-110. Misrepresentation of quantity.** ~~No~~ A person shall

1 NOT sell, offer, advertise, or expose for sale less than the quantity of  
2 commodity or service ~~he~~ THE PERSON represents nor take any more than  
3 the quantity of commodity or service ~~he~~ THE PERSON represents.

4 **SECTION 59.** In Colorado Revised Statutes, 35-14-121, **amend**  
5 (3), (4), (6) introductory portion, (6)(a), and (6)(b) as follows:

6 **35-14-121. Weigher - qualification - certification - revocation**  
7 **- rules.** (3) The commissioner may adopt rules for determining the  
8 qualifications of ~~the~~ AN applicant for a license as a certified weigher. For  
9 the purpose of determining qualifications of the applicant, the  
10 commissioner may approve the qualifications of the applicant upon the  
11 basis of the information supplied in the application or ~~he~~ THE  
12 COMMISSIONER may examine ~~such~~ THE applicant orally or in writing or  
13 both. ~~He~~ THE COMMISSIONER shall grant certificates of certified weigher  
14 to such applicants as may be found to possess the qualifications required  
15 by subsection (1) of this section. The commissioner shall keep a record  
16 of all such applicants and of all certificates issued.

17 (4) The commissioner may, upon request and without charge,  
18 issue a limited certification as a certified weigher to any qualified officer  
19 or employee of a municipality or county of this state or of a state  
20 commission, board, institution, or agency authorizing such officer or  
21 employee to act as a certified weigher only within the scope of ~~his~~ THE  
22 OFFICER'S OR EMPLOYEE'S official employment.

23 (6) The following persons ~~shall be permitted, but shall not be~~  
24 ~~required, to~~ MAY obtain certification as certified weigher:

25 (a) A weights and measures officer when acting within the scope  
26 of ~~his~~ THE OFFICER'S official duties;

27 (b) A person weighing property, produce, commodities, or articles

1 that ~~he~~ THE PERSON or ~~his~~ THE PERSON'S employer, if any, is buying or  
2 selling; and

3 **SECTION 60.** In Colorado Revised Statutes, 35-14-122, **amend**  
4 (6)(a) as follows:

5 **35-14-122. Public scales - requirements - weight certificates -**  
6 **procedures - records.** (6) (a) All commodities bought, sold, delivered,  
7 or in the process of changing ownership that use the weight of the content  
8 for final determination and settlement shall be weighed on a scale  
9 licensed in accordance with this ~~article~~ ARTICLE 14 if neither the buyer  
10 nor the seller owns ~~his or her own~~ A scale. The weigher shall issue a  
11 weight certificate containing all the information required by subsection  
12 (2) of this section to both the buyer and the seller. If the buyer or seller  
13 owns ~~his or her own~~ A scale licensed by the department and uses ~~such~~ THE  
14 scale to determine the weight of ~~such~~ THE commodities, ~~such~~ THE party  
15 shall issue a ticket or invoice in duplicate to the other party. ~~Said~~ THE  
16 ticket or invoice ~~shall~~ MUST contain all the information required by  
17 subsection (2) of this section.

18 **SECTION 61.** In Colorado Revised Statutes, 35-14-131, **amend**  
19 (5)(a) as follows:

20 **35-14-131. Civil penalties.** (5) It is a violation for any person to:  
21 (a) Sell, offer, ~~or~~ expose for sale or hire, or have in ~~his or her~~ THE  
22 PERSON'S possession for the purpose of selling or hiring an incorrect  
23 weight or measure or any device or instrument used or calculated to  
24 falsify any weight or measure;

25 **SECTION 62.** In Colorado Revised Statutes, 35-14-132, **amend**  
26 (1) as follows:

27 **35-14-132. Criminal penalties.** (1) Any person who willfully

1 makes, installs, sells or offers to sell, or uses or allows to be used on his  
2 or her THE PERSON'S weights or measures any A counterfeit seal, or seal  
3 of the commissioner without proper authority, commits a civil infraction  
4 and shall be punished as provided in section 18-1.3-503.

5 **SECTION 63.** In Colorado Revised Statutes, 35-14-133, **amend**  
6 (3) as follows:

7 **35-14-133. Enforcement - cease-and-desist orders - hearings.**

8 (3) Whenever the commissioner possesses sufficient evidence  
9 satisfactory to him or her THE COMMISSIONER indicating that a person has  
10 engaged in or is about to engage in an act or practice constituting a  
11 violation of this ~~article~~ ARTICLE 14 or any A rule or order adopted  
12 pursuant to this ~~article~~ ARTICLE 14, the commissioner may apply to a court  
13 of competent jurisdiction to temporarily or permanently restrain or enjoin  
14 the act or practice in question and to enforce compliance with this ~~article~~  
15 ARTICLE 14 or any A rule or order adopted pursuant to this ~~article~~ ARTICLE  
16 14. In any such action, the commissioner shall IS not be required to plead  
17 or prove irreparable injury or the inadequacy of the remedy at law. Under  
18 no circumstances shall the court require the commissioner to post a bond.

19 **SECTION 64.** In Colorado Revised Statutes, **amend** 35-23-103  
20 as follows:

21 **35-23-103. Federal cooperation.** The commissioner is  
22 ~~empowered to~~ OF AGRICULTURE MAY enter into such agreements with the  
23 United States department of agriculture as he THE COMMISSIONER may  
24 determine to be necessary or advisable for the establishment of a joint  
25 state and federal inspection service in Colorado for fruits, vegetables, and  
26 other agricultural products.

27 **SECTION 65.** In Colorado Revised Statutes, **amend** 35-23-105

1 as follows:

2 **35-23-105. Authority to enter business places.** In carrying out  
3 ~~the provisions of this article~~ THIS ARTICLE 23, the commissioner OF  
4 AGRICULTURE and ~~his~~ THE COMMISSIONER'S deputies, inspectors, and  
5 employees ~~are authorized to~~ MAY enter on any business day, during the  
6 usual hours of business, any storehouse, warehouse, cold storage plant,  
7 packing house, or other building or place where fruits, vegetables, or  
8 other agricultural products are kept or stored by any person engaged in the  
9 shipping of fruits, vegetables, or other agricultural products or to stop or  
10 inspect at any time any automobile, truck, trailer, or other vehicle  
11 transporting or containing any such fruits, vegetables, or other  
12 agricultural products.

13 **SECTION 66.** In Colorado Revised Statutes, **amend** 35-23-106  
14 as follows:

15 **35-23-106. Establishment of regulations and grades - public**  
16 **meetings.** The commissioner ~~is empowered to~~ MAY establish and enforce  
17 such grades, grading rules, and regulations in addition to those established  
18 by this ~~article~~ ARTICLE 23, in no event less than the minimum  
19 requirements prescribed by this ~~article~~ ARTICLE 23, as ~~he~~ THE  
20 COMMISSIONER may deem necessary on fruits, vegetables, and other  
21 agricultural products, which shall not conflict with ~~any provisions of this~~  
22 ~~article~~ THIS ARTICLE 23, after a thorough investigation has been made of  
23 the needs of the particular fruit, vegetable, or other agricultural product  
24 for which grades, grading rules, and regulations are contemplated; but,  
25 whenever it is deemed advisable by the commissioner, such grades shall  
26 be the same as the grades promulgated by the United States department  
27 of agriculture. Such grades, grading rules, and regulations, before they

1 become effective, shall be submitted for approval at one or more public  
2 meetings called for that purpose and attended by representative growers  
3 and shippers of the localities interested in the industry affected. Such  
4 meetings shall be advertised at least once in a newspaper published in  
5 such localities, one week or more prior to the meeting. ~~Said~~ EACH  
6 meeting shall be presided over by the commissioner or any of ~~his~~ THE  
7 COMMISSIONER'S duly authorized deputies and, insofar as possible and  
8 practicable, shall be conducted at such places as can be conveniently  
9 reached by representatives of the affected industry. Grades, grading rules,  
10 and regulations, established in accordance with ~~the provisions of~~ this  
11 section, shall not be modified during the current shipping season of the  
12 fruit, vegetable, or other agricultural product for which they are  
13 established. In like manner the commissioner may provide for standard  
14 packages for all fruits, vegetables, and other agricultural products, but ~~no~~  
15 standard packages shall NOT be eliminated or changed without two years'  
16 notice to the industry involved.

17 **SECTION 67.** In Colorado Revised Statutes, **amend** 35-23-108  
18 as follows:

19 **35-23-108. Rules.** The commissioner OF AGRICULTURE, with the  
20 concurrence of the state agricultural commission, ~~is authorized to~~  
21 ~~promulgate such~~ MAY ADOPT rules ~~and regulations~~ relative to the proper  
22 marking of containers, the issue of certificates of inspection, AND the  
23 tagging of the vehicle of transportation and ~~such~~ other rules ~~and~~  
24 ~~regulations~~ as ~~he~~ THE COMMISSIONER deems necessary for the  
25 improvement of the quality of marketing of all fruits, vegetables, or other  
26 agricultural products.

27 **SECTION 68.** In Colorado Revised Statutes, **amend** 35-23-109



1 as follows:

2 **35-23-109. Engaging in trade prohibited.** The commissioner OF  
3 AGRICULTURE and ~~his~~ THE COMMISSIONER'S deputies, inspectors, and  
4 employees are each prohibited, during their respective terms of  
5 employment or office, from engaging in this state or elsewhere, either  
6 directly or indirectly, in the business of buying or selling fruits,  
7 vegetables, or other agricultural products or in dealing in the same on  
8 commission.

9 **SECTION 69.** In Colorado Revised Statutes, **amend** 35-23-112  
10 as follows:

11 **35-23-112. Appeal of inspection - rules.** ~~Any~~ AN interested party  
12 who is dissatisfied with ~~any~~ A classification of grades of any fruits,  
13 vegetables, or other agricultural products made as the result of inspection  
14 under this ~~article~~ ARTICLE 23, within such time after the inspection and in  
15 such manner as shall be prescribed by the commissioner OF  
16 AGRICULTURE, may appeal to the commissioner, and the commissioner ~~is~~  
17 ~~directed to promulgate~~ SHALL ADOPT rules ~~and regulations~~ governing the  
18 time and manner of such appeal. Upon such appeal to ~~him being regularly~~  
19 ~~taken~~ THE COMMISSIONER, the commissioner shall cause such  
20 investigation to be made and such tests to be applied as ~~he~~ THE  
21 COMMISSIONER may deem necessary to determine the true grade or  
22 classification in the particular case in question and shall issue a finding  
23 determining the true grade or classification in the particular case.  
24 Whenever an appeal to the commissioner is taken, ~~he~~ THE COMMISSIONER  
25 shall fix and assess, and collect or cause to be collected, the established  
26 fee for an original inspection for each ~~such~~ appeal, which ~~shall~~ FEE MUST  
27 be uniform and which shall be refunded to the person paying the same if

1 the findings of the commissioner on appeal are to the effect that the grade  
2 or classification as determined and certified on the original inspection  
3 was erroneous and a new or different grade or classification is determined  
4 by the commissioner. Any reinspection certificate issued as the result of  
5 an appeal ~~shall supersede~~ SUPERSEDES the original inspection certificate.

6 **SECTION 70.** In Colorado Revised Statutes, **amend** 35-23-115  
7 as follows:

8 **35-23-115. Information confidential - rules.** ~~All~~ Information  
9 obtained as the result of ~~any~~ AN inspection made under ~~the provisions of~~  
10 ~~this article~~ THIS ARTICLE 23 shall not be open to inspection by the public;  
11 except that the commissioner OF AGRICULTURE shall prepare and certify  
12 to any financially interested party a copy of the original inspection  
13 certificate of any inspection upon the payment to ~~him~~ of his fees therefor  
14 THE COMMISSIONER OF ANY REQUIRED FEES. The commissioner ~~is~~  
15 ~~authorized to~~ MAY prescribe rules ~~and regulations~~ governing the issuance  
16 of such certificates.

17 **SECTION 71.** In Colorado Revised Statutes, 35-24.5-104,  
18 **amend** (2) and (3) as follows:

19 **35-24.5-104. Aquaculture board - created - members.** (2) The  
20 term of office of the two additional members ~~shall be~~ APPOINTED IN  
21 SUBSECTION (1)(b) OF THIS SECTION IS three years. Each ~~of these members~~  
22 ADDITIONAL MEMBER shall serve until ~~his or her~~ THE ADDITIONAL  
23 MEMBER'S successor has been appointed and qualified, and either member  
24 ~~shall be~~ IS eligible for reappointment. ~~They~~ BOTH ADDITIONAL MEMBERS  
25 shall serve without compensation except for actual and necessary  
26 traveling expenses.

27 (3) The board shall annually select a ~~chairman~~ CHAIR and a

1 ~~vice-chairman~~ VICE-CHAIR, who may be the same as the ~~chairman~~ CHAIR  
2 and ~~vice-chairman~~ VICE-CHAIR of the fish health board.

3 **SECTION 72.** In Colorado Revised Statutes, 35-25-103, **amend**  
4 (1), (2)(a), (4), (5)(d), and (6) as follows:

5 **35-25-103. Enforcement.** (1) The commissioner or ~~his~~ THE  
6 COMMISSIONER'S authorized agents are authorized and directed to enforce  
7 the provisions of this ~~article~~ ARTICLE 25.

8 (2) (a) If it appears to the commissioner after examination of the  
9 facts that a violation of ~~any provision of this article~~ THIS ARTICLE 25 has  
10 occurred, ~~he~~ THE COMMISSIONER may refer the facts to the district  
11 attorney for the county in which the violation occurred.

12 (4) The commissioner may, by publication in such manner as ~~he~~  
13 THE COMMISSIONER may prescribe, give notice of all judgments entered  
14 in actions instituted under the authority of this ~~article~~ ARTICLE 25.

15 (5) (d) Whenever the commissioner is found to have lacked  
16 substantial justification to impose a civil penalty, the person charged may  
17 recover ~~his~~ THE PERSON'S costs and attorney fees from the department of  
18 agriculture.

19 (6) The commissioner ~~shall have full authority to~~ MAY administer  
20 oaths and take statements; ~~to~~ issue subpoenas requiring the attendance of  
21 witnesses before ~~him~~ THE COMMISSIONER and the production of all books,  
22 memoranda, papers, and other documents, articles, or instruments; and ~~to~~  
23 compel the disclosure by such witnesses of all facts known to them  
24 relative to the matters under investigation. Upon the failure or refusal of  
25 ~~any~~ A witness to obey ~~any~~ A subpoena, the commissioner may petition the  
26 district court, and, upon a proper showing, the court may enter an order  
27 compelling the witness to appear and testify or produce documentary

1 evidence. Failure to obey such an order of the court ~~shall be~~ IS punishable  
2 as a contempt of court.

3 **SECTION 73.** In Colorado Revised Statutes, 35-25-105, **amend**  
4 (2) as follows:

5 **35-25-105. Rules.** (2) The powers and duties of the commissioner  
6 under this ~~article~~ ARTICLE 25 may be delegated by the commissioner to  
7 employees of the department of agriculture designated by ~~him~~ THE  
8 COMMISSIONER.

9 **SECTION 74.** In Colorado Revised Statutes, 35-25-106, **amend**  
10 (1) as follows:

11 **35-25-106. Examination of apiaries.** (1) The commissioner,  
12 when ~~he~~ THE COMMISSIONER has reason to suspect disease in any apiary,  
13 may examine all reported or suspected apiaries. If ~~any~~ A contagious  
14 disease is present, ~~he~~ THE COMMISSIONER may examine all apiaries in the  
15 same locality and ascertain whether or not ~~any~~ A contagious disease exists  
16 in the apiaries. If satisfied of the existence of ~~any such~~ A contagious  
17 disease, the commissioner may burn, sterilize, or medically treat said  
18 apiary in strict compliance with rules, ~~and regulations pertaining thereto,~~  
19 or the commissioner may require the beekeeper to burn, sterilize, or  
20 medically treat ~~said~~ THE apiary.

21 **SECTION 75.** In Colorado Revised Statutes, **amend** 35-25-107  
22 as follows:

23 **35-25-107. Inspection of beehives for interstate movement.**  
24 ~~Any~~ A beekeeper or person requesting an inspection of beehives for  
25 contagious disease for the purpose of interstate movement ~~shall be~~ IS  
26 liable for all costs of such inspection. The beekeeper or ~~his~~ THE  
27 BEEKEEPER'S agent shall accompany and assist the inspector in making the

1 inspection.

2 **SECTION 76.** In Colorado Revised Statutes, 35-26-105, **amend**  
3 (2) as follows:

4 **35-26-105. Prohibited acts - removal from sale - advisory**  
5 **alerts.** (2) The commissioner or ~~his~~ THE COMMISSIONER'S authorized  
6 agents shall issue a stop-sale order to any person offering nursery stock  
7 for sale in violation of any provision of this ~~article~~ ARTICLE 26 or any  
8 rules ~~or regulations promulgated~~ ADOPTED pursuant to this ~~article~~. Any  
9 ARTICLE 26. A person receiving a stop-sale order shall remove such stock  
10 from sale immediately.

11 **SECTION 77.** In Colorado Revised Statutes, 35-26-108, **amend**  
12 (2) as follows:

13 **35-26-108. Access to locations and records - administrative**  
14 **subpoena - complaints and investigations.** (2) The commissioner, upon  
15 ~~his~~ THE COMMISSIONER'S own motion or upon the complaint of any  
16 person, may make ~~any~~ and all investigations necessary to ensure  
17 compliance with this ~~article~~ ARTICLE 26.

18 **SECTION 78.** In Colorado Revised Statutes, 35-26-110, **amend**  
19 (1.5) as follows:

20 **35-26-110. Out-of-state nurseries.** (1.5) An out-of-state nursery  
21 advertising and selling nursery stock in Colorado and having no duly  
22 appointed resident agent in this state upon whom process may be served  
23 as provided by law shall be deemed to have appointed the secretary of  
24 state as the agent of ~~said~~ THE nursery upon whom service of process may  
25 be had in the event of any suit against ~~said~~ THE nursery. Service on the  
26 secretary of state of any such process shall be made by delivering to and  
27 leaving with ~~him~~ THE SECRETARY OF STATE or with ~~his~~ THE SECRETARY

1 OF STATE'S deputy, an assistant, or a clerk two copies of such process. The  
2 secretary of state shall also require a statement ~~which~~ THAT contains the  
3 name and address of the nonresident's home or home office. After receipt  
4 of such process the secretary of state shall forward to the defendant a  
5 copy of the process by registered mail, return receipt requested. The  
6 person so serving the secretary of state shall immediately send or give to  
7 the commissioner a notice of such service and a copy of the process. The  
8 secretary of state shall collect at the time of any service of process on ~~him~~  
9 THE SECRETARY OF STATE as resident agent a fee ~~which~~ THAT shall be  
10 determined and collected pursuant to section 24-21-104 (3). C.R.S.

11 **SECTION 79.** In Colorado Revised Statutes, **amend** 35-26-111  
12 as follows:

13 **35-26-111. Rules.** The commissioner ~~is hereby authorized and~~  
14 ~~directed to promulgate~~ SHALL ADOPT such rules ~~and regulations as he may~~  
15 ~~deem~~ AS THE COMMISSIONER DEEMS necessary and proper for the  
16 furtherance and enforcement of ~~the provisions of this article.~~ Such THIS  
17 ARTICLE 26. THE rules ~~and regulations~~ shall be ~~promulgated~~ ADOPTED in  
18 accordance with ~~applicable provisions of~~ article 4 of title 24. C.R.S.

19 **SECTION 80.** In Colorado Revised Statutes, 35-26-113, **amend**  
20 (1) as follows:

21 **35-26-113. Bodies politic.** (1) All growing fields and all other  
22 premises in this state on which nursery stock is being grown or held by  
23 bodies politic for the purpose of planting on public or private grounds  
24 shall be inspected at least once each year by the commissioner or ~~his~~ THE  
25 COMMISSIONER'S authorized agents.

26 **SECTION 81.** In Colorado Revised Statutes, 35-26-114, **amend**  
27 (3)(a), (4), (5), (6), and (7)(e) as follows:

1           **35-26-114. Enforcement - subpoenas - cease-and-desist orders**  
2           **- hearings - denial, revocation, or suspension of registration.**

3           (3) (a) Whenever the commissioner has reasonable cause to believe a  
4 violation of ~~any~~ A provision of this ~~article~~ ARTICLE 26 or ~~any~~ A rule ~~made~~  
5 ADOPTED pursuant to this ~~article~~ ARTICLE 26 has occurred and immediate  
6 enforcement is deemed necessary, ~~he~~ THE COMMISSIONER may issue a  
7 cease-and-desist order, which may require ~~any~~ A person to cease violating  
8 ~~any~~ A provision of this ~~article~~ ARTICLE 26 or ~~any~~ A rule ~~made~~ ADOPTED  
9 pursuant to this ~~article~~. ~~Such~~ ARTICLE 26. THE cease-and-desist order ~~shall~~  
10 MUST set forth the provisions alleged to have been violated, the facts  
11 alleged to have constituted the violation, and the requirement that all  
12 actions be ceased forthwith.

13           (4) The commissioner ~~shall have full authority to~~ MAY administer  
14 oaths and take statements; ~~to~~ issue administrative subpoenas requiring the  
15 attendance of witnesses before ~~him~~ THE COMMISSIONER and the  
16 production of all books, memoranda, papers, and other documents,  
17 articles, or instruments; and ~~to~~ compel the disclosure by such witnesses  
18 of all facts known to them relative to the matters under investigation.  
19 Upon the failure or refusal of ~~any~~ A witness to obey an administrative  
20 subpoena, the commissioner may petition the district court, and, upon a  
21 proper showing, the court may enter an order compelling the witness to  
22 appear and testify or produce documentary evidence. Failure to obey such  
23 an order of the court ~~shall be~~ IS punishable as a contempt of court.

24           (5) Whenever it appears to the commissioner, upon sufficient  
25 evidence satisfactory to the commissioner, that ~~any~~ A person has engaged  
26 in or is about to engage in ~~any~~ AN act or practice constituting a violation  
27 of ~~any~~ A provision of this ~~article~~ ARTICLE 26 or of ~~any~~ A rule or of ~~any~~ AN

1 order ~~promulgated~~ ADOPTED under this ~~article, he~~ ARTICLE 26, THE  
2 COMMISSIONER may apply to ~~any~~ A court of competent jurisdiction to  
3 temporarily or permanently restrain or enjoin the act or practice in  
4 question and to enforce compliance with this ~~article~~ ARTICLE 26 or ~~any~~ A  
5 rule or order ~~promulgated~~ ADOPTED under this ~~article~~ ARTICLE 26. In any  
6 such action, the commissioner ~~shall~~ IS not ~~be~~ required to plead or prove  
7 irreparable injury or the inadequacy of the remedy at law. Under no  
8 circumstances shall the court require the commissioner to post a bond.

9 (6) Complaints of record made to the commissioner and the results  
10 of ~~his~~ THE COMMISSIONER'S investigations may, ~~in~~ AT the discretion of the  
11 commissioner, be closed to public inspection, except as provided by court  
12 order, during the investigatory period and until dismissed or until notice  
13 of hearing and charges are served on a registrant.

14 (7) The commissioner may deny, revoke, or suspend ~~any~~ A  
15 registration for any of the following:

16 (e) If the party has knowingly misrepresented information on ~~his~~  
17 THE PARTY'S application;

18 **SECTION 82.** In Colorado Revised Statutes, 35-27-122, **amend**  
19 (2)(c), (2)(f) introductory portion, and (2)(f)(III) as follows:

20 **35-27-122. Arbitration council - procedures.** (2) (c) The  
21 commissioner shall investigate the allegations in ~~the~~ A complaint. In  
22 conducting ~~such~~ THE investigation, the commissioner may employ the  
23 services of any expert that ~~he or she~~ THE COMMISSIONER deems  
24 appropriate. Upon completion of the investigation, the commissioner shall  
25 refer the complaint to the council along with a report of the results of the  
26 investigation.

27 (f) In the course of ~~his or her~~ THE COMMISSIONER'S investigation,



1 the commissioner may:

2 (III) Conduct any other investigative activities that ~~he or she~~ THE  
3 COMMISSIONER deems necessary to obtain information relevant to the  
4 allegations in the complaint pursuant to ~~his or her~~ THE COMMISSIONER'S  
5 authority in section 35-27-115.

6 **SECTION 83.** In Colorado Revised Statutes, 35-27.3-107,  
7 **amend** (2)(c) as follows:

8 **35-27.3-107. Advisory committee - created - members - terms**  
9 **- duties.** (2) (c) In the event of a vacancy on the advisory committee prior  
10 to the completion of a member's full term, the commissioner shall appoint  
11 a person to complete the remainder of that term. The person so appointed  
12 shall represent the same group as the member ~~he or she~~ THE PERSON is  
13 replacing, as set forth in ~~paragraph (b) of subsection (1)~~ SUBSECTION  
14 (1)(b) of this section.

15 **SECTION 84.** In Colorado Revised Statutes, 35-28-104, **amend**  
16 (2), (3), and (13) as follows:

17 **35-28-104. Definitions.** As used in this article 28, unless the  
18 context otherwise requires:

19 (2) "Commissioner" means the commissioner of agriculture or ~~his~~  
20 THE COMMISSIONER'S duly authorized representative.

21 (3) "Distributor" means ~~any~~ A person engaged in the operation of  
22 selling, offering for sale, marketing, or distributing an agricultural  
23 commodity ~~which he~~ THAT THE PERSON has produced, purchased, or  
24 acquired from a producer, handler, or other distributor, or ~~which he~~ THAT  
25 THE PERSON is marketing ~~in~~ ON behalf of a producer, handler, or other  
26 distributor, whether as owner, agent, employee, broker, or otherwise. ~~but~~  
27 ~~shall~~ "DISTRIBUTOR" DOES not include a retailer; ~~as defined in this section~~

1 except THAT "DISTRIBUTOR" INCLUDES a retailer ~~who~~ THAT purchases or  
2 acquires from, or handles on behalf of ~~any~~ A producer, handler, or other  
3 distributor an agricultural commodity THAT IS not ~~theretofore~~ subject to  
4 regulation by the marketing order covering ~~such~~ THE commodity.

5 (13) "Retailer" means ~~any~~ A person ~~who~~ THAT purchases or  
6 acquires ~~any~~ AN agricultural commodity for resale at retail to the general  
7 public at a fixed business location in the state for consumption off such  
8 premises. ~~but such person shall also be included within the definition of~~  
9 A RETAILER MAY ALSO BE a distributor, ~~as set forth in this section,~~ to the  
10 extent that ~~he~~ THE PERSON engages in the business of a distributor. ~~as~~  
11 ~~defined in this section.~~

12 **SECTION 85.** In Colorado Revised Statutes, 35-28-105, **amend**  
13 (2), (3), and (4) as follows:

14 **35-28-105. Administration of article - public hearings.**

15 (2) Whenever the commissioner has reason to believe that the issuance  
16 of a marketing order will tend to effectuate the declared policy of this  
17 ~~article~~ ARTICLE 28 with respect to ~~any~~ AN agricultural commodity, either  
18 upon ~~his~~ THE COMMISSIONER'S own motion or upon application of any  
19 producer or handler of such commodity, ~~he~~ THE COMMISSIONER shall give  
20 due notice of and an opportunity for a public hearing upon a proposed  
21 marketing order.

22 (3) Due notice of ~~any~~ A hearing called for ~~such~~ THE purpose  
23 DESCRIBED IN SUBSECTION (2) OF THIS SECTION shall be given to all  
24 persons who may be directly affected by ~~any~~ AN action of the  
25 commissioner TAKEN pursuant to ~~the provisions of this article~~ THIS  
26 ARTICLE 28 and whose names appear upon lists to be filed by ~~such~~ THE  
27 agricultural industry with the commissioner. Such hearing shall be open

1 to the public. All testimony shall be received under oath and a full and  
2 complete record of all proceedings at any such hearing shall be made and  
3 filed by the commissioner at ~~his~~ THE COMMISSIONER'S office.

4 (4) In order to effectuate the declared policy of this ~~article~~  
5 ARTICLE 28, the commissioner has the power, after due notice and  
6 opportunity for hearing, to enter into marketing agreements with  
7 processors, distributors, handlers, producers, and others engaged in the  
8 handling of ~~any~~ AN agricultural commodity AND THE regulating OF the  
9 preparation, sale, and handling of such agricultural commodity. ~~which~~  
10 ~~said~~ ANY SUCH marketing agreement ~~shall be~~ IS binding upon the  
11 signatories ~~thereto~~ TO THE MARKETING AGREEMENT exclusively. The  
12 execution of such marketing agreement ~~shall in no matter affect~~ AFFECTS  
13 the issuance, administration, or enforcement of ~~any~~ A marketing order  
14 provided for in this ~~article~~ ARTICLE 28. The commissioner may issue such  
15 marketing order without executing a marketing agreement or may execute  
16 a marketing agreement without issuing a marketing order covering the  
17 same commodity. The commissioner, ~~in his~~ AT THE COMMISSIONER'S  
18 discretion, may hold a concurrent hearing upon a proposed marketing  
19 agreement and a proposed marketing order in the manner provided for  
20 giving due notice and opportunity for hearing for a marketing order as  
21 provided in this ~~article~~ ARTICLE 28.

22 **SECTION 86.** In Colorado Revised Statutes, 35-28-106, **amend**  
23 (1) introductory portion, (1)(a), and (2) introductory portion as follows:

24 **35-28-106. Marketing order issued - when.** (1) After ~~such~~  
25 notice and A hearing, the commissioner may issue a marketing order if ~~he~~  
26 THE COMMISSIONER finds and sets forth in ~~such~~ THE marketing order that  
27 ~~such~~ THE order will tend to:

1 (a) Reestablish or maintain prices received by producers for ~~such~~  
2 AN agricultural commodity at a level ~~which~~ THAT will give to ~~such~~ THE  
3 commodity a purchasing power, with respect to the articles and services  
4 ~~which~~ THAT farmers commonly buy, equivalent to the purchasing power  
5 of ~~such~~ THE commodity in the base period. The base period ~~shall be such~~  
6 IS THE period in which the commissioner finds that the volume of  
7 production of ~~such~~ THE commodity was adequate to supply the  
8 requirements of consumers ~~thereof~~ OF THE COMMODITY and the net  
9 returns to producers ~~thereof~~ OF THE COMMODITY were sufficient to  
10 provide an adequate standard of living to the farm operator and ~~his~~ THE  
11 FARM OPERATOR'S family.

12 (2) In making the findings set forth in subsection (1) of this  
13 section, the commissioner shall take into consideration all facts available  
14 to ~~him~~ THE COMMISSIONER with respect to the following economic  
15 factors:

16 **SECTION 87.** In Colorado Revised Statutes, 35-28-107, **amend**  
17 (2) introductory portion and (2)(e) as follows:

18 **35-28-107. Board of control.** (2) ~~No~~ A member of ~~any such~~ A  
19 board OF CONTROL shall NOT receive a salary but ~~each shall be entitled to~~  
20 ~~his~~ MAY RECEIVE AN AMOUNT EQUAL TO THE MEMBER'S actual expenses  
21 incurred while engaged in performing ~~his~~ THE MEMBER'S duties  
22 authorized in this ~~article~~ ARTICLE 28. The commissioner may authorize  
23 ~~such~~ THE board to employ necessary personnel, including an attorney  
24 approved by the attorney general; fix their compensation and terms of  
25 employment; and ~~to~~ incur such expenses, to be paid by the commissioner  
26 from ~~moneys~~ MONEY collected as provided in sections 35-28-113 and  
27 35-28-114, as the commissioner ~~may deem~~ DEEMS necessary and proper

1 to enable ~~such~~ THE board properly to perform such of its duties as are  
2 authorized in this ~~article~~ ARTICLE 28. The duties of any such board ~~shall~~  
3 ~~be~~ ARE administrative only and ~~may~~ include only the following:

4 (e) To submit to the commissioner for ~~his~~ THE COMMISSIONER'S  
5 approval an estimated budget of expense necessary for the operation of  
6 any marketing agreement or order established by authority of this ~~article~~  
7 ARTICLE 28 and also to submit for approval a method of assessing and  
8 collecting such ~~funds~~ MONEY, as the commissioner ~~may find~~ FINDS  
9 necessary for the administration of such marketing agreement or order;

10 **SECTION 88.** In Colorado Revised Statutes, **amend** 35-28-111  
11 as follows:

12 **35-28-111. Termination of marketing order.** The commissioner  
13 shall suspend, amend, or terminate ~~any~~ A marketing order, or ~~any~~ A  
14 provision of ~~any~~ A marketing order, whenever ~~he~~ THE COMMISSIONER  
15 finds that ~~such~~ THE provision or order does not tend to effectuate the  
16 declared purposes of this ~~article~~ ARTICLE 28 within the standards and  
17 subject to the limitations and restrictions imposed in this ~~article~~ ARTICLE  
18 28, but ~~such~~ THE suspension or termination ~~shall not be~~ IS NOT effective  
19 until the expiration of the current marketing season. If the commissioner  
20 finds that the termination of ~~any~~ A marketing order is requested in writing  
21 by more than fifty percent of the producers who are engaged within the  
22 designated production area in the production for market of the commodity  
23 specified in ~~such~~ THE marketing order, or who produce for market more  
24 than fifty percent of the volume of ~~such~~ THE commodity produced within  
25 the designated production area for market, the commissioner shall  
26 terminate or suspend for a specified period ~~such~~ THE marketing order or  
27 provision, ~~thereof~~, but such termination ~~shall be~~ IS effective only if

1 announced on or before such date, as may be specified in ~~such~~ THE order.

2 **SECTION 89.** In Colorado Revised Statutes, 35-28-114, **amend**  
3 (2) as follows:

4 **35-28-114. Disposition of money.** (2) Any ~~moneys~~ MONEY  
5 remaining in ~~such~~ THE fund, allocable to any particular agricultural  
6 commodity affected by a marketing order at the discretion of the  
7 commissioner, may be refunded at the close of ~~any~~ A marketing season,  
8 upon a pro rata basis, to all persons from whom assessments were  
9 collected, or such portion of ~~such moneys~~ THE MONEY as may be  
10 recommended by the board of control and approved by the commissioner  
11 may be carried over into the next succeeding marketing season whenever  
12 the commissioner finds that such ~~moneys~~ MONEY may be required to  
13 assist in defraying the cost of operating ~~such~~ THE marketing order in ~~such~~  
14 THE succeeding season. Upon termination by the commissioner of ~~any~~ A  
15 marketing order, any ~~moneys~~ MONEY remaining, and not required by the  
16 commissioner to defray the expenses of ~~such~~ THE marketing order, shall  
17 be returned by the commissioner, upon a pro rata basis, to all persons  
18 from whom assessments were collected. If the commissioner finds that  
19 the amounts ~~so~~ returnable are so small as to make impractical the  
20 computation and remitting of such pro rata refund to such persons, the  
21 commissioner may use the ~~moneys~~ MONEY in ~~such~~ THE fund to defray the  
22 expenses incurred by ~~him~~ THE COMMISSIONER in the formulation,  
23 issuance, administration, or enforcement of any subsequent marketing  
24 order for ~~such~~ THE commodity.

25 **SECTION 90.** In Colorado Revised Statutes, 35-28-116, **amend**  
26 (3), (4), (5), and (6) as follows:

27 **35-28-116. Administration and enforcement - cease-and-desist**

1 **orders - penalty.** (3) Upon the filing of a verified complaint charging A  
2 violation of ~~any provisions~~ A PROVISION of this ~~article~~ ARTICLE 28 or of  
3 ~~any provision of any~~ A PROVISION OF A marketing order issued by the  
4 commissioner under this ~~article~~ ARTICLE 28, and prior to the institution of  
5 ~~any~~ A court proceeding authorized in this section, the commissioner, ~~in~~  
6 ~~his~~ AT THE COMMISSIONER'S discretion, may refer the matter to the  
7 attorney general or ~~any~~ A district attorney of this state for action pursuant  
8 to ~~the provisions of this article~~ THIS ARTICLE 28 or call a hearing to  
9 consider the charges set forth in ~~such~~ THE verified complaint. In such  
10 case, the commissioner shall cause a copy of ~~such~~ THE complaint,  
11 together with a notice of the time and place of hearing of ~~such~~ THE  
12 complaint, to be served personally or by mail, upon the person named as  
13 respondent ~~therein~~ IN THE COMPLAINT. Such service shall be made at least  
14 three days before ~~said~~ THE hearing date. The hearing shall be held in the  
15 city or town in which is situated the principal place of business of the  
16 respondent, or in which the violation complained of is alleged to have  
17 occurred, or in the nearest office of the department of agriculture, at the  
18 discretion of the commissioner. At the time and place designated for ~~such~~  
19 THE hearing, the commissioner or ~~his~~ THE COMMISSIONER'S agents shall  
20 hear the parties to ~~said~~ THE complaint and shall enter in the office of the  
21 commissioner at Denver ~~his~~ the COMMISSIONER'S findings based upon  
22 facts established at such hearing.

23 (4) If the commissioner finds that no violation has occurred, ~~he~~  
24 THE COMMISSIONER shall forthwith dismiss ~~such~~ THE complaint and notify  
25 the parties to ~~such~~ THE complaint.

26 (5) If the commissioner finds that a violation has occurred, ~~he~~ THE  
27 COMMISSIONER shall so enter ~~his~~ THE COMMISSIONER'S findings and notify

1 the parties to ~~such~~ THE complaint. ~~Should the respondent thereafter fail,~~  
2 ~~neglect, or refuse~~ THEREAFTER, IF THE RESPONDENT FAILS, NEGLECTS, OR  
3 REFUSES to desist from ~~such~~ THE violation within the time specified by the  
4 commissioner, the commissioner may thereupon file a complaint against  
5 ~~such~~ THE respondent in a court of competent jurisdiction as set forth in  
6 this section.

7 (6) Each district attorney of this state may, upon ~~his~~ THE DISTRICT  
8 ATTORNEY'S own initiative and shall upon ~~any~~ THE complaint of any  
9 person, if after investigation ~~he~~ THE DISTRICT ATTORNEY believes a  
10 violation has occurred, bring a criminal action in ~~the proper court in his~~  
11 THE DISTRICT ATTORNEY'S district OR in ~~the name of the people of this~~  
12 ~~state in~~ any OTHER court of competent jurisdiction ~~in the state of Colorado~~  
13 against ~~any~~ A person violating ~~any~~ A provision of this ~~article~~ ARTICLE 28  
14 or of ~~any~~ A marketing order duly issued by the commissioner under this  
15 ~~article~~ ARTICLE 28.

16 **SECTION 91.** In Colorado Revised Statutes, 35-28-119, **amend**  
17 (1), (2), and (4) as follows:

18 **35-28-119. Records - information - hearings.** (1) The  
19 commissioner may require all processors or distributors subject to the  
20 provisions of any marketing order issued pursuant to this ~~article~~ ARTICLE  
21 28 to maintain books and records reflecting their operations under ~~said~~  
22 THE marketing order, ~~and~~ to furnish to the commissioner or ~~his~~ THE  
23 COMMISSIONER'S duly authorized or designated representatives such  
24 information as may be from time to time requested by them relating to  
25 operations under ~~said~~ THE marketing order, and to permit the inspection  
26 by ~~said~~ THE commissioner, or ~~his~~ THE COMMISSIONER'S duly authorized  
27 or designated representatives, of ~~such~~ portions of such books and records



1 as THAT relate to operations under ~~said~~ THE marketing order.

2 (2) Information obtained by any person under this ~~article shall be~~  
3 ARTICLE 28 IS confidential and shall not be ~~by him~~ disclosed to any other  
4 person; ~~save~~ EXCEPT THAT THE INFORMATION MAY BE DISCLOSED to a  
5 person with ~~like~~ A right to obtain the ~~same~~; INFORMATION or ~~any~~ TO AN  
6 attorney employed to give legal advice ~~thereupon~~; CONCERNING THE  
7 INFORMATION or by court order.

8 (4) ~~No~~ A person shall NOT be excused from attending and  
9 testifying or from producing documentary evidence before the  
10 commissioner in obedience to the subpoena of the commissioner on the  
11 ground or for the reason that the testimony or evidence, documentary or  
12 otherwise, required of ~~him~~ THE PERSON may tend to incriminate ~~him~~ THE  
13 PERSON or subject ~~him~~ THE PERSON to a penalty or forfeiture, but ~~no~~ A  
14 natural person shall NOT be prosecuted or subjected to ~~any~~ A penalty or  
15 forfeiture for or on account of ~~any~~ A transaction, matter, or thing  
16 concerning which ~~he~~ THE NATURAL PERSON may be so required to testify  
17 or produce evidence, documentary or otherwise, before the commissioner  
18 in obedience to a subpoena issued by ~~him~~ THE COMMISSIONER; except that  
19 ~~no~~ A natural person so testifying ~~shall be~~ IS NOT exempt from prosecution  
20 and punishment for perjury in the first degree committed in so testifying.

21 **SECTION 92.** In Colorado Revised Statutes, 35-28-120, **amend**  
22 (1) as follows:

23 **35-28-120. Deposit to defray expenses.** (1) Prior to the issuance  
24 of ~~any~~ A marketing order by the commissioner, ~~he~~ THE COMMISSIONER  
25 may require the applicants ~~therefor~~ to deposit with ~~him~~ THE  
26 COMMISSIONER such amount as the commissioner ~~may deem~~ DEEMS  
27 necessary to defray the expenses of preparing and making effective ~~such~~

1 THE marketing order. Such ~~funds~~ MONEY shall be received, deposited, and  
2 disbursed by the commissioner in accordance with ~~the provisions as set~~  
3 ~~forth in~~ section 35-28-114.

4 **SECTION 93.** In Colorado Revised Statutes, 35-28-121, **amend**  
5 (2) as follows:

6 **35-28-121. General provisions.** (2) The commissioner is  
7 ~~authorized to~~ MAY confer with and cooperate with the legally constituted  
8 authorities of other states and of the United States for the purpose of  
9 obtaining uniformity in the administration of federal and state marketing  
10 regulations, licenses, or orders. ~~Said~~ THE commissioner is ~~authorized to~~  
11 MAY conduct joint hearings and issue joint or concurrent marketing orders  
12 for the purposes and within the standards set forth in this ~~article~~ ARTICLE  
13 28, and ~~he~~ THE COMMISSIONER may exercise any administrative authority  
14 prescribed by this ~~article~~ ARTICLE 28 to effect such uniformity of  
15 administration and regulation.

16 **SECTION 94.** In Colorado Revised Statutes, 35-29-103, **amend**  
17 (1) and (3) as follows:

18 **35-29-103. Administration - seal of quality.** (1) The  
19 commissioner and the representatives of the department under the  
20 direction of the commissioner shall administer and enforce this ~~article~~;  
21 ARTICLE 29, and, in such administration, the commissioner has and may  
22 exercise ~~any or all~~ the administrative powers conferred upon ~~him~~ THE  
23 COMMISSIONER as head of the department.

24 (3) When ~~any~~ A producer, packer, distributor, or retailer has  
25 complied with ~~the provisions of this article~~ THIS ARTICLE 29 and the  
26 ~~regulations~~ RULES ADOPTED pursuant ~~thereto~~, ~~he shall be permitted to~~  
27 THIS ARTICLE 29, THE PRODUCER, PACKER, DISTRIBUTOR, OR RETAILER

1 MAY use the seal of quality in advertising, labeling, or marketing ~~his~~ THE  
2 PRODUCER'S, PACKER'S, DISTRIBUTOR'S, OR RETAILER'S product.

3 **SECTION 95.** In Colorado Revised Statutes, **amend** 35-30-101  
4 as follows:

5 **35-30-101. Cooperation with United States.** The governor is  
6 ~~authorized to~~ MAY cooperate with the government of the United States  
7 and its agents and representatives in all matters pertaining to the  
8 conservation, distribution, or production of food, insofar as ~~he~~ THE  
9 GOVERNOR may find it possible to do so.

10 **SECTION 96.** In Colorado Revised Statutes, **amend** 35-30-102  
11 as follows:

12 **35-30-102. Powers of governor.** The governor of the state of  
13 Colorado is vested with all police and regulatory powers regarding the  
14 production, storage, refrigeration, manufacture, distribution, handling,  
15 dealing in, or sale of foodstuffs or food products and other necessities of  
16 life, whether in the raw state or in manufactured form, or any article used  
17 or capable of use as food for ~~man~~ HUMAN or beast, ~~which~~ THAT are vested  
18 in the president or any other executive officer of the United States, but the  
19 rules, regulations, and orders promulgated by the governor in the exercise  
20 of the power conferred in this section ~~shall~~ MUST not be more drastic than  
21 nor in conflict with the rules, regulations, and orders of the president and  
22 executive officers of the United States government.

23 **SECTION 97.** In Colorado Revised Statutes, 35-33-103, **amend**  
24 the introductory portion and (3) as follows:

25 **35-33-103. Definitions.** As used in this ~~article~~ ARTICLE 33, unless  
26 the context otherwise requires:

27 (3) "Commissioner" means the commissioner of agriculture or ~~his~~

1 ~~or her~~ THE COMMISSIONER'S authorized agent.

2 **SECTION 98.** In Colorado Revised Statutes, 35-33-104, **amend**  
3 (6) as follows:

4 **35-33-104. Commissioner of agriculture - powers and duties.**

5 (6) When the commissioner has reasonable cause to believe that any meat  
6 or meat product is being held, slaughtered, or processed in violation of  
7 this ~~article~~ ARTICLE 33 or the rules ~~promulgated~~ ADOPTED under this  
8 ~~article~~ ARTICLE 33, and when such product endangers the public health,  
9 safety, or welfare, ~~he or she~~ THE COMMISSIONER may issue and enforce a  
10 written retention order prohibiting any person from moving or otherwise  
11 disposing of the retained product in any manner without written  
12 permission of the commissioner. Within five days after the issuance of  
13 ~~any~~ A retention order, the commissioner shall hold a hearing to determine  
14 whether the retained product should be condemned or released to the  
15 owner. If the product is found to be adulterated, and the product cannot  
16 be brought into compliance with this ~~article~~ ARTICLE 33, the  
17 commissioner shall order that the retained product is inedible meat and  
18 THE PRODUCT shall be disposed of.

19 **SECTION 99.** In Colorado Revised Statutes, **amend** 35-33-105  
20 as follows:

21 **35-33-105. Injunctive relief.** Whenever the commissioner  
22 possesses sufficient evidence satisfactory to ~~him or her~~ THE  
23 COMMISSIONER indicating that ~~any~~ A person has engaged in or is about to  
24 engage in ~~any~~ AN act or practice constituting a violation of ~~any~~ A  
25 provision of this ~~article~~ ARTICLE 33 or of ~~any~~ A rule ~~promulgated~~  
26 ADOPTED under this ~~article~~ ARTICLE 33, the commissioner may apply to  
27 ~~any~~ A court of competent jurisdiction to temporarily or permanently

1     restrain or enjoin the act or practice in question and to enforce compliance  
2     with this ~~article~~ ARTICLE 33 or ~~any~~ A rule or order ADOPTED under this  
3     ~~article~~ ARTICLE 33. In any such action, the commissioner ~~shall~~ IS not ~~be~~  
4     required to plead or prove irreparable injury or the inadequacy of the  
5     remedy at law. Under no circumstances shall the court require the  
6     commissioner to post a bond.

7             **SECTION 100.** In Colorado Revised Statutes, 35-38-104, **amend**  
8     (2)(b) introductory portion and (2)(b)(IV) as follows:

9             **35-38-104. Dealer agreement cancellation notice - definition.**

10     (2) (b) ~~For purposes of AS USED IN~~ this subsection (2), "cause" means  
11     when a dealer:

12             (IV) Files a voluntary petition in bankruptcy or has an involuntary  
13     petition in bankruptcy filed against ~~him or her~~ THE DEALER that has not  
14     been discharged within the sixty-day period after it was filed;

15             **SECTION 101.** In Colorado Revised Statutes, 35-40-115, **amend**  
16     (4), (5)(d), and (6) as follows:

17             **35-40-115. Enforcement - penalty.** (4) Whenever it appears to  
18     the commissioner, upon sufficient evidence satisfactory to the  
19     commissioner, that ~~any~~ A person has engaged in or is about to engage in  
20     ~~any~~ AN act or practice constituting a violation of ~~any~~ A provision of this  
21     part 1 or of ~~any~~ A rule or of ~~any~~ AN order ~~promulgated~~ ADOPTED under  
22     this part 1, ~~he~~ THE COMMISSIONER may apply to ~~any~~ A court of competent  
23     jurisdiction to temporarily or permanently restrain or enjoin the act or  
24     practice in question and to enforce compliance with this ~~article~~ ARTICLE  
25     40 or ~~any~~ A rule or order under this ~~article~~ ARTICLE 40. In any such action,  
26     the commissioner ~~shall~~ IS not ~~be~~ required to plead or prove irreparable  
27     injury or the inadequacy of the remedy at law. Under no circumstances

1 shall the court require the commissioner to post a bond.

2 (5) (d) Whenever the commissioner is found to have lacked  
3 substantial justification to impose a civil penalty, the person charged may  
4 recover ~~his~~ THE PERSON'S costs and attorney fees from the department of  
5 agriculture.

6 (6) The commissioner ~~shall have full authority to~~ MAY administer  
7 oaths and take statements; ~~to~~ issue subpoenas requiring the attendance of  
8 witnesses before ~~him~~ THE COMMISSIONER and the production of all books,  
9 memoranda, papers, and other documents, articles, or instruments; and ~~to~~  
10 compel the disclosure by such witnesses of all facts known to them  
11 relative to the matters under investigation. Upon the failure or refusal of  
12 ~~any~~ A witness to obey ~~any~~ A subpoena, the commissioner may petition the  
13 district court, and, upon a proper showing, the court may enter an order  
14 compelling the witness to appear and testify or produce documentary  
15 evidence. Failure to obey such an order of the court ~~shall be~~ IS punishable  
16 as a contempt of court.

17 **SECTION 102.** In Colorado Revised Statutes, 35-41-101, **amend**  
18 (2) as follows:

19 **35-41-101. State board of stock inspection commissioners -**  
20 **creation - brand commissioner - enterprise - bonds.** (2) The board  
21 shall appoint a brand commissioner who shall be under its supervision  
22 and who, in the absence of the board, shall carry out its policies. The  
23 brand commissioner ~~shall be~~ IS subject to the state personnel system laws.  
24 ~~His~~ THE BRAND COMMISSIONER'S compensation shall be paid out of the  
25 brand inspection fund. ~~The brand commissioner, certified by the state~~  
26 ~~personnel director to his position on April 27, 1963, shall continue in such~~  
27 ~~certified status as provided by law.~~

1           **SECTION 103.** In Colorado Revised Statutes, 35-42-103, **amend**  
2 (4) as follows:

3           **35-42-103. Definitions.** As used in this article 42, unless the  
4 context otherwise requires:

5           (4) "Commissioner" means the Colorado commissioner of  
6 agriculture or ~~his~~ THE COMMISSIONER'S designee.

7           **SECTION 104.** In Colorado Revised Statutes, 35-42-107, **amend**  
8 (5) and (6) as follows:

9           **35-42-107. Bureau personnel - appointment.** (5) The  
10 commissioner may, ~~in his~~ AT THE COMMISSIONER'S discretion, revoke the  
11 commission of ~~any~~ AN agent.

12           (6) The commissioner may, ~~in his~~ AT THE COMMISSIONER'S  
13 discretion, determine classifications and subclassifications for THE  
14 commissions of ~~agent~~ AGENTS.

15           **SECTION 105.** In Colorado Revised Statutes, 35-42-108, **amend**  
16 (1) as follows:

17           **35-42-108. Care of confined animal.** (1) Except as authorized  
18 by law, ~~no~~ A PERSON SHALL NOT CONFINE AN animal ~~shall be confined~~  
19 without an adequate supply of food and water. If ~~any~~ AN animal is found  
20 to be confined without adequate food or water, ~~it shall be lawful for any~~  
21 AN officer or agent of the bureau, a peace officer within ~~his~~ THE PEACE  
22 OFFICER'S jurisdiction, or a licensed veterinarian ~~to~~ MAY, from time to  
23 time as ~~may be~~ necessary, enter into ~~any~~ and upon any area or building  
24 where such animal is confined and supply ~~it~~ THE ANIMAL with adequate  
25 food and water; except that such entry shall not be made into ~~any~~ A  
26 building ~~which~~ THAT is a person's residence, unless by search warrant or  
27 court order.

1           **SECTION 106.** In Colorado Revised Statutes, 35-42-109, **amend**  
2 (5)(a), (5)(c), (5)(e), and (8) as follows:

3           **35-42-109. Protection of animals mistreated, neglected, or**  
4 **abandoned.** (5) (a) The commissioner may, ~~in his~~ AT THE  
5 COMMISSIONER'S discretion, provide for ~~such~~ THE animal until judgment  
6 by the court.

7           (c) The court may adjudge that the owner is a person able to  
8 adequately provide for ~~such~~ THE animal and a person fit to own the  
9 animal, in which case the animal shall be returned to the owner after all  
10 reasonable expenses of any food, shelter, and care provided by the  
11 commissioner have been paid; except that, if such expenses are not paid  
12 within ten days ~~of~~ AFTER a court order adjudging the owner a person able  
13 to adequately provide for ~~such~~ THE animal and a person fit to own the  
14 animal, the commissioner may, ~~in his~~ AT THE COMMISSIONER'S discretion  
15 and without liability, dispose of the animal by selling it at public auction,  
16 placing it for adoption in a suitable home, giving it to a suitable animal  
17 shelter, or humanely destroying it as deemed proper by the commissioner.

18           (e) At least six days prior to disposing of the animal, the  
19 commissioner shall provide written notice to the owner at ~~his~~ THE  
20 OWNER'S last-known address of the time and place of the disposition of  
21 the animal.

22           (8) ~~Any~~ AN officer or agent of the bureau may lawfully interfere  
23 to prevent the perpetration of an act of mistreatment, neglect,  
24 abandonment, or cruelty pursuant to part 2 of article 9 of title 18, ~~C.R.S.~~,  
25 which act occurs in ~~his~~ THE OFFICER'S OR THE AGENT'S presence.

26           **SECTION 107.** In Colorado Revised Statutes, **amend** 35-42-110  
27 as follows:



1           **35-42-110. Injured animals may be euthanized.** Any AN agent  
2 of the bureau or A peace officer, as described in section 16-2.5-101,  
3 ~~C.R.S.~~, may lawfully euthanize or cause to be euthanized, as defined in  
4 section 18-9-201 (2.7), ~~C.R.S.~~, any AN animal in ~~his or her~~ THE AGENT'S  
5 OR THE PEACE OFFICER'S CHARGE when, in the judgment of ~~such~~ THE agent  
6 or peace officer, and in the opinion of a licensed veterinarian, the animal  
7 is experiencing extreme pain or suffering or is severely injured past  
8 recovery, severely disabled past recovery, or severely diseased past  
9 recovery. In the event a licensed veterinarian is not available, the animal  
10 may be euthanized if, by the written certificate of two persons, one of  
11 whom may be selected by the owner if the owner so requests, called to  
12 view the animal in the presence of the agent, the animal appears to be  
13 severely injured past recovery, severely disabled past recovery, severely  
14 diseased past recovery, or unfit for any useful purpose.

15           **SECTION 108.** In Colorado Revised Statutes, 35-42-111, **amend**  
16 (1) and (3) as follows:

17           **35-42-111. Investigations - access - administrative subpoena.**

18 (1) The commissioner, upon ~~his~~ THE COMMISSIONER'S own motion or  
19 upon the complaint of any person, shall make any investigations  
20 necessary to ensure compliance with this ~~article~~ ARTICLE 42.

21 (3) Complaints of record made to the commissioner and the results  
22 of ~~his~~ THE COMMISSIONER'S investigations may, ~~in~~ AT the discretion of the  
23 commissioner, be closed to public inspection, except as provided by court  
24 order, during the investigatory period.

25           **SECTION 109.** In Colorado Revised Statutes, 35-42-112, **amend**  
26 (1), (2)(a), and (3) as follows:

27           **35-42-112. Enforcement.** (1) The commissioner or ~~his~~ THE

1 COMMISSIONER'S designee shall enforce the provisions of this ~~article~~  
2 ARTICLE 42.

3 (2) (a) Whenever the commissioner has reasonable cause to  
4 believe a violation of ~~any~~ A provision of this ~~article~~ ARTICLE 42 or ~~any~~ A  
5 rule ~~made~~ ADOPTED pursuant to this ~~article~~ ARTICLE 42 has occurred and  
6 immediate enforcement is deemed necessary, ~~he~~ THE COMMISSIONER may  
7 issue a cease-and-desist order, which may require ~~any~~ A person to cease  
8 violating ~~any~~ A provision of this ~~article~~ ARTICLE 42 or ~~any~~ A rule ~~made~~  
9 ADOPTED pursuant to this ~~article~~ ARTICLE 42. Such cease-and-desist order  
10 ~~shall~~ MUST:

11 (I) Set forth the provisions alleged to have been violated AND the  
12 facts alleged to have constituted the violation; and

13 (II) ~~shall~~ Require that all actions causing the violation be ceased.

14 (3) Whenever it appears to the commissioner upon sufficient  
15 evidence satisfactory to the commissioner that ~~any~~ A person has engaged  
16 in or is about to engage in ~~any~~ AN act or practice constituting a violation  
17 of ~~any~~ A provision of this ~~article~~ ARTICLE 42 or of ~~any~~ A rule adopted  
18 pursuant to this ~~article~~, ~~he~~ ARTICLE 42, THE COMMISSIONER may apply to  
19 ~~any~~ A court of competent jurisdiction to temporarily or permanently  
20 restrain or enjoin the act or practice in question and to enforce compliance  
21 with this ~~article~~ ARTICLE 42 or ~~any~~ A rule adopted pursuant to this ~~article~~  
22 ARTICLE 42. In any such action, the commissioner ~~shall~~ IS not ~~be~~ required  
23 to plead or prove irreparable injury or the inadequacy of the remedy at  
24 law. Under no circumstances shall the court require the commissioner to  
25 post a bond.

26 **SECTION 110.** In Colorado Revised Statutes, 35-42-115, **amend**  
27 (3) as follows:

1           **35-42-115. Dangerous dog registry - created - cash fund -**  
2 **rules.** (3) ~~Each~~ A person who is ordered to identify ~~his or her~~ THE  
3 PERSON'S dangerous dog through microchip implantation shall pay to the  
4 bureau a nonrefundable dangerous dog microchip license fee of fifty  
5 dollars, as required in section 18-9-204.5 (3)(e.5)(IV). ~~C.R.S.~~ The bureau  
6 shall transmit all fees collected pursuant to this subsection (3) to the state  
7 treasurer who shall credit the ~~same~~ MONEY to the dangerous dog  
8 microchip licensure cash fund, referred to in this section as the "fund",  
9 which fund is ~~hereby~~ created. The ~~moneys~~ MONEY in the fund ~~shall be~~ IS  
10 subject to annual appropriation by the general assembly to the bureau for  
11 the costs incurred in implementing this section. The state treasurer may  
12 invest any ~~moneys~~ MONEY in the fund not expended for the purpose of  
13 this section as provided by law. All interest and income derived from the  
14 investment and deposit of ~~moneys~~ MONEY in the fund shall be credited to  
15 the fund. Any unexpended and unencumbered ~~moneys~~ MONEY remaining  
16 in the fund at the end of a fiscal year ~~shall remain~~ REMAINS in the fund  
17 and shall not be credited or transferred to the general fund or another  
18 fund.

19           **SECTION 111.** In Colorado Revised Statutes, 35-42.5-101,  
20 **amend** (1)(a)(III) as follows:

21           **35-42.5-101. Duties and restrictions relating to shelters and**  
22 **pounds - legislative declaration - red tagging prohibited -**  
23 **enforcement - penalty - definitions.** (1) (a) (III) If a pound or shelter  
24 provides dogs or cats to facilities for experimentation, ~~such~~ THE pound or  
25 shelter shall inform an owner who is relinquishing ~~his~~ THE OWNER'S dog  
26 or cat to the pound or shelter of such practice. The pound or shelter may  
27 charge a reasonable fee for housing the dog or cat during the two-week

1 period the animal is cared for by the pound or shelter.

2 **SECTION 112.** In Colorado Revised Statutes, 35-43-105, **amend**  
3 (2) as follows:

4 **35-43-105. Fee to record brands - unlawful use - penalty.** (2) It  
5 is unlawful for ~~any~~ A person, AN association, or A corporation to brand or  
6 cause to be branded any livestock with a brand ~~which~~ THAT has not been  
7 recorded with the state board of stock inspection commissioners, as  
8 provided in subsection (1) of this section, or with a brand ~~which~~ THAT has  
9 been previously recorded by another person, association, or corporation.  
10 When ~~any~~ AN owner of a recorded brand in use in this state moves ~~his~~  
11 THE OWNER'S cattle, branded with ~~his~~ THE OWNER'S own brand, to a new  
12 and different range or locality in this state within which territory there is  
13 in use a conflicting or similar recorded brand, the state board of stock  
14 inspection commissioners may order such recorded brand owner so  
15 moving to a new range or locality to discontinue the use of ~~his~~ THE  
16 OWNER'S recorded brand in that locality, and the board, at its discretion,  
17 may cancel such brand ordered to be so discontinued.

18 **SECTION 113.** In Colorado Revised Statutes, **amend** 35-43-116  
19 as follows:

20 **35-43-116. Wrongful branding - penalty.** If ~~any~~ A person, AN  
21 association, or A corporation willfully and knowingly brands, or causes  
22 to be branded, an animal ~~which~~ THAT is the property of another with ~~his~~  
23 ~~or her~~ THE PERSON'S, ASSOCIATION'S, OR CORPORATION'S brand or any  
24 brand ~~which~~ THAT is not the recorded brand of the owner or willfully and  
25 knowingly effaces, defaces, or obliterates ~~any~~ A brand or mark upon such  
26 an animal, ~~such~~ THE person or ~~any~~ THE officer or director of ~~any~~ such  
27 association or corporation commits a class 6 felony and shall be punished

1 as provided in section 18-1.3-401. ~~C.R.S.~~

2 **SECTION 114.** In Colorado Revised Statutes, **amend** 35-43-117  
3 as follows:

4 **35-43-117. Use of false brand - damages.** ~~Any~~ A person who  
5 brands or marks, or causes to be branded or marked, ~~any~~ AN animal ~~which~~  
6 THAT is the property of another with ~~his~~ THE PERSON'S brand or ~~any~~ A  
7 brand ~~which~~ THAT is not the recorded brand of the owner or effaces,  
8 defaces, or obliterates ~~any~~ A brand or mark upon ~~any~~ AN animal is guilty  
9 of theft and, upon conviction thereof, ~~shall be~~ IS liable to the owner  
10 ~~thereof~~ OF THE ANIMAL for three times the value of the animal so branded  
11 or marked or upon which the brand or mark has been effaced, defaced, or  
12 obliterated. Payment of the forfeiture provided in this section ~~shall~~ DOES  
13 not entitle the person so branding, effacing, defacing, or obliterating a  
14 brand to the property right in the animal so branded or upon which the  
15 brand was effaced, defaced, or obliterated, but such animal shall be  
16 surrendered to the proper owner.

17 **SECTION 115.** In Colorado Revised Statutes, 35-43-120, **amend**  
18 (1) as follows:

19 **35-43-120. Trespassing on lands - injuring resident - penalty.**  
20 (1) ~~It is the duty of any~~ A person owning or having charge of any drove  
21 of cattle, horses, or sheep, ~~who~~ when driving the same into or through any  
22 county of Colorado of which the owner is not a resident or landowner and  
23 where the land ~~in such county~~ is occupied and improved by settlers and  
24 ranchers, ~~to~~ SHALL prevent the same from mixing with the cattle, horses,  
25 or sheep belonging to the actual settlers and also ~~to~~ prevent said drove of  
26 cattle, horses, or sheep from trespassing on ~~such land as may be~~ THAT IS  
27 the property or in the possession of ~~the~~ AN actual settler and used by ~~him~~

1 THE SETTLER for the grazing of animals or the growing of hay or other  
2 crops or from doing injury to ditches.

3 **SECTION 116.** In Colorado Revised Statutes, 35-43-130, **amend**  
4 (1) as follows:

5 **35-43-130. Cattle in feedlots - penalty.** (1) A Colorado brand  
6 inspector shall inspect all cattle entering a Colorado custom feedlot for  
7 feeding under a custom contract if the cattle are not accompanied by a  
8 brand certificate or valid documentation of purchase listing all brands or  
9 no brands. In addition, all cattle entering Colorado for grazing purposes  
10 under a leased grazing agreement, owned by a nonresident, shall also be  
11 inspected by a duly authorized Colorado brand inspector. The brand  
12 inspector shall issue a certificate of inspection to the proven owner and  
13 a copy of such certificate to the custom feedlot operator or ranch manager  
14 after ownership is established and before the cattle are mixed with any  
15 other cattle or turned loose for grazing. Upon completion of the  
16 inspection, ~~said~~ THE inspector shall collect an inspection fee in the  
17 amount prescribed by the state board of stock inspection commissioners  
18 pursuant to section 35-41-104. If the cattle are carrying more than two  
19 consistent brands, the owner shall mark or brand all of ~~his~~ THE OWNER'S  
20 cattle with the same brand, with one of the two existing brands, with a  
21 brand of valid registry of the owner, OR with an ear tag specifically  
22 identifying each animal to a specific feedlot or otherwise identify the  
23 cattle as prescribed by the board. Evidence of this brand or permanent  
24 mark shall be shown on the certificate of inspection in addition to brands  
25 or no brands found on the inspected cattle for future reference of valid  
26 proven ownership. When ear tags are utilized, each ear tag ~~shall~~ MUST be  
27 legible and at least one inch in height and two inches in width.

1           **SECTION 117.** In Colorado Revised Statutes, 35-43-203, **amend**  
2 (1)(f) as follows:

3           **35-43-203. Requirements for slaughterer business.** (1) Every  
4 person carrying on the trade or business of a slaughterer of livestock in  
5 this state:

6           (f) Shall require any person from whom ~~he or she~~ THE PERSON  
7 purchases the carcass or any part ~~thereof~~ OF THE CARCASS, not inspected  
8 by a state brand inspector immediately prior to slaughter, to exhibit the  
9 hide as provided in section 35-43-207;

10           **SECTION 118.** In Colorado Revised Statutes, **amend** 35-43-208  
11 as follows:

12           **35-43-208. Person killing for own use.** Unless ~~the~~ A hide has  
13 been previously inspected and released by a duly authorized Colorado  
14 brand inspector, it is unlawful for any person to possess or to kill  
15 livestock to obtain any part of the animal for ~~his or her~~ THE PERSON'S own  
16 use without preserving the hide of ~~such~~ THE animal intact with a complete  
17 unskinned tail attached ~~thereto~~ for a period of not less than thirty days,  
18 during which period the hide shall be presented upon the demand of any  
19 person.

20           **SECTION 119.** In Colorado Revised Statutes, **amend** 35-43-210  
21 as follows:

22           **35-43-210. Inspection of hide.** The sheriff or deputy sheriff of  
23 ~~any~~ A county in this state and ~~any~~ A regular or special brand inspector  
24 appointed by the board ~~are hereby authorized and empowered to~~ MAY  
25 require ~~any~~ A person who kills for ~~his or her~~ THE PERSON'S own use and  
26 consumption any livestock to produce for inspection the hide of ~~any~~ such  
27 livestock ~~that has been killed~~ within thirty days unless the livestock has

1 been inspected and tagged prior to ~~such~~ THE demand for inspection. In the  
2 absence of the owner or proper corporate officer, the person in charge of  
3 the premises where the meat ~~then~~ is shall produce the hide for inspection  
4 upon demand.

5 **SECTION 120.** In Colorado Revised Statutes, **amend** 35-44-102  
6 as follows:

7 **35-44-102. Taking up estrays - notice.** ~~No~~ A person shall NOT  
8 take into ~~his~~ THE PERSON'S custody an estray animal unless the ~~same~~  
9 ANIMAL is found trespassing upon lands owned, leased, or otherwise  
10 controlled by ~~him~~ THE PERSON. The state board of stock inspection  
11 commissioners or an authorized brand inspector representing ~~said~~ THE  
12 board has authority to move such estray animal to a safe and practical  
13 place within the immediate vicinity to be held during the legal advertising  
14 period. When ~~any~~ A person takes into ~~his~~ THE PERSON'S custody an estray,  
15 within five days thereafter ~~he~~ THE PERSON shall ~~make-out~~ EXECUTE a  
16 written description of ~~such~~ THE animal, setting forth all marks or brands  
17 appearing upon such animal and other marks of identity, such as color,  
18 age, size, sex, and possible owner, and forward the same by mail to the  
19 state board of stock inspection commissioners in Denver or notify the  
20 nearest authorized brand inspector. ~~Any~~ A person having knowledge of  
21 ~~any~~ AN estray animal upon the public range may notify the state board of  
22 stock inspection commissioners, or any authorized brand inspector of ~~said~~  
23 THE board, giving a description of ~~said~~ THE estray, and upon instructions  
24 from the board of stock inspection commissioners, or from an authorized  
25 inspector of the board, ~~said~~ THE estray shall be held by ~~such~~ THE person  
26 to be turned over to a duly authorized inspector of ~~said~~ THE board for  
27 disposition as the board may direct according to law.



1           **SECTION 121.** In Colorado Revised Statutes, **amend** 35-44-103  
2 as follows:

3           **35-44-103. When estray returned to owner.** Upon receiving  
4 notice that ~~any~~ A person has taken into ~~his~~ THE PERSON'S custody ~~any~~ AN  
5 estray animal, ~~it is the duty of~~ the state board of stock inspection  
6 commissioners ~~to~~ SHALL make or cause to be made an examination of the  
7 state brand records, and, if from this record the name of the owner or  
8 probable owner can be determined, ~~it~~ THE BOARD shall forthwith notify  
9 ~~him~~ THE OWNER OR PROBABLE OWNER of the taking into custody of ~~such~~  
10 THE estray. Upon the owner proving OWNERSHIP to the satisfaction of the  
11 state board of stock inspection commissioners, ~~that the estray animal is~~  
12 ~~rightfully his~~, the state board shall issue to ~~him~~ THE OWNER an order to  
13 receive the same upon payment of any reasonable charges ~~which~~ THAT  
14 may have been incurred in the care of ~~said~~ THE animal.

15           **SECTION 122.** In Colorado Revised Statutes, **amend** 35-44-104  
16 as follows:

17           **35-44-104. Owner not found - advertisement.** If the brand  
18 commissioner appointed by the state board of stock inspection  
19 commissioners is unable to determine from the brand records and  
20 description who is the owner or probable owner of ~~any~~ A reported ~~estrays~~,  
21 ~~he~~ ESTRAY, THE BRAND COMMISSIONER shall cause notice showing a  
22 facsimile of the brand and other identifying characteristics carried by the  
23 estray to be posted in the offices of all county clerk and recorders, ~~and~~ IN  
24 licensed livestock markets, and in other conspicuous places in the area  
25 where ~~said~~ THE estray was found. ~~Said~~ THE livestock notice ~~shall~~ MUST  
26 state when and where the estray animal was taken into custody. In  
27 addition, the brand commissioner shall cause a notice giving a general

1 description of the estray to be placed in a local newspaper within the  
2 county where the estray is held, and ~~said~~ THE notice shall be carried in  
3 one regular issue only. Both notices ~~shall~~ MUST state that unless the  
4 animal is claimed by the legal owner within ten days after the publication  
5 or posting of the notice, whichever is later, then the ~~same~~ ANIMAL shall  
6 be sold by the state board of stock inspection commissioners for the  
7 benefit of the owner when found.

8 **SECTION 123.** In Colorado Revised Statutes, **amend** 35-44-105  
9 as follows:

10 **35-44-105. Sale of estrays.** If ~~said~~ AN estray animal is not claimed  
11 within ten days after the posting of AN estray notice, it shall be sold by the  
12 state board of stock inspection commissioners, through an authorized  
13 brand inspector of the board, in such manner as the board may direct. ~~It~~  
14 ~~is the duty of~~ The brand inspector making ~~such~~ THE sale ~~to~~ SHALL give a  
15 bill of sale to the purchaser from the state board of stock inspection  
16 commissioners, signed by ~~himself~~ THE BRAND INSPECTOR as inspector for  
17 the board, which bill of sale ~~shall be~~ IS legal evidence of the ownership  
18 of ~~said~~ THE animal by the purchaser ~~thereof~~ and ~~shall be~~ IS a legal and  
19 valid title to ~~said~~ THE animal.

20 **SECTION 124.** In Colorado Revised Statutes, **amend** 35-44-107  
21 as follows:

22 **35-44-107. Custody of estray - claimant.** When ~~any~~ A person  
23 takes into ~~his~~ THE PERSON'S custody ~~any~~ AN estray animal and sends a  
24 description of the same to the state board of stock inspection  
25 commissioners, ~~said~~ THE person ~~shall be entitled to~~ MAY hold ~~same~~ THE  
26 ESTRAY ANIMAL lawfully until relieved of its custody by the state board  
27 of stock inspection commissioners. ~~Should~~ IF a claimant for ~~said~~ THE

1     ESTRAY animal ~~apply~~ APPLIES to the person who has custody of the estray  
2     ANIMAL for possession of the same, the ~~said~~ person shall at once notify  
3     the state board of stock inspection commissioners in writing of such  
4     application, and, ~~should~~ IF the ~~said~~ board ~~be~~ IS satisfied that ~~said~~ THE  
5     applicant is the rightful owner, it shall forthwith issue an order  
6     authorizing ~~said~~ THE person ~~in~~ WITH custody to deliver the estray to the  
7     owner, who may be required to pay any reasonable charges made by ~~said~~  
8     THE person ~~in~~ WITH custody. In case of a controversy as to what  
9     constitutes a reasonable charge, the state board of stock inspection  
10    commissioners shall fix the amount. The time of service for which ~~said~~  
11    THE person may claim remuneration commences upon the date of  
12    notification made by the ~~said~~ person to the state board of stock inspection  
13    commissioners.

14           **SECTION 125.** In Colorado Revised Statutes, **amend** 35-44-111  
15    as follows:

16           **35-44-111. Concealing estray - penalty.** ~~Any~~ A person who  
17    conceals ~~any~~ AN estray found or taken into ~~his or her~~ THE PERSON'S  
18    custody, or effaces or changes ~~any~~ A mark or brand ~~thereon~~ ON AN  
19    ESTRAY, or carries ~~the same~~ AN ESTRAY beyond the limits of the county  
20    where found, or knowingly permits ~~the same~~ THE CONCEALMENT,  
21    EFFACING, OR CHANGING OF A MARK OR BRAND ON AN ESTRAY ANIMAL to  
22    be done, or neglects to notify or give information of ~~estrays~~ AN ESTRAY  
23    to the state board of stock inspection commissioners is guilty of a class 6  
24    felony and, upon conviction thereof, shall be punished as provided in  
25    section 18-1.3-401. ~~C.R.S.~~

26           **SECTION 126.** In Colorado Revised Statutes, 35-45-103, **amend**  
27    (1) as follows:

1           **35-45-103. District court has jurisdiction.** (1) Whenever a  
2 dispute arises as to which respective class of livestock has the better right  
3 to graze upon ~~any~~ A particular portion of ~~said~~ THE public domain, the  
4 district court of the county ~~wherein such~~ IN WHICH SOME OR ALL OF THE  
5 disputed area ~~or some part thereof~~ lies has jurisdiction to determine the  
6 matters in an action in equity for an injunction to be brought by ~~any~~ A  
7 person claiming such better right and against ~~any~~ A person violating or  
8 threatening to violate ~~any~~ such alleged better right. In all actions brought  
9 under the terms of this ~~article~~ ARTICLE 45, service of process may be  
10 made in person or by publication, ~~as provided by~~ AND SHALL BE  
11 CONDUCTED IN ACCORDANCE WITH rule 4 of the Colorado rules of civil  
12 procedure. ~~and the procedure shall be as provided by these rules.~~ The  
13 plaintiff may proceed against all unknown defendants the same as in an  
14 action in rem and may have said disputed area established either as a  
15 cattle or sheep range, as the case may be. In such action, if ~~any~~ A  
16 defendant disclaims or suffers a decree against ~~him~~ THE DEFENDANT by  
17 default, ~~no~~ costs shall NOT be taxed against ~~him~~ THE DEFENDANT. The  
18 court may in its discretion grant a temporary restraining order or a  
19 temporary injunction as in ordinary cases of suits for injunctions.

20           **SECTION 127.** In Colorado Revised Statutes, 35-45-109, **amend**  
21 (1) as follows:

22           **35-45-109. Range improvement fund - board of district**  
23 **advisers.** (1) All ~~moneys~~ MONEY paid to the counties shall be deposited  
24 with the county treasurer in a special fund to be known as the range  
25 improvement fund of district no. \_\_\_. The county treasurer of ~~any~~ A county  
26 in which a district is located ~~shall be~~ IS the ex officio district treasurer and  
27 custodian of ~~moneys~~ MONEY received and shall be liable upon ~~his~~ THE

1 COUNTY TREASURER'S official bond for all ~~moneys~~ MONEY deposited in  
2 ~~said~~ THE range improvement fund. The county treasurer, as ex officio  
3 district treasurer, shall pay out such money in ~~said~~ THE range  
4 improvement fund upon the warrant of the ~~chairman or vice-chairman~~  
5 CHAIR OR VICE-CHAIR of the district grazing advisory board or a board of  
6 district advisers established pursuant to subsection (2) of this section and  
7 after consultation with the district manager of the grazing district in  
8 which county the ~~moneys were~~ MONEY WAS deposited. ~~Said~~ THE district  
9 grazing advisory boards are established pursuant to Public Law 94-579  
10 (43 U.S.C. sec. 1753) or its successor, as may be established by the  
11 secretary of the interior pursuant to the "Federal Advisory Committee  
12 Act", Public Law 92-463 (86 Stat. 770; Title 5, App.).

13 **SECTION 128.** In Colorado Revised Statutes, 35-46-102, **amend**  
14 (2) as follows:

15 **35-46-102. Owner may recover for trespass.** (2) Whenever ~~any~~  
16 A person stocks land, not enclosed by a lawful fence, on which ~~such~~ THE  
17 person has a lawful right to pasture or forage livestock, with a greater  
18 number of livestock than ~~such~~ THE land can properly support or water and  
19 any of ~~such~~ THE livestock pasture, forage, or water on the lands of another  
20 person, in order to obtain the proper amount of pasture, forage, or water  
21 or whenever ~~any~~ A person stocks with livestock land on which ~~such~~ THE  
22 person has no lawful right to pasture or forage livestock and ~~such~~ THE  
23 livestock pasture, forage, or water on such land or on other land on which  
24 ~~such~~ THE person has no right to pasture or forage livestock, ~~he~~ THE  
25 PERSON shall be deemed a trespasser and shall be liable in damages and  
26 subject to injunction.

27 **SECTION 129.** In Colorado Revised Statutes, **amend** 35-46-103

1 as follows:

2 **35-46-103. Board of arbitration.** When ~~any~~ A person is  
3 trespassed upon or damaged by any livestock or takes into ~~his~~ THE  
4 PERSON'S custody any livestock under section 35-46-102, the claim for  
5 damages occasioned by ~~said~~ THE livestock may be arbitrated by a board  
6 of three arbitrators, at the option of the party aggrieved selecting one, the  
7 owner of the livestock selecting a second, and the two thus chosen  
8 selecting a third. ~~Said~~ THE CHOSEN arbitrators ~~so chosen~~ shall meet and  
9 act as a board of arbitration within five days after a written application  
10 FOR ARBITRATION is made ~~therefor~~ by either party and written notice  
11 given to the other party. ~~It is the duty of~~ The person ~~so taking into custody~~  
12 ~~such~~ THAT TAKES THE livestock ~~to~~ INTO CUSTODY SHALL notify in writing  
13 within five days after ~~the~~ taking THE LIVESTOCK into custody ~~thereof~~ the  
14 owner or person in charge of ~~such~~ THE livestock. If the owner or person  
15 in charge of ~~such~~ THE livestock is not known to the person taking the  
16 livestock into custody or cannot be found after diligent search and  
17 inquiry, then the person ~~so~~ taking custody of ~~such~~ THE livestock shall  
18 publish within one week a notice containing a full description of ~~such~~ THE  
19 livestock, including all marks and brands as nearly as can be ascertained,  
20 in a ~~paper~~ NEWSPAPER published nearest the place where the alleged  
21 damage occurred. In the event the owner of ~~such~~ THE livestock cannot be  
22 found within ten days after the date of the publication of ~~such~~ THE notice,  
23 the livestock ~~shall be~~ IS an estray and the state board of stock inspection  
24 commissioners ~~shall be~~ IS entitled to ~~said~~ THE livestock subject to the lien  
25 for damage sustained and cost and care and feeding of the same by the  
26 person taking ~~such~~ THE livestock into custody. Such person shall deliver  
27 the ~~same~~ LIVESTOCK to the owner ~~thereof~~ OF THE LIVESTOCK whenever

1 such owner furnishes the person so damaged by ~~such~~ THE livestock a  
2 bond in AN AMOUNT THAT IS double the amount of the damage claimed,  
3 executed by two responsible persons, ~~said bond to be~~ satisfactory to ~~such~~  
4 THE damaged party or approved by a county judge or district judge of  
5 ~~such~~ THE county, AND conditioned upon the payment to the person taking  
6 custody of ~~such~~ THE livestock all damages and costs, if any such damages  
7 or costs are awarded.

8 **SECTION 130.** In Colorado Revised Statutes, **amend** 35-46-104  
9 as follows:

10 **35-46-104. Finding of board - enforcement.** The finding of ~~said~~  
11 THE board of arbitration, when reduced to writing and signed by a  
12 majority of the members ~~thereof~~ OF THE BOARD, constitutes an obligation  
13 on the part of the person against whom the finding is made to pay to the  
14 aggrieved party the sum set forth in the finding of ~~said~~ THE board of  
15 arbitration. In the event the person against whom the finding of ~~such~~ THE  
16 board of arbitration is made fails, neglects, or refuses to pay to the  
17 aggrieved party the sum set forth in the finding of ~~said~~ THE board of  
18 arbitration within thirty days ~~from~~ AFTER the date of the written findings  
19 of ~~such~~ THE board, then the finding of ~~said~~ THE board of arbitration may  
20 be filed in ~~any~~ A court of record within the jurisdiction where the damage  
21 was sustained. The finding of ~~such~~ THE board so filed shall be deemed for  
22 the purposes of sections 35-46-101 to 35-46-110 a judgment of ~~said~~ THE  
23 court and execution may issue ~~thereon~~ ON THE JUDGMENT as by law  
24 provided in judgments of ~~said~~ THE court. The costs agreed upon to be  
25 incurred in ~~said~~ THE arbitration shall follow the findings as in suits at  
26 court. If the owner of any livestock makes a tender in money of all  
27 damages to the person claiming damages, the person claiming damages

1 shall pay all costs and expenses thereafter accruing unless ~~he~~ THE PERSON  
2 is awarded a larger amount than was tendered by the owner of such  
3 livestock.

4 **SECTION 131.** In Colorado Revised Statutes, **amend** 35-46-106  
5 as follows:

6 **35-46-106. Care of stock taken into custody.** ~~It is the duty of~~  
7 ~~Any~~ A person who takes ~~any animals~~ AN ANIMAL into custody under the  
8 provisions of this ~~article to~~ ARTICLE 46 SHALL feed and care for ~~such~~  
9 ~~animals~~ THE ANIMAL in a reasonable, careful, and prudent manner and  
10 keep the ~~same~~ ANIMAL in as good order and condition as when so taken  
11 into custody, ~~by the said party,~~ and ~~he shall be~~ THE PERSON IS liable for  
12 any damage occasioned by ~~his~~ THE PERSON'S failure to do so. For such  
13 feed and care ~~such~~ THE party ~~shall be entitled to~~ MAY recover from the  
14 owner of ~~such animals~~ THE ANIMAL a reasonable compensation, to be  
15 recovered as provided for the recovery of damages sustained.

16 **SECTION 132.** In Colorado Revised Statutes, **amend** 35-46-113  
17 as follows:

18 **35-46-113. Cost and repair - how recovered.** Partition fences  
19 between agricultural and grazing land shall be erected and also kept in  
20 repair at the joint cost of the owners of the respective adjoining tracts,  
21 except as otherwise agreed by such owners. If, after thirty days' written  
22 notice, served personally or by registered mail by either the owner or  
23 tenant of one tract upon the owner or tenant of the other tract, such other  
24 owner neglects or refuses to erect or repair one-half of the partition fence,  
25 the person giving notice may proceed to erect or repair the entire partition  
26 fence and collect by a civil action at law one-half the entire cost ~~thereof~~  
27 OF ERECTING OR REPAIRING THE PARTITION FENCE from the other owner.



1 ~~Any~~ A judgment obtained against the owner of ~~any~~ land for the value of  
2 ~~his~~ THE OWNER'S share of any such partition fence or the repair ~~thereof~~  
3 ~~shall be~~ OF THE PARTITION FENCE IS a lien upon ~~such~~ THE owner's land to  
4 which ~~such~~ THE fence is appurtenant, and a special execution may issue  
5 and be levied upon the land to which ~~such~~ THE fence is appurtenant, as in  
6 the manner now prescribed for the levying of an execution under the  
7 foreclosure of a mortgage upon real property. ~~Such~~ THE land may be sold  
8 under sheriff's sale for the purpose of satisfying ~~such~~ THE special  
9 execution in the same manner as is now provided for the foreclosure of  
10 mortgages on real property.

11 **SECTION 133.** In Colorado Revised Statutes, **amend** 35-47-102  
12 as follows:

13 **35-47-102. Duty of custodian - fees - recovery.** Where ~~said~~  
14 animals are in violation of section 35-47-101, ~~it is the duty of every~~ A  
15 sheriff or other peace officer of the county, on complaint of any person,  
16 ~~to~~ SHALL take custody of ~~such animals~~ THE ANIMAL and place ~~them~~ IT on  
17 feed and water. ~~He~~ THE SHERIFF OR OTHER PEACE OFFICER may appoint  
18 a custodian for such purpose and pay ~~such~~ THE custodian a fee of four  
19 dollars per day to be assessed as costs, and the owner or agent may give  
20 the sheriff or other PEACE officer a redelivery bond in sufficient sum for  
21 repossession of ~~his~~ THE OWNER'S OR AGENT'S stock, pending a court  
22 action. In cases where the owner or agent is known and has been  
23 convicted in court, the sheriff or other officer may dispose of such  
24 animals or sufficient numbers of them to pay for the fine and reasonable  
25 costs of feeding and other expenses in connection ~~therewith~~ WITH THE  
26 ANIMALS, after giving ten days' notice by posting three notices in public  
27 and conspicuous places. In cases where the owner of such animals is

1 unknown, the animals shall be taken up and disposed of by the state board  
2 of stock inspection commissioners or one of its duly authorized  
3 representatives, the same as other estrays as provided for by law.

4 **SECTION 134.** In Colorado Revised Statutes, 35-48-103, **amend**  
5 (2) as follows:

6 **35-48-103. Inferior bulls or rams - penalty.** (2) ~~Any~~ A person  
7 permitting cows of which ~~he~~ THE PERSON is the owner or agent of the  
8 owner to run at large upon the public ranges of this state shall furnish  
9 during breeding season at least one registered purebred bull of one of the  
10 recognized beef breeds, not less than eighteen months of age, for every  
11 twenty-five head of cows or fraction thereof over ten head so permitted  
12 to run at large in this state. ~~No~~ AN owner or agent of the owner shall NOT  
13 permit ~~any~~ A jersey, holstein, guernsey, ayrshire, or other bull THAT IS not  
14 registered or eligible for registration as one of the recognized beef breeds  
15 to run at large in this state under any pretense whatever, and, should any  
16 such bull break through any enclosure surrounded by a lawful fence, the  
17 owner of ~~such~~ THE animal ~~shall be~~ IS liable for all damages occasioned by  
18 such trespass.

19 **SECTION 135.** In Colorado Revised Statutes, 35-50-103, **amend**  
20 the introductory portion and (12) as follows:

21 **35-50-103. Definitions.** As used in this ~~article~~ ARTICLE 50, unless  
22 the context otherwise requires:

23 (12) "State veterinarian" means the state veterinarian of the  
24 Colorado department of agriculture or ~~his or her~~ THE STATE  
25 VETERINARIAN'S authorized representative.

26 **SECTION 136.** In Colorado Revised Statutes, 35-50-109, **amend**  
27 (10) as follows:

1           **35-50-109. Inspection and testing.** (10) Whenever in the opinion  
2 of the state veterinarian there exists within this state a livestock disease  
3 that ~~he or she~~ THE STATE VETERINARIAN is unable to diagnose or identify,  
4 the commissioner may call upon the veterinary department of Colorado  
5 state university to cause scientific investigation to be made to determine  
6 the exact character of ~~such~~ THE disease. Colorado state university may  
7 charge the actual and necessary direct expense of laboratory and  
8 diagnostic procedures connected ~~therewith~~ WITH THE INVESTIGATION.

9           **SECTION 137.** In Colorado Revised Statutes, **amend** 35-52-114  
10 as follows:

11           **35-52-114. Permit to be obtained.** Prior to the feeding of garbage  
12 to any swine located in the state of Colorado, the owner or feeder, as the  
13 case may be, shall first obtain a permit from the state agricultural  
14 commission. The applicant for a garbage feeding permit shall certify in  
15 the application that ~~he~~ THE APPLICANT has facilities for cooking garbage  
16 in one or more of the methods described in section 35-52-113 (2). The  
17 state agricultural commission ~~must~~ SHALL, within a reasonable time,  
18 ascertain that such facilities are as represented and, if the requirements of  
19 section 35-52-113 can be fulfilled, issue a permit to the applicant.

20           **SECTION 138.** In Colorado Revised Statutes, **amend** 35-53-102  
21 as follows:

22           **35-53-102. Duties of brand inspector.** ~~It is the duty of~~ The brand  
23 inspector, who shall be notified as provided in section 35-53-105 or shall  
24 be selected by the board of stock inspection commissioners, ~~to~~ SHALL  
25 inspect the brands and earmarks of any cattle, horses, or mules to be  
26 transported by rail, truck, or other conveyance from any point within this  
27 state to any point within or without the state or to be driven out of the

1 state and ~~to~~ SHALL make a report to the state board of stock inspection  
2 commissioners OF THE RESULT OF THE INSPECTION, which ~~he~~ THE BRAND  
3 INSPECTOR shall certify to as correct, ~~of the result of such inspection~~ at  
4 least once every thirty days or ~~oftener~~ MORE OFTEN if in the opinion of the  
5 board of stock inspection commissioners it is necessary to do so. ~~It is also~~  
6 ~~the duty of said~~ THE brand inspector ~~to~~ SHALL ALSO furnish to any person,  
7 firm, association, or corporation, or TO any agents, servants, or employees  
8 ~~thereof~~ OF ANY PERSON, FIRM, ASSOCIATION, OR CORPORATION, having  
9 cattle, horses, or mules destined to be so shipped or driven, a certificate  
10 to the effect that ~~he~~ THE BRAND INSPECTOR has duly inspected the brands  
11 and earmarks of ~~any such~~ THE cattle, horses, or mules enumerated and  
12 designated in the notice furnished ~~such~~ TO THE brand inspector.

13 **SECTION 139.** In Colorado Revised Statutes, 35-53-111, **amend**  
14 (1) as follows:

15 **35-53-111. Sanitary rules as to movement of livestock -**  
16 **quarantine - fees - penalty.** (1) The state agricultural commission may  
17 make and adopt such quarantine and sanitary regulations affecting the  
18 movement of livestock into and out of the state ~~of Colorado~~ and within  
19 the borders of ~~said~~ THE state as may from time to time be necessary to  
20 prevent the introduction into the state or the spread within the state of any  
21 contagious or infectious disease, and the expense of such quarantine  
22 measures and the carrying out of such regulations shall be made by the  
23 imposition of a fee of three cents per head on all cattle and horses and one  
24 and one-half cents per head on all sheep entering the state ~~of Colorado~~  
25 from any quarantine or infected territory. Whenever the state agricultural  
26 commission knows or has good reason to believe that ~~any~~ A contagious  
27 or infectious disease exists in ~~any~~ A locality in any other state, territory,

1 or country or that there are conditions ~~which~~ THAT render domestic  
2 animals from ~~such~~ AN infected district liable to bring such disease into  
3 ~~this~~ THE state, ~~it~~ THE COMMISSION may report the same to the governor ~~of~~  
4 ~~the state of Colorado~~ whereupon, by proclamation, ~~he~~ THE GOVERNOR  
5 shall prohibit the importation of any such livestock into this state, unless  
6 accompanied by a certificate of health given by the state veterinarian or  
7 sanitary inspectors appointed by the ~~state agricultural~~ commission, which  
8 veterinarian or sanitary inspectors shall carefully examine all such  
9 livestock previous to the giving of such certificate.

10 **SECTION 140.** In Colorado Revised Statutes, 35-52-113, **amend**  
11 (1) as follows:

12 **35-52-113. Garbage cooking.** (1) It is unlawful for any person,  
13 firm, partnership, or corporation, including ~~eleemosynary~~ CHARITABLE  
14 institutions, to feed garbage to animals unless ~~such~~ THE garbage has been  
15 heated throughout to boiling or equivalent temperature for thirty minutes  
16 or heated according to a method specifically ~~promulgated~~ ADOPTED by the  
17 state agricultural commission; ~~but~~ EXCEPT THAT this requirement ~~shall~~  
18 DOES not apply to an individual who feeds to ~~his~~ THE INDIVIDUAL'S own  
19 animals only the garbage obtained from ~~his~~ THE INDIVIDUAL'S household.

20 **SECTION 141.** In Colorado Revised Statutes, 35-53-115, **amend**  
21 (1) as follows:

22 **35-53-115. Inspection and transportation of hides - fee -**  
23 **records.** (1) It is unlawful for any person, firm, corporation, railroad  
24 company, or other common carrier to transport or cause to be transported  
25 within this state or beyond the limits of this state any hides that have not  
26 been inspected and tagged by a duly authorized brand inspector of the  
27 state board of stock inspection commissioners for the district in which

1 ~~such~~ THE hides are shipped. A certificate of inspection as provided for in  
2 section 35-53-102 ~~shall~~ MUST accompany all shipments and shall be  
3 exhibited by the carrier or ~~his or her~~ THE CARRIER'S agent at any time  
4 upon demand of any inspector or peace officer. For each hide thus  
5 inspected there shall be paid by the owner or holder thereof a fee in the  
6 amount prescribed by the board, pursuant to section 35-41-104, to the  
7 inspector before ~~he or she~~ THE INSPECTOR issues the hide inspection  
8 certificate authorizing the transportation of such hides.

9 **SECTION 142.** In Colorado Revised Statutes, **amend** 35-53-116  
10 as follows:

11 **35-53-116. Hides inspected - fee - seizure.** (1) In the event ~~any~~  
12 AN authorized brand inspector is making an inspection of hides or the  
13 inspection of ~~any~~ slaughtered carcasses, the hides from all such carcasses  
14 shall be exhibited to the inspector at the time of the inspection, and if the  
15 inspector is satisfied that the person, firm, or corporation is acting within  
16 the law, the inspector, in addition to furnishing the certificate, shall tag or  
17 mark the carcasses and hides in a manner to be designated by the state  
18 board of stock inspection commissioners as evidence that the same have  
19 been inspected. In any case where the inspector has reason to doubt the  
20 ownership of ~~any~~ A carcass or of ~~any~~ A hide, ~~he~~ THE INSPECTOR shall  
21 refuse to write the hide inspection certificate and ~~shall be authorized to~~  
22 MAY seize ~~any~~ such hide or ~~any~~ such carcass of beef and hold the same  
23 for proper proof of ownership and ~~to~~ dispose of the same as provided in  
24 sections 35-53-118 and 35-53-119.

25 (2) In the event that ~~any~~ AN authorized brand inspector is making  
26 ~~any~~ AN inspection of hides received at ~~any~~ A hide house, the owner or  
27 person in charge of ~~such~~ THE hide house shall exhibit any hides in ~~his~~ THE

1 OWNER'S OR PERSON'S possession and shall show proof of ownership  
2 evidenced by proper bill of sale showing the brand, if any, on the hide or  
3 by a brand inspection certificate issued by a brand inspector in the district  
4 at the point of origin of the hide. The inspector ~~is authorized to~~ MAY seize  
5 and impound any hides in the possession of any hide house that are not  
6 properly cleared for ownership by a valid bill of sale or brand inspection  
7 certificate and ~~to~~ dispose of the same as provided by law for the disposal  
8 of estrays.

9 **SECTION 143.** In Colorado Revised Statutes, **amend** 35-53-117  
10 as follows:

11 **35-53-117. Officer may inspect vehicle.** ~~Any~~ A duly authorized  
12 inspector, sheriff, deputy sheriff, or peace officer ~~is authorized to~~ MAY  
13 stop and inspect ~~any~~ A motor or other vehicle transporting or containing  
14 livestock, or the carcasses ~~thereof~~ OF LIVESTOCK, and demand from the  
15 person operating ~~said~~ THE motor or other vehicle the exhibition of a bill  
16 of sale, permit, or certificate. If ~~any~~ A person who transports or ~~who has~~  
17 ~~in possession said~~ POSSESSES livestock, or the carcasses ~~thereof~~ OF  
18 LIVESTOCK, is unable to exhibit to ~~such~~ AN inspector or peace officer ~~said~~  
19 A bill of sale, permit, or certificate, ~~said~~ THE inspector or peace officer ~~is~~  
20 ~~empowered to~~ MAY arrest, with or without warrant, ~~any such~~ THE person,  
21 ~~operating said motor or other vehicle,~~ to take possession of the ~~same~~  
22 MOTOR VEHICLE OR OTHER VEHICLE and the livestock or carcasses,  
23 ~~therein,~~ and ~~to~~ retain such possession until the person operating ~~such~~ THE  
24 motor VEHICLE or other vehicle can produce satisfactory evidence that ~~he~~  
25 THE PERSON, or the person, firm, or corporation for whom the ~~same is~~  
26 LIVESTOCK OR CARCASSES ARE being transported, is the lawful owner  
27 ~~thereof~~ OF THE LIVESTOCK OR CARCASSES or until ~~such~~ THE livestock or

1 the carcasses thereof, are disposed of as provided in sections 35-53-118  
2 and 35-53-119.

3 **SECTION 144.** In Colorado Revised Statutes, **amend** 35-53-118  
4 as follows:

5 **35-53-118. Officer may sell carcasses.** If ~~said~~ AN inspector or  
6 peace officer deems it necessary to sell ~~said~~ ANY carcasses ~~so~~ taken to  
7 prevent the loss of ~~same~~ THE CARCASSES by spoiling, ~~he is authorized to~~  
8 THE INSPECTOR OR PEACE OFFICER MAY do so, retaining the sale price  
9 ~~thereof~~ OF THE CARCASSES in ~~his~~ THE INSPECTOR'S OR PEACE OFFICER'S  
10 possession to be disposed of as provided in section 35-53-119.

11 **SECTION 145.** In Colorado Revised Statutes, **amend** 35-53-122  
12 as follows:

13 **35-53-122. Duty to exhibit permit.** ~~Any~~ A driver or other person  
14 in charge or control of ~~any~~ A truck, automobile, or other vehicle ~~so~~  
15 transporting or carrying live sheep, swine, goats, horses, mules, OR  
16 domestic fowl, or the carcasses ~~thereof~~ OF SUCH ANIMALS, upon demand  
17 of any peace officer of the state, ~~of Colorado~~, shall exhibit to ~~such~~ THE  
18 peace officer ~~his~~ THE DRIVER'S OR OTHER PERSON'S permit to carry ~~said~~  
19 THE livestock, ~~or~~ domestic fowl, or ~~the~~ carcasses ~~thereof~~, or, in lieu of  
20 EXHIBITING such A permit, ~~upon demand of such peace officer~~, shall make  
21 a written statement ~~which shall contain~~ THAT CONTAINS the same  
22 information as is specified in section 35-53-121.

23 **SECTION 146.** In Colorado Revised Statutes, **amend** 35-53-126  
24 as follows:

25 **35-53-126. Inspection at market - penalty.** All cattle that are  
26 subject to inspection in the state by virtue of any law or regulation, on  
27 arrival at any market, shall be inspected by a duly authorized brand



1 inspector, REGARDLESS OF whether ~~or not~~ they have been previously  
2 inspected at the point of origin, before they are taken to the scales for  
3 weighing or are weighed at ~~such~~ THE market unless ~~such~~ THE cattle are  
4 released by an authorized brand inspector. ~~Any~~ A person, whether acting  
5 ~~in his or her~~ ON THE PERSON'S own behalf or as an agent, servant, officer,  
6 or employee of ~~any~~ A person, firm, corporation, or association, who  
7 violates ~~any provisions of~~ this section commits a civil infraction.

8 **SECTION 147.** In Colorado Revised Statutes, 35-53-128, **amend**  
9 (1) as follows:

10 **35-53-128. Brand inspectors - powers of arrest.** (1) In addition  
11 to ~~his~~ ANY other duties, a duly appointed brand inspector ~~is authorized to~~  
12 MAY ride the ranges, pastures, and other localities within the state to  
13 protect the livestock industry of the state from depredations and theft.

14 **SECTION 148.** In Colorado Revised Statutes, **amend** 35-53-132  
15 as follows:

16 **35-53-132. Failure to give notice - penalty.** ~~Any~~ AN owner or  
17 ~~foreman~~ FOREPERSON who segregates, forms flocks of, transports, or  
18 drives any sheep from authorized inspection districts without giving due  
19 notice to an authorized inspector as required by section 35-53-131 (3)  
20 commits a petty offense.

21 **SECTION 149.** In Colorado Revised Statutes, 35-53.5-108,  
22 **amend** (2) as follows:

23 **35-53.5-108. Movement of cattle from certified feedlots -**  
24 **notice - inspection.** (2) All certified feedlots shall notify the local brand  
25 inspector of all anticipated shipments going directly to slaughter, giving  
26 the inspector ample notice to inspect or audit the shipment at ~~his or her~~  
27 THE INSPECTOR'S discretion during daylight hours.

1           **SECTION 150.** In Colorado Revised Statutes, 35-53.5-110,  
2   **amend** (3)(a) as follows:

3           **35-53.5-110. Audits - inspections - complaints.** (3) (a) ~~Any~~ A  
4   person having reasonable suspicion of a potential violation may request,  
5   directly to the brand commissioner or ~~his or her~~ THE BRAND  
6   COMMISSIONER'S designated agent, an inspection or audit of a specific  
7   certified feedlot or pen ~~therein. Such~~ IN THE FEEDLOT. THE request may  
8   be granted or denied based upon rules of the board governing such  
9   inspection or audit. The person requesting ~~such~~ THE audit ~~shall be~~ IS  
10  responsible for PAYING the board's fees and costs incurred in conducting  
11  the inspection or audit; except that, if any violations are proven as a result  
12  of the inspection or audit, ~~such~~ THE person shall be reimbursed from the  
13  penalties assessed pursuant to section 35-53.5-113.

14           **SECTION 151.** In Colorado Revised Statutes, 35-54-103, **amend**  
15  (2) as follows:

16           **35-54-103. Requirements of bill of sale.** (2) Both the seller and  
17  the buyer shall sign the bill of sale, giving the ~~post-office~~ MAILING  
18  address of each, in the presence of a witness who also signs with ~~his~~ THE  
19  WITNESS'S name and address and who is a legal resident of the county  
20  where the transfer of the described livestock takes place. The bill of sale  
21  shall be dated the day of the transaction.

22           **SECTION 152.** In Colorado Revised Statutes, **amend** 35-54-104  
23  as follows:

24           **35-54-104. Purchaser must show bill of sale.** ~~It is the duty of any~~  
25  A person who purchases or receives, or has in ~~his~~ THE PERSON'S  
26  possession, any ~~such~~ livestock, either for ~~himself~~ THE PERSON or for  
27  another, ~~to~~ SHALL exhibit, ~~on~~ AT THE reasonable request ~~to~~ OF any OTHER

1 person, ~~inquiring therefor~~, the bill of sale of such livestock if IT IS in his  
2 THE PERSON'S power to do so, ~~and~~ OR, if IT IS not in his THE PERSON'S  
3 power to do so, ~~to~~ THE PERSON SHALL state and give the reason ~~therefor~~.  
4 ~~Any~~ WHY. A person violating or failing to comply with ~~the provisions of~~  
5 this section shall be deemed guilty and liable to punishment as provided  
6 in section 35-54-102.

7 **SECTION 153.** In Colorado Revised Statutes, 35-54-105, **amend**  
8 (1) as follows:

9 **35-54-105. Selling without bill of sale - theft.** (1) ~~Any~~ A person  
10 who sells or offers for sale or trades any livestock upon which ~~such~~ THE  
11 person has not his THE PERSON'S recorded mark or brand, or for which the  
12 person so offering has neither bill of sale nor power of attorney from the  
13 owner of ~~such~~ THE livestock authorizing ~~such~~ THE sale, is guilty of theft,  
14 unless ~~such~~ THE person upon trial ~~shall establish and prove~~ ESTABLISHES  
15 that ~~he~~ THE PERSON was at the time the actual owner of the livestock so  
16 sold or traded, or offered for sale or trade, or that ~~he~~ THE PERSON acted by  
17 AT the direction of one proven to be the actual owner of such livestock.

18 **SECTION 154.** In Colorado Revised Statutes, 35-55-107, **amend**  
19 (1) introductory portion and (1)(c) as follows:

20 **35-55-107. Discipline of licensees - revocation, suspension,**  
21 **probation - letter of admonition.** (1) ~~Any~~ A violation of ~~the provisions~~  
22 ~~of~~ this article 55 or of ~~any~~ A rule adopted and published by the state board  
23 of stock inspection commissioners is deemed sufficient cause for the state  
24 board of stock inspection commissioners to revoke or suspend the license  
25 of the offending operator of the public livestock market or to place on  
26 probation the licensee, and the following are specific grounds for the  
27 imposition of any of the disciplinary actions specified in this introductory

1 portion:

2 (c) If the state board of stock inspection commissioners finds the  
3 licensee guilty of buying, receiving, or offering for sale any livestock  
4 known by ~~him~~ THE LICENSEE to be diseased or to have been exposed to  
5 infectious or contagious disease;

6 **SECTION 155.** In Colorado Revised Statutes, **amend** 35-55-111  
7 as follows:

8 **35-55-111. Records. Operators** ~~Operators~~ AN OPERATOR of ~~all~~ A public  
9 livestock ~~markets~~ MARKET shall keep on file an accurate record of the  
10 date on which a consignment of animals was received and sold, ~~together~~  
11 ~~with~~ INCLUDING the name and address of the buyer and seller, the number  
12 and species of the animals received and sold, and the marks and brands  
13 on each animal. ~~Said~~ THE OPERATOR SHALL MAKE SUCH records, ~~together~~  
14 ~~with the~~ INCLUDING gross selling prices, commission, and other proper  
15 care, handling, and sale charges on each consignment, ~~shall be~~ available  
16 for inspection by the executive officer of the state board of stock  
17 inspection commissioners, ~~his~~ THE EXECUTIVE OFFICER'S deputy, or AN  
18 authorized inspector. All records of sales during preceding months shall  
19 be kept readily accessible for immediate examination.

20 **SECTION 156.** In Colorado Revised Statutes, **amend** 35-55-114  
21 as follows:

22 **35-55-114. Title.** The operator of each public livestock market in  
23 ~~this~~ THE state shall warrant to the purchaser ~~thereof~~ OF SUCH A PUBLIC  
24 LIVESTOCK MARKET the title of all livestock sold through ~~his~~ THE  
25 OPERATOR'S public livestock market and ~~shall be~~ IS liable to the rightful  
26 owner ~~thereof~~ OF THE PUBLIC LIVESTOCK MARKET for the net proceeds in  
27 cash received for such livestock so sold. ~~It is the further duty of~~ IF such

1 AN operator ~~when~~ IS notified by the authorized brand inspector that there  
2 is a question as to whether any designated livestock sold through ~~said~~ THE  
3 PUBLIC LIVESTOCK market is lawfully owned by the consignor ~~thereof, to~~  
4 OF THE PUBLIC LIVESTOCK MARKET, THE OPERATOR SHALL hold the  
5 proceeds received from the sale of ~~said~~ THE livestock for a reasonable  
6 time, not to exceed thirty days, to permit the consignor to establish  
7 ownership. ~~and~~ If, at THE expiration of that time, the consignor fails to  
8 establish ~~his~~ THE CONSIGNOR'S lawful ownership of ~~such~~ THE livestock,  
9 ~~said~~ THE OPERATOR SHALL RELEASE THE proceeds ~~shall be released by~~  
10 ~~such operator~~ to the state board of stock inspection commissioners, which  
11 board ~~has authority to~~ MAY dispose of ~~said~~ THE proceeds in accordance  
12 with Colorado's estray laws relating to the distribution of estray money,  
13 and the board's receipt ~~therefor shall relieve said~~ OF THE PROCEEDS  
14 RELIEVES THE operator from further responsibility for ~~said~~ THE proceeds.  
15 ~~Proof of ownership and an account of all sales of livestock shall be~~  
16 ~~transmitted by~~ The authorized brand inspector SHALL TRANSMIT to the  
17 state board of stock inspection commissioners PROOF OF OWNERSHIP AND  
18 AN ACCOUNT OF ALL SALES OF LIVESTOCK.

19 **SECTION 157.** In Colorado Revised Statutes, **amend** 35-56-101  
20 as follows:

21 **35-56-101. Stock register.** ~~Any~~ A person licensed in this state to  
22 keep an auction where horses, mules, or cattle are sold at auction shall  
23 maintain a book, called a stock register, in which ~~he~~ THE PERSON shall  
24 describe minutely every animal ~~he~~ THE PERSON offers for sale.

25 **SECTION 158.** In Colorado Revised Statutes, **amend** 35-56-102  
26 as follows:

27 **35-56-102. Contents of register.** In ~~such~~ A STOCK register shall

1 be recorded the person's name who brings forward ~~such~~ AN animal for  
2 sale, REGARDLESS OF whether ~~or not he~~ THE PERSON is the owner of the  
3 ~~same~~ ANIMAL, and, if THE PERSON IS not the owner, the name of the  
4 owner, with ~~his~~ THE OWNER'S residence; also, the color, brand or marks,  
5 size, and age, as near as may be, of the animal so offered for sale SHALL  
6 BE RECORDED.

7 **SECTION 159.** In Colorado Revised Statutes, **amend** 35-56-103  
8 as follows:

9 **35-56-103. Registration fee.** The keeper of ~~such~~ AN auction ~~shall~~  
10 ~~be entitled to~~ MAY charge and receive for the registering of each animal  
11 so entered in ~~his~~ THE AUCTION KEEPER'S register, before ~~he~~ THE AUCTION  
12 KEEPER offers the ~~same~~ ANIMAL for sale, the sum of twenty-five cents. All  
13 stock registers shall be open for inspection ~~and reference to~~ BY any person  
14 who ~~may wish~~ WISHES to examine ~~the same~~ THEM and shall be evidence  
15 in any court where the trial of the right of property may be had.

16 **SECTION 160.** In Colorado Revised Statutes, 35-57.5-106,  
17 **amend** (1) introductory portion and (1)(d) as follows:

18 **35-57.5-106. Board - qualifications of members and alternates.**  
19 (1) Each member and alternate of the board ~~shall~~ MUST have the  
20 following qualifications, which ~~shall~~ QUALIFICATIONS MUST continue  
21 during ~~such~~ THE person's term of office:

22 (d) The person ~~shall have~~ HAS been actively engaged in the  
23 raising, breeding, or growing of sheep for a period of at least three years  
24 and ~~shall derive~~ DERIVES a substantial proportion of ~~his or her~~ THE  
25 PERSON'S income from that type of production or business.

26 **SECTION 161.** In Colorado Revised Statutes, **amend**  
27 35-57.5-112 as follows:

1           **35-57.5-112. Meetings.** The first board appointed shall meet as  
2 soon as practicable for the purpose of organizing. It shall elect a ~~chairman~~  
3 CHAIR from among its members and a secretary-treasurer who may or may  
4 not be from among its members. It shall adopt a general statement of  
5 policy for guidance and shall transact such other business as is necessary  
6 to start the work of the board. Thereafter, the board shall meet regularly  
7 once ~~each~~ EVERY three months or at such other times as called by the  
8 ~~chairman~~ CHAIR. The ~~chairman~~ CHAIR may call special meetings at any  
9 time and shall call a special meeting when requested by three or more  
10 members of the board.

11           **SECTION 162.** In Colorado Revised Statutes, 35-57.5-116,  
12 **amend** (3) as follows:

13           **35-57.5-116. License fee - expenditure of money.** (3) A  
14 producer or feeder who, by virtue of ~~his or her~~ THE PRODUCER'S OR  
15 FEEDER'S activities or circumstances, becomes a handler as defined in  
16 section 35-57.5-103 (4) or who sells, ships, or otherwise disposes of  
17 sheep to a person not subject to this ~~article~~ ARTICLE 57.5 shall forthwith  
18 remit to the authority an amount equal to the amount of fees that would  
19 otherwise have been payable under subsection (2) of this section.

20           **SECTION 163.** In Colorado Revised Statutes, 35-57.5-119,  
21 **amend** (5) as follows:

22           **35-57.5-119. Refunds - fraudulent and false claims - penalty.**  
23 (5) ~~The~~ A claim for refund shall be signed by the person who paid the  
24 assessment. ~~Any~~ A person who files a fraudulent or false claim for  
25 refund; or who, by any false pretenses, obtains or attempts to obtain a  
26 refund not legally due ~~him~~, TO THE PERSON; or who signs a refund claim  
27 in the name of and for another person commits theft, as defined in section

1 18-4-401, ~~C.R.S.~~, and shall be punished accordingly.

2 **SECTION 164.** In Colorado Revised Statutes, 35-57.9-103,  
3 **amend** (5) introductory portion and (5)(a) as follows:

4 **35-57.9-103. Authority of commissioner to deny access to**  
5 **information - redaction - exceptions.** (5) Nothing in this ~~article~~  
6 ARTICLE 57.9 shall:

7 (a) Preclude a person in interest from accessing ~~his or her~~ THE  
8 PERSON'S own information;

9 **SECTION 165.** In Colorado Revised Statutes, **amend**  
10 35-57.9-104 as follows:

11 **35-57.9-104. Restrictions on information in databases -**  
12 **definition.** (1) ~~Any~~ A database created by the department that contains  
13 specific operational details that constitute confidential commercial data  
14 pursuant to section 24-72-204 ~~C.R.S.~~, shall not be merged or shared with  
15 any state, federal, or foreign government, industry partner, or other  
16 database that would modify the provisions with respect to how specific  
17 operational details that constitute confidential commercial data may be  
18 disseminated pursuant to section 35-57.9-103. Such data includes  
19 ownership, numbers, locations, and movements of livestock; financial  
20 information; the purchase and sale of livestock; account numbers or  
21 unique identifiers issued by government or private entities; operational  
22 protocols; and participation in an all-hazards security system; except that  
23 data within any all-hazards security system may be shared for response to  
24 or participation in any all-hazards event limited to the scope of each  
25 individual all-hazards event and to the scope of only those agencies  
26 directly involved in the all-hazards event.

27 (2) As used in this section, "all-hazards event" means the



1 occurrence of ~~any~~ A catastrophic event or incident that is either natural,  
2 such as a blizzard, fire, flood, tornado, earthquake, or disease outbreak,  
3 or ~~man-made~~ HUMAN-MADE and that could be of biological, chemical,  
4 radiological, nuclear, or explosive origin.

5 **SECTION 166.** In Colorado Revised Statutes, 35-60-103, **amend**  
6 (1) as follows:

7 **35-60-103. Commercial feed registration - rules.** (1) ~~No~~ A  
8 person shall NOT manufacture commercial feed within the state, or allow  
9 ~~his or her~~ THE PERSON'S name to appear on the label of a commercial feed  
10 as guarantor, without first registering with the department. Such  
11 registration ~~shall expire~~ EXPIRES on the date specified by the  
12 commissioner by rule and may be renewed annually.

13 **SECTION 167.** In Colorado Revised Statutes, 35-60-112, **amend**  
14 (1) and (3) as follows:

15 **35-60-112. Penalties.** (1) ~~Any~~ A person ~~violating any of the~~  
16 ~~provisions of~~ WHO VIOLATES this ~~article~~ ARTICLE 60 or who impedes,  
17 hinders, or otherwise prevents, or attempts to prevent, the commissioner  
18 or THE COMMISSIONER'S duly authorized agent in the performance of ~~his~~  
19 ~~or her~~ THE COMMISSIONER'S OR AGENT'S duty in connection with this  
20 ~~article~~ ARTICLE 60 is guilty of a misdemeanor and, upon conviction  
21 thereof, shall be fined not less than one hundred dollars nor more than  
22 two hundred fifty dollars or, upon a subsequent conviction, not less than  
23 two hundred dollars nor more than five hundred dollars.

24 (3) ~~It shall be the duty of~~ Each district attorney to whom ~~any~~ A  
25 violation is reported ~~to~~ SHALL cause appropriate proceedings to be  
26 instituted and prosecuted in a court of competent jurisdiction without  
27 delay. Before the commissioner reports a violation for prosecution, the

1 commissioner shall allow an opportunity for the alleged violator to  
2 present ~~his or her~~ THE ALLEGED VIOLATOR'S view to the commissioner.

3 **SECTION 168.** In Colorado Revised Statutes, **amend** 35-60-115  
4 as follows:

5 **35-60-115. Publications.** The commissioner shall publish at least  
6 annually, in such form as ~~he or she~~ THE COMMISSIONER may deem proper  
7 and in accordance with ~~the provisions of~~ section 24-1-136, ~~C.R.S.~~,  
8 information concerning the sales of commercial feeds, together with such  
9 data on their production and use as the commissioner may consider  
10 advisable, and a report of the results of the analyses of official samples  
11 of commercial feeds sold within the state as compared with the analyses  
12 on the label, but the information concerning production and use of  
13 commercial feeds ~~shall~~ MUST not disclose the operations of any person.

14 **SECTION 169.** In Colorado Revised Statutes, 35-61-103, **amend**  
15 (1)(c) as follows:

16 **35-61-103. Industrial hemp advisory committee -**  
17 **appointments - duties - coordination with commission.** (1) (c) Each  
18 committee member holds office until ~~his or her~~ THE MEMBER'S term of  
19 office expires or until a successor is duly appointed. If a vacancy occurs  
20 on the board, the appointing authorities shall appoint a new member  
21 meeting the qualifications of the member vacating the position to serve  
22 the remainder of the unexpired term of the member.

23 **SECTION 170.** In Colorado Revised Statutes, 35-61-110, **amend**  
24 (6)(a) as follows:

25 **35-61-110. Record-keeping requirements.** (6) Nothing in this  
26 article 61:

27 (a) Precludes a person in interest from accessing ~~his or her~~ THE

1 PERSON'S own information;

2 **SECTION 171.** In Colorado Revised Statutes, 35-61-114, **amend**

3 (1) as follows:

4 **35-61-114. Inspections - investigations - access - subpoenas.**

5 (1) The commissioner, upon ~~his or her~~ THE COMMISSIONER'S own motion  
6 or upon the complaint of any person, may make any investigations  
7 necessary to ensure compliance with this article 61.

8 **SECTION 172.** In Colorado Revised Statutes, 35-65-401, **amend**

9 (8.5) as follows:

10 **35-65-401. Colorado state fair authority - creation - board -**

11 **powers and duties - repeal.** (8.5) All thirteen members of the board,

12 including the commissioner of agriculture or ~~his or her~~ THE  
13 COMMISSIONER'S designee, ~~shall be~~ ARE voting members of the board.

14 The members of the board shall elect a chair, a vice-chair, and a secretary  
15 from among the membership of the board. Board action ~~shall require~~  
16 REQUIRES the affirmative vote of a majority of a quorum of the board.

17 **SECTION 173.** In Colorado Revised Statutes, 35-70-103, **amend**

18 (3)(a) as follows:

19 **35-70-103. State conservation board - composition - powers.**

20 (3) (a) Any vacancies occurring in the elective positions on the state  
21 board shall be filled by the STATE board by the appointment of a person  
22 who would be qualified to stand for election for the STATE board and who  
23 is from the same area in which the vacancy occurred, and ~~such~~ THE  
24 appointee shall hold office until the expiration of the term of the office to  
25 which ~~he~~ THE APPOINTEE was appointed.

26 **SECTION 174.** In Colorado Revised Statutes, 35-70-107, **amend**

27 (3) and (4) as follows:

1           **35-70-107. Board of supervisors - election - term.** (3) Members  
2 of the board of supervisors ~~shall be~~ ARE entitled to travel EXPENSES and  
3 other expenses necessarily incurred in the discharge of their duties, such  
4 reimbursement to be payable only from the income of the district. ~~No~~ A  
5 supervisor ~~shall be~~ IS NOT personally liable for the consequences of ~~his~~  
6 THE SUPERVISOR'S official acts. ~~nor shall he~~ A SUPERVISOR SHALL NOT  
7 receive, by virtue of ~~his~~ THE SUPERVISOR'S office, any benefits from the  
8 conduct of the affairs of the district other than the benefits ~~any~~ A  
9 landowner may be entitled to receive from the operation of the district.

10           (4) If a vacancy occurs on the board of supervisors, the remaining  
11 supervisors shall appoint a successor for the remainder of the term of the  
12 seat vacated. In the event ~~any~~ A supervisor ceases to be a qualified voter  
13 of and landowner in the district or the corporation ~~which he~~ THAT THE  
14 SUPERVISOR represents ceases to be an owner of lands within the district,  
15 the supervisors shall ~~thereupon~~ declare a vacancy and proceed to appoint  
16 a successor.

17           **SECTION 175.** In Colorado Revised Statutes, 35-70-110, **amend**  
18 (1) and (6) as follows:

19           **35-70-110. Appeals to state board.** (1) ~~If~~ The owner of any  
20 lands within the district ~~desires, he~~ may appeal from any decision of the  
21 supervisors to the state board. To establish such an appeal, ~~he~~ THE OWNER  
22 must submit ~~his~~ THE OWNER'S appeal in writing to the state board within  
23 thirty days after the date of the action of the supervisors ~~from~~ TO which  
24 the appeal ~~was taken~~ IS DIRECTED. The notice of appeal ~~shall~~ MUST state  
25 the ~~particular~~ SPECIFIC part of the decision of the supervisors ~~from~~ TO  
26 which ~~an~~ THE appeal is ~~being taken~~ DIRECTED, if less than the entire  
27 decision is being appealed, ~~from,~~ and ~~shall~~ MUST state in simple and

1 concise language the reasons why the owner considers the decision to be  
2 improper.

3 ~~(6) No action shall lie in any~~ A court of law to SHALL NOT set  
4 aside or alter the final decision of the state board unless the petitioner or  
5 plaintiff ~~therein~~ alleges and shows to the court that the supervisors, in the  
6 rules or decision complained of, were guilty of gross carelessness or  
7 abuse of discretion. ~~nor shall any~~ A COURT SHALL NOT MAINTAIN AN  
8 action ~~be maintained in such behalf~~ TO SET ASIDE OR ALTER A FINAL  
9 DECISION OF THE STATE BOARD unless the petitioner or plaintiff ~~therein~~  
10 alleges and shows to the court that ~~he~~ THE PETITIONER OR PLAINTIFF has  
11 exhausted all rights of appeal provided in this section.

12 **SECTION 176.** In Colorado Revised Statutes, 35-70-115, **amend**  
13 (1)(a), (3), and (7)(f) as follows:

14 **35-70-115. Additions and withdrawals.** (1) (a) If ~~any~~ AN owner  
15 of lands adjoining or in the immediate vicinity of the boundary of an  
16 established conservation district desires to have ~~his or her~~ THE OWNER'S  
17 lands included within the district, the owner may petition the supervisors  
18 of the district, stating the legal description of the lands affected and the  
19 reasons why it is desired to have ~~such~~ THE lands included within the  
20 district and shall accompany the petition with two maps showing the outer  
21 boundaries of the lands petitioned to be included within the district.

22 (3) If a majority of the votes cast are against ~~such inclusion~~  
23 INCLUDING THE LANDS WITHIN THE CONSERVATION DISTRICT, the state  
24 board shall record the fact in its minutes, and the election shall adjourn;  
25 ~~but~~ EXCEPT THAT, if a majority of the votes cast are in favor of such  
26 inclusion, the state board shall note that fact in its minutes and shall  
27 certify to the director of the division of local government in the

1 department of local affairs the fact that such additional lands have been  
2 included within such district, and the director of ~~said division~~ shall issue  
3 ~~his~~ A certificate describing the legal boundaries of the lands and stating  
4 that ~~such~~ THE land has been added to and included within the district.

5 (7) In the event that any lands included within a district cease to  
6 be used for agricultural purposes and are thereafter devoted exclusively  
7 to commercial or industrial uses or other uses related to urban  
8 development, or are subdivided for residential purposes, or become a part  
9 of the area included within an incorporated municipality, such lands may  
10 be withdrawn from a conservation district as follows:

11 (f) ~~Said~~ THE notice DESCRIBED IN SUBSECTION (7)(e) OF THIS  
12 SECTION shall be published in one issue of a newspaper of general  
13 circulation published within the district from which ~~such~~ THE lands are to  
14 be withdrawn, and, if there is no such newspaper within ~~said~~ THE district,  
15 one publication in a newspaper of general circulation throughout the state  
16 shall be sufficient. ~~Said~~ THE notice shall also be posted in a conspicuous  
17 place in the conservation district office of the district from which such  
18 lands are to be withdrawn. ~~The written notice or, if notice is given by~~  
19 ~~publication,~~ Both the publication and the posted notice shall state the  
20 reasons for the withdrawal and the date on which the withdrawal becomes  
21 final and shall describe the lands to be withdrawn with such certainty as  
22 to enable a property owner to determine whether ~~his or her~~ THE PROPERTY  
23 OWNER'S property is included in such lands.

24 **SECTION 177.** In Colorado Revised Statutes, 35-72-102, **amend**  
25 (2) and (3) as follows:

26 **35-72-102. Duty of landowner - liability for damage.** (2) ~~Any~~  
27 AN owner or occupier who sustains damages to ~~his~~ property, including

1 but not limited to crops, grasslands, fences, fencerows, irrigation canals,  
2 ditches, or livestock, proximately caused by the failure of ~~any other~~ AN  
3 owner or occupier of other land to discharge ~~his~~ THE OTHER OWNER'S duty  
4 to prevent soil blowing from land ~~he~~ THE OTHER OWNER owns or occupies  
5 may recover actual damages from the other owner or occupier by bringing  
6 an action in any court of competent jurisdiction.

7 (3) ~~Any~~ A unit of state government or ~~any~~ AN agency of the state  
8 or federal government ~~which~~ THAT sustains damages to ~~any of~~ its  
9 property, including ~~but not limited to~~ roads, barrow ditches, or fences,  
10 proximately caused by the failure of an owner or occupier OF LAND to  
11 discharge ~~his~~ THE OWNER'S OR OCCUPIER'S duty to prevent soil blowing  
12 from THE land ~~he owns or occupies~~ may recover actual damages from  
13 ~~such~~ THE owner or occupier by bringing an action in any court of  
14 competent jurisdiction.

15 **SECTION 178.** In Colorado Revised Statutes, 35-72-103, **amend**  
16 (2) as follows:

17 **35-72-103. Action by county commissioners - emergency**  
18 **conditions.** (2) Notice of ~~such~~ THE citation shall be given by personal  
19 communication, if possible, and by mailing a copy ~~thereof~~ OF THE  
20 CITATION by registered mail addressed to each of the persons to whom the  
21 citation is directed at the address as shown on the records of the county  
22 assessor; otherwise, service of such citation shall be made as provided by  
23 the Colorado rules of civil procedure for the service of summons. Such  
24 citation shall also be posted in a public place in the county courthouse in  
25 the county in which said land is located. If such treatment is not  
26 commenced on or before three days or within such greater time as may be  
27 specified in such citation after the date of such personal communication,

1 mailing, and posting or the service of notice as provided in this subsection  
2 (2), or if the treatment is not performed in the manner and to the extent  
3 specified in the citation and ~~in a workmanlike manner and~~ with due  
4 diligence, or if, prior to the expiration of the date fixed in said citation,  
5 the persons to whom said citation is directed advise the board that they do  
6 not intend to or cannot accomplish the work so directed, the board may  
7 cause such treatment to be performed in accordance with such citation.

8 **SECTION 179.** In Colorado Revised Statutes, 35-72-105, **amend**  
9 (2) as follows:

10 **35-72-105. Method of assessment.** (2) Upon delivery of ~~said~~ A  
11 resolution to ~~the~~ AN assessor, ~~he~~ THE ASSESSOR shall extend the ~~same~~  
12 RESOLUTION upon the assessment rolls, and ~~said~~ THE assessment shall  
13 ~~thereupon~~ become a part of the general taxes and constitute a lien against  
14 ~~said~~ THE land as set forth in ~~said~~ THE resolution and shall thereafter  
15 become due in the same manner and be collected in the same manner as  
16 the general ad valorem property tax. ~~Such~~ THE assessment may be paid  
17 at any time before general taxes become due and payable. All of the  
18 provisions of the general laws for the enforcement of the collection of  
19 taxes ~~shall be~~ ARE applicable ~~thereto~~ after the extension by the assessor.

20 **SECTION 180.** In Colorado Revised Statutes, **amend** 35-72-106  
21 as follows:

22 **35-72-106. Judicial review.** ~~Any~~ A landowner aggrieved at the  
23 amount of the assessment against ~~his~~ THE LANDOWNER'S land may bring  
24 an action in the district court of the county in which the land is situated  
25 to test the validity of the assessment or to enjoin its collection, but such  
26 action must be brought within thirty days after the assessment is made and  
27 the copy of the resolution of the board is mailed as provided in section



1 35-72-105 and cannot be brought thereafter.

2 **SECTION 181.** In Colorado Revised Statutes, 35-75-105, **amend**  
3 (1)(a) and (4) as follows:

4 **35-75-105. Organization meeting - chair - personnel - surety**  
5 **bond - conflict of interest.** (1) (a) The member of the board appointed  
6 by the governor shall call and convene the initial organizational meeting  
7 of the board and shall serve as its ~~chairman~~ CHAIR pro tempore. At such  
8 meeting, appropriate bylaws shall be presented for adoption. The bylaws  
9 may provide for the election or appointment of officers, the delegation of  
10 certain powers and duties, and such other matters as the authority deems  
11 proper. At ~~such~~ THE meeting, and annually thereafter, the board shall elect  
12 one of its members as ~~chairman~~ CHAIR and one as ~~vice-chairman~~  
13 VICE-CHAIR.

14 (4) Before the issuance of any bonds under this ~~article~~ ARTICLE 75,  
15 the executive officer and associate executive officer shall each execute a  
16 surety bond in the sum of one hundred thousand dollars, and each  
17 member of the board shall execute a surety bond in the sum of fifty  
18 thousand dollars or, in lieu thereof, the ~~chairman~~ CHAIR of the board shall  
19 execute a blanket bond covering each member of the board, the executive  
20 officer, the associate executive officer, and the employees of the  
21 authority, each surety bond to be conditioned upon the faithful  
22 performance of the duties of the office covered, to be executed by a surety  
23 authorized to transact business in this state as surety. The cost of ~~each~~  
24 ~~such~~ THE bond shall be paid by the authority.

25 **SECTION 182.** In Colorado Revised Statutes, **amend** 35-75-119  
26 as follows:

27 **35-75-119. Investment powers of authority.** The authority ~~has~~

1 ~~the power to~~ MAY invest any ~~funds~~ MONEY held in reserve, sinking funds,  
2 capital reserve funds, or any funds not required for immediate  
3 disbursement in property or in securities in which the state treasurer may  
4 legally invest ~~funds~~ MONEY subject to ~~his~~ THE STATE TREASURER'S  
5 control; ~~and to~~ sell from time to time such securities thus purchased and  
6 held; and ~~to~~ deposit any securities in any A trust bank within or without  
7 the state. In addition, the authority ~~has the power to~~ MAY invest any such  
8 ~~funds~~ THE MONEY in unsecured promissory notes of a national bank  
9 having the highest investment ratings. Any ~~funds~~ MONEY deposited in a  
10 banking institution shall be secured in such manner and subject to such  
11 terms and conditions as the board may determine, with or without  
12 payment of any interest on such deposit, including, without limitation,  
13 time deposits evidenced by certificates of deposit. Any A commercial  
14 bank incorporated under the laws of this state ~~which~~ THAT may act as a  
15 depository of any ~~funds~~ THE MONEY of the authority may issue  
16 indemnifying bonds or may pledge such securities as may be required by  
17 the board.

18 **SECTION 183.** In Colorado Revised Statutes, **amend** 35-75-122  
19 as follows:

20 **35-75-122. Enforcement of rights of bondholders.** Any A holder  
21 of bonds issued pursuant to this ~~article~~ ARTICLE 75 or a trustee under a  
22 trust agreement or trust indenture entered into pursuant to this ~~article~~  
23 ARTICLE 75, except to the extent that ~~his~~ THE BOND HOLDER'S OR  
24 TRUSTEE'S rights are restricted by any bond resolution, may protect and  
25 enforce, by any suitable form of legal proceedings, any rights under the  
26 laws of this state or granted by the bond resolution. Such rights include  
27 the right to compel the performance of all duties of the authority required

1 by this ~~article~~ ARTICLE 75 or the bond resolution and to enjoin unlawful  
2 activities.

3 **SECTION 184.** In Colorado Revised Statutes, 35-80-108, **amend**  
4 (3) as follows:

5 **35-80-108. Unlawful acts - short title - disclosure requirement**  
6 **- definition.** (3) It is ~~unlawful and~~ a violation of this ~~article~~ ARTICLE 80  
7 for ~~any~~ AN employee or official of the department or ~~any~~ A person  
8 designated by the commissioner pursuant to section 35-80-109 (6) to  
9 disclose or use for ~~his or her~~ THE EMPLOYEE'S, OFFICIAL'S, OR PERSON'S  
10 own advantage any information derived from ~~any~~ THE reports or records  
11 submitted to the department pursuant to section 35-80-110 or to reveal  
12 such information to anyone except authorized persons, including officials  
13 or employees of the state, the federal government, and the courts of this  
14 or other states.

15 **SECTION 185.** In Colorado Revised Statutes, 35-80-110, **amend**  
16 (1), (2), (4), and (5)(d)(I) as follows:

17 **35-80-110. Inspections - investigations - access - subpoena -**  
18 **duty to report suspected animal cruelty or animal fighting -**  
19 **immunity.** (1) The commissioner, upon ~~his or her~~ THE COMMISSIONER'S  
20 own motion or upon the complaint of any person, may make any  
21 investigations necessary to ensure compliance with this ~~article~~ ARTICLE  
22 80.

23 (2) Complaints of record made to the commissioner and the results  
24 of ~~his or her~~ THE COMMISSIONER'S investigations may, ~~in~~ AT the discretion  
25 of the commissioner, be closed to public inspection, except to the person  
26 in interest, as defined in section 24-72-202 (4), ~~C.R.S.~~, or as provided by  
27 court order, during the investigatory period and until dismissed or until

1 notice of hearing and charges are served on a licensee.

2 (4) The commissioner ~~shall have full authority to~~ MAY administer  
3 oaths and take statements; issue subpoenas requiring the attendance of  
4 witnesses before ~~him or her~~, THE COMMISSIONER and require the  
5 production of all books, memoranda, papers and other documents,  
6 articles, or instruments; and ~~to~~ compel the disclosure by such witnesses  
7 of all facts known to them relative to the matters under investigation.  
8 Upon the failure or refusal of ~~any~~ A witness to obey ~~any~~ A subpoena, the  
9 commissioner may petition the district court, and, upon a proper showing,  
10 the court may enter an order compelling the witness to appear and testify  
11 or produce documentary evidence. Failure to obey such an order of the  
12 court ~~shall be~~ IS punishable as a contempt of court.

13 (5) (d) (I) If the commissioner or the commissioner's designee ~~in~~  
14 ~~good faith~~ reports IN GOOD FAITH a suspected incident of animal cruelty  
15 or animal fighting to the proper authorities in accordance with this  
16 subsection (5), ~~he or she~~ THE COMMISSIONER OR THE COMMISSIONER'S  
17 DESIGNEE is immune from liability in any civil or criminal action brought  
18 in connection with the report.

19 **SECTION 186.** In Colorado Revised Statutes, 35-80-111, **amend**  
20 (2)(a) as follows:

21 **35-80-111. Enforcement - cease-and-desist orders - hearings.**

22 (2) (a) Whenever the commissioner has reasonable cause to believe a  
23 violation of ~~any~~ A provision of this ~~article~~ ARTICLE 80 or ~~any~~ A rule  
24 ~~promulgated~~ ADOPTED pursuant to this ~~article~~ ARTICLE 80 has occurred  
25 and immediate enforcement is deemed necessary, ~~he or she~~ THE  
26 COMMISSIONER may issue a cease-and-desist order, which may require  
27 ~~any~~ A person to cease violating ~~any~~ A provision of this ~~article~~ ARTICLE 80

1 or any A rule promulgated ADOPTED pursuant to this article. Such ARTICLE  
2 80. THE cease-and-desist order shall MUST set forth the provisions alleged  
3 to have been violated, the facts alleged to have constituted the violation,  
4 and the requirement that all actions cease forthwith. At any time after  
5 service of the order to cease and desist, the person may request, at such  
6 THE person's discretion, a prompt hearing to determine whether or not  
7 such THE violation has occurred. Such THE hearing shall be conducted  
8 pursuant to the provisions of article 4 of title 24 C.R.S., and shall be  
9 determined CONDUCTED promptly.

10 SECTION 187. In Colorado Revised Statutes, 35-80-115, amend  
11 (3) as follows:

12 35-80-115. Advisory committee. (3) In the event of a vacancy  
13 on the advisory committee prior to the completion of the A member's full  
14 term, the commissioner shall appoint a person to complete the remainder  
15 of the term. Such THE person shall represent the same group as the  
16 member he or she THE PERSON is replacing, pursuant to subsection (1) of  
17 this section.

18 SECTION 188. Act subject to petition - effective date. This act  
19 takes effect at 12:01 a.m. on the day following the expiration of the  
20 ninety-day period after final adjournment of the general assembly; except  
21 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
22 of the state constitution against this act or an item, section, or part of this  
23 act within such period, then the act, item, section, or part will not take  
24 effect unless approved by the people at the general election to be held in  
25 November 2026 and, in such case, will take effect on the date of the  
26 official declaration of the vote thereon by the governor.