

## CHAPTER 24

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**AGRICULTURE**


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**HOUSE BILL 25-1084**

BY REPRESENTATIVE(S) McCormick, Martinez, Bacon, Boesenecker, Brown, Camacho, Clifford, Duran, Froelich, Garcia, Joseph, Lindsay, Mauro, Paschal, Rutinel, Rydin, Sirota, Smith, Titone, Valdez, Woodrow, McCluskie;  
also SENATOR(S) Marchman and Simpson, Bridges, Roberts, Kipp, Michaelson Jenet, Winter F.

**AN ACT**

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

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

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

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

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

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

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

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

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

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

**35-1-109. Employees interchangeable.** ~~It is the duty of~~ The commissioner of agriculture in the administration of his department to ~~so~~ SHALL organize the same DEPARTMENT SO that all employees of the department, so far as possible, ~~shall be~~ ARE interchangeable in work assignment to the end so that they may be shifted within the department so as to meet seasonal and emergency demands upon any division or section of the department and SO THAT the number of such help EMPLOYEES IS kept to a minimum possible for efficient operation.

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

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

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

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

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

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

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

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

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

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

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

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

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

**35-3.5-102. Agricultural operation deemed not nuisance - state agricultural commission - attorney fees - exceptions.** (7) A local government may adopt an ordinance or pass a resolution that provides additional protection for agricultural

operations; except that ~~no~~ such AN ordinance or resolution shall NOT prevent an owner from selling ~~his or her~~ THE OWNER'S land or prevent or hinder the owner in seeking approval to put the land into alternative use.

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

**35-4-107. Inspections - notice - treatment - collection of costs.** (3) Upon payment by the board of county commissioners of any cost and expense of treating pest infestation or infection in accordance with subsection (2) of this section, the county shall demand in writing from the owner, in person or by mail addressed to the owner at ~~his or her~~ THE OWNER'S last-known place of residence, reimbursement to the county for the amount of the county's direct costs and expenses only. The county shall not send a written demand for more than ten thousand dollars. In the written notice, the county shall inform the owner of the right to appear before the board of county commissioners at any meeting ~~thereof~~ OF THE BOARD, as fixed by law, to be held within the following four months, and be heard as to the amount of the claim for reimbursement. If the claim, as originally demanded by the board or as adjusted upon a hearing, is not paid at the end of the four-month period, the board shall certify the claim to the county treasurer of the county where the property is located. The county treasurer shall add the amount of the claim to any taxes due, or to become due, from the owner, and if the claim is not paid in due course, the county treasurer shall file a lien on the property. The lien's priority is based upon the date of recording in accordance with article 35 of title 38. ~~C.R.S.~~ The board of county commissioners shall work with any landowner to develop a payment schedule for the cost of an assessment for pest treatment upon a demonstration by the landowner of an economic hardship. All accounts when collected must be deposited into the general fund of the county.

**SECTION 11.** In Colorado Revised Statutes, **amend** 35-4-109 as follows:

**35-4-109. Emergency disposal of plant material.** ~~Any~~ A shipment of any plant material into Colorado ~~when~~ THAT IS found to be in violation of a quarantine declared pursuant to section 35-4-110 or ~~when~~ found to carry exotic pests not previously found in the United States or pests known to cause high levels of economic damage under similar conditions of climate and natural habitat in other areas outside this state by the commissioner may be placed in isolation or quarantine by the commissioner and shall be completely under the commissioner's control. The owner or bailee shall comply with all terms of the quarantine, abate such pests as directed by and to the satisfaction of the commissioner, or remove such shipment from the state within such time as ordered by the commissioner. Articles not removed from the state as ordered shall be destroyed by the commissioner with no recompense ~~therefor~~ to the owner. ~~Any~~ AN owner or bailee claiming that ~~his or her~~ THE OWNER'S OR BAILEE'S shipment of plant material was destroyed or ordered removed from the state without reasonable justification may request a hearing on that issue before the commissioner within ten days after such destruction or order of removal. If it is determined that a shipment of plant material was destroyed or ordered removed from the state by the commissioner without reasonable justification and that such action was done arbitrarily and capriciously, the department of agriculture shall reimburse such owner or bailee for any losses suffered.

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

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

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

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

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

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

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

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

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

**35-5-104. Pest control district - procedure to establish.** (1) Whenever twenty-five percent of the resident landowners and resident lessees within a contiguous territory desire to form a pest control district, as ~~defined~~ DESCRIBED in this subsection (1), they may file a petition for that purpose with the board of county commissioners of the county in which the land is located. Such petition shall be addressed to the board of county commissioners of such county; ~~and shall~~ MUST contain a description of the boundaries of the proposed district and a description of the land of each person signing such petition; ~~and shall~~ MUST state that the ~~said~~ proposed district has been invaded, or is in danger of being invaded, by noxious weeds, insect pests, or plant diseases injurious to agricultural crops, trees, fruits, or pasture; ~~and shall~~ MUST name the specific pests or diseases against which ~~said~~ THE petitioners desire to be protected; and ~~shall~~ MUST state the termination date of the proposed district. ~~Such~~ THE petition shall be signed by each resident landowner and resident lessee joining in the petition by ~~his~~ THE INDIVIDUAL'S proper signature ~~together with his~~ AND address, and the date of the petition ~~shall~~ MUST be the date of its filing in the office of the board of county commissioners. ~~Any~~ A petitioner may revoke and cancel ~~his~~ THE PETITIONER'S signature to ~~such~~ A petition at any time before ~~said~~ THE petition is filed, but not after such filing has been made.

(5) If ~~the~~ AN owner or lessee of any lands adjoining an established pest control district desires to have such lands included within the district, ~~he~~ THE OWNER OR LESSEE may petition the board of county commissioners of the county in which the district is located and to which district annexation of ~~his~~ THE land is desired. The petition ~~shall~~ MUST contain a description of the boundaries of the lands so desired to be annexed and shall be signed by the petitioner. The board shall act on ~~said~~ THE petition within ten days after ~~the receipt thereof~~ RECEIVING IT. If the board finds that the petition is in order, that the boundaries of the lands described in the petition are accurate, that the lands adjoin the established district, and that the petition is properly signed, ~~it~~ THE BOARD shall, by order, declare that the lands petitioned to be annexed to the district shall be included as a part of the district. Within ten days after ~~such~~ TAKING action upon the petition, the board shall notify the petitioner, the county assessor, the district advisory committee of the district in which ~~such~~ THE lands are to be included, and the department of agriculture of ~~its~~ THE BOARD'S action. Two or more owners and lessees of lands adjoining an established pest control district may join in and sign a single petition for annexation of their adjoining lands to an established district in the manner prescribed in this subsection (5).

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

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

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

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

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

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

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

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

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

**35-5-111. Reports of acreage infested - county tax levy - fund - allocation.** (1) The commissioner ~~is directed, and it is his duty, to~~ SHALL ascertain each year, from reports of the inspectors and other sources, the approximate amount of land and highways infested with the most troublesome noxious weeds, insect pests, or plant diseases, and their location, and transmit such information tabulated by counties, not later than July 1 of each year, to the board of county commissioners of each county affected by such infestation. On the basis of such information, the board of county commissioners of each county may make a tax levy each year on real property for the purpose of paying the cost of noxious weed, insect pest, or plant disease control or eradication in a district of the county as provided by this section, but such levy ~~shall~~ MUST not exceed two mills in any one year.

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

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

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

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

**SECTION 22.** In Colorado Revised Statutes, 35-5-120, **amend** (4) as follows:

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

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

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

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

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

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

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

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

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

**35-7-110. State reimbursed for actual cost.** All poisons or other materials for ~~such~~ control furnished by the state to ~~such~~ cooperators shall be supplied at actual cost, and the state shall be reimbursed by ~~such~~ cooperators, landowners, lessees, or contract holders for the actual cost of materials and labor, other than supervision,



expended by the state in such treatment under cooperative agreements with them. Such reimbursement shall be made by each owner, lessee, or contract holder in the proportion that the number of acres of land treated for ~~him or her~~ THE OWNER, LESSEE, OR CONTRACT HOLDER bears to the total acreage treated in the area designated for treatment or according to such equitable proportion or plan as ~~shall~~ ~~be~~ is provided for in the agreement. Any such agreement ~~shall~~ MUST require full reimbursement to be made to the state within thirty days after presentation by the department, or its agents, of an itemized account. ~~therefor.~~

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

**35-7-112. Eradication contracts required - procedure without contracts.**

(2) If ~~the~~ AN owner, after ten days' written notice to ~~him~~ THE OWNER in person or by mail to ~~his~~ THE OWNER'S last-known post office address, fails, neglects, or refuses to reimburse the department, or its agents, in the amount of ~~such~~ THE expenses INCURRED BY THE DEPARTMENT, the department shall certify an itemized statement ~~thereof~~ OF THE EXPENSES, together with a description of ~~such lands~~ THE LAND sufficient to identify the ~~same~~ LAND to the board of county commissioners of the county ~~wherein~~ IN WHICH the ~~same~~ LAND is situated. ~~Thereupon, such an~~ AFTER THE DEPARTMENT CERTIFIES THE ITEMIZED STATEMENT, THE account shall be audited, allowed, and paid ~~in like manner~~ as provided in section 35-7-110. ~~Public notices in~~ A PUBLIC NOTICE PUBLISHED FOR THE PURPOSES OF this section ~~provided for shall~~ MUST designate ~~as accurately as may be~~ the boundaries of the area to be treated; ~~shall~~ make specific reference to this statute; ~~and shall~~ call upon all owners, known or unknown, of lands within the prescribed area to proceed at once to destroy the pests mentioned in ~~such~~ THE notice or to enter into cooperative agreements for their control or eradication; and ~~shall~~ designate reasonable times and places within or near ~~such~~ THE area ~~where and when~~ AND WHERE the federal agency, or other agents, and the department, or its agents, will be present for the purpose of entering into ~~such~~ cooperative agreements and proceeding with their execution.

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

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

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

**35-7-115. Enforcing collection - hearing.** Upon payment by ~~any~~ A county of ~~any~~ ~~such~~ A bill of expenses ~~so~~ charged against ~~any~~ A landowner, lessee, or contract holder, the board of county commissioners shall make demand and notice in writing upon ~~such~~ THE landowner, lessee, or contract holder, in person or by mail addressed to ~~him or her at his or her~~ THE LANDOWNER, LESSEE, OR CONTRACT HOLDER AT THE LANDOWNER'S, LESSEE'S, OR CONTRACT HOLDER'S last-known place of residence, twenty days prior to the published meeting date for reimbursement to the county in the amount of ~~such~~ THE expenses. ~~Such~~ THE written notice ~~shall~~ MUST inform ~~such~~

THE person that ~~he or she~~ THE PERSON may appear before the board on the published meeting date and be heard as to the amount and accuracy of the claim. If ~~such~~ THE claim, as originally demanded by the board or as adjusted upon the hearing, is not paid, then, in the case of a private landowner, the board of county commissioners shall certify the claim to the county assessor who shall add the amount ~~thereof~~ OF THE CLAIM to any taxes due or to become due upon ~~his or her~~ THE PERSON'S lands, and ~~said~~ THE lands shall be sold for the satisfaction ~~thereof~~ OF THE CLAIMS at the same time and in the same manner as is provided by law for the sale of real estate for delinquent taxes. In cases where ~~such~~ THE accounts are payable by a lessee or contract holder, suit may be maintained in behalf of the county in ~~any~~ A court of competent jurisdiction for the recovery of ~~such~~ THE accounts and costs of suit. All such accounts when collected by the county shall be paid into the general fund ~~thereof~~ OF THE COUNTY or into the fund used by the county to meet its obligations under this part 1.

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

**35-7-116. Collections paid to treasurer.** All reimbursements to the state, whether made by individuals, counties, or other cooperators pursuant to this part 1, shall be turned over to the state treasurer ~~and by him~~ TO BE credited to the rodent pest control fund ~~referred to~~ CREATED in section 35-7-103.

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

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

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

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

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

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

(5) The commissioner, in ~~his~~ THE COMMISSIONER'S discretion, may, at the time of registration, designate ~~the~~ A pesticide as a state restricted-use or limited-use pesticide and may restrict or limit the distribution or use of ~~such~~ THE pesticide. The commissioner may include in ~~said~~ THE restriction the time and conditions under which the pesticide may be distributed or used and may impose any or all of the following additional requirements:

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

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

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

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

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

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

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

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

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

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

**35-9-118. Powers and duties of the commissioner - exemptions - rules.** (2) The commissioner ~~is authorized to~~ MAY adopt all reasonable rules for the

administration and enforcement of this ~~article~~ ARTICLE 9, including: ~~but not limited to:~~

(c) (I) Adopting a list of restricted-use pesticides or limited-use pesticides for the state or designated areas within ~~this~~ THE state if the commissioner determines that such pesticides require rules restricting their distribution or use. The commissioner may include in the rule the time and conditions of THE distribution or use of ~~such~~ restricted-use or limited-use pesticides and may require that any such pesticide be purchased, possessed, or used only under permit of the commissioner and under ~~his~~ THE COMMISSIONER'S supervision. The commissioner may require all persons issued such permits to maintain records regarding the use of such pesticides.

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

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

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

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

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

**35-9-120. Prohibited acts - deceptive trade practice.** (2) It is ~~unlawful and a~~ violation of this ~~article~~ ARTICLE 9 for any pesticide dealer:

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

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

**35-9-121. Enforcement - cease-and-desist orders - hearings.** (1) The commissioner or ~~his~~ THE COMMISSIONER'S designee shall enforce ~~the provisions of this article~~ THIS ARTICLE 9.

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

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

(3) Whenever the commissioner possesses evidence satisfactory to ~~him~~ THE COMMISSIONER that ~~any~~ A person has engaged in or is about to engage in ~~any~~ AN act or practice constituting a violation of ~~any~~ A provision of this ~~article~~ ARTICLE 9 or of ~~any~~ A rule adopted under this ~~article~~, ~~he~~ ARTICLE 9, THE COMMISSIONER may apply to ~~any~~ A court of competent jurisdiction to temporarily or permanently restrain or enjoin the act or practice in question and to enforce compliance with this ~~article~~ ARTICLE 9 or ~~any~~ A rule adopted under this ~~article~~ ARTICLE 9. In any such action, the commissioner ~~shall~~ IS not be required to plead or prove irreparable injury or the inadequacy of the remedy at law. Under no circumstances shall the court require the commissioner to post a bond.

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

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

(5) If the court finds that a detained or embargoed pesticide or device is in violation of this ~~article~~ ARTICLE 9 or rules adopted ~~thereunder~~, ~~such~~ PURSUANT TO THIS ARTICLE 9, THE pesticide or device shall after entry of the decree be destroyed at the expense of the owner, claimant, or custodian ~~thereof~~ OF THE PESTICIDE OR DEVICE, under the supervision of the commissioner, and all court costs and attorney fees and storage and other proper expenses shall be assessed against the owner, claimant, or custodian of ~~such~~ THE pesticide or device or ~~his~~ THE OWNER'S, CLAIMANT'S, OR CUSTODIAN'S agent. However, if the adulteration or misbranding

can be corrected by proper labeling or processing of the pesticide or device, the court, after entry of the decree and after such costs, attorney fees, and expenses have been paid and a good and sufficient bond has been executed, conditioned upon the proper labeling or processing of such pesticide or device, may by order direct that ~~such~~ THE pesticide or device be delivered to the owner, claimant, or custodian ~~thereof~~ for such labeling or processing under the supervision of the commissioner. The expense of such supervision shall be paid by the owner, claimant, or custodian. The pesticide or device shall be returned to the owner, claimant, or custodian ~~of the pesticide or device~~ on the representation to the court by the commissioner that the pesticide or device is no longer in violation of this ~~article~~ ARTICLE 9 and that the expenses of such supervision have been paid.

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

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

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

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

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

**35-10-106. Commercial applicator - license requirements - application - fees.**

(1) As requisites for licensure, the applicant for a commercial applicator business license shall:

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

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

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

**35-10-110. Registered limited commercial and registered public applicators - requirements for operation.** (4) If the commissioner, pursuant to section 35-10-109, establishes a registry of limited commercial and public applicators, ~~he or she~~ THE COMMISSIONER may also require that each registered applicator report, in the form and manner the commissioner ~~shall designate~~ DESIGNATES, any change to the information provided by ~~such~~ THE applicator to the registry or in any ~~such~~ reports previously submitted within fifteen days after ~~said~~ THE change.

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

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

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

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

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

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

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

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

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

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

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

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

(c) (II) If a commercial applicator receives instructions from a party contracting for ~~such~~ THE applicator's services and the commercial applicator knows or should know that using the device or applying the pesticide in the manner specified by the contracting party may not or does not meet generally accepted standards for such use or application, the commercial applicator ~~must~~ SHALL so inform the contracting party. If the contracting party, after being so advised, continues to require the commercial applicator to perform the application or use the device according to these instructions, the commercial applicator may follow these instructions for ~~such~~ THE application or use unless ~~such~~ THE application or use would violate any of the directions contained on the pesticide or the device or the labeling of either or would violate any provision of this ~~article~~ ARTICLE 10 or article 9 of this ~~title~~ TITLE 35 or any rule ~~or regulation~~ adopted pursuant to this ~~article~~ ARTICLE 10 or article 9 of this ~~title~~ TITLE 35. If the commercial applicator complies with these requirements, the party contracting for ~~such~~ THE application of any pesticide or use of any device ~~shall have~~ HAS no cause of action for damages against the commercial applicator if the application or use causes death or injury to the contracting party or ~~his~~ THE CONTRACTING PARTY'S property or is unsatisfactory in its result, unless the contracting party establishes, by a preponderance of the evidence, that such death, injury, or unsatisfactory result resulted from negligence or an intentional act not encompassed within or necessitated by the instructions provided by ~~such~~ THE contracting party.

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

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

**35-10-119. Inspections - investigations - access - subpoena.** (2) The commissioner, upon ~~his~~ THE COMMISSIONER'S own motion or upon the complaint of any person, may make ~~any and~~ all investigations necessary to ~~insure~~ ENSURE compliance with this ~~article~~ ARTICLE 10.

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

(5) The commissioner ~~shall have full authority to~~ MAY administer oaths and take statements; ~~to~~ issue subpoenas requiring the attendance of witnesses before ~~him~~ THE COMMISSIONER and the production of all books, memoranda, papers, and other documents, articles, or instruments; and ~~to~~ compel the disclosure by such witnesses



of all facts known to them relative to the matters under investigation. Upon the failure or refusal of ~~any~~ A witness to obey ~~any~~ A subpoena, the commissioner may petition the district court, and, upon a proper showing, the court may enter an order compelling the witness to appear and testify or produce documentary evidence. Failure to obey such an order of the court ~~shall be~~ IS punishable as a contempt of court.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Each irrigation system subject to ~~the provisions of this article which~~ THIS ARTICLE 11 THAT has not been issued a permit pursuant to ~~the provisions of this article~~ THIS ARTICLE 11 may be inspected, without prior notice, by an inspector who has information ~~which~~ THAT gives ~~him~~ THE INSPECTOR reasonable cause to believe that any provision of this ~~article~~ ARTICLE 11 is being violated. If the landowner denies access to the inspector, the inspector may seek an inspection warrant issued by the district court for the district in which the landowner's land is located. The district court shall issue such inspection warrant upon presentation by an inspector of an affidavit stating:

(a) The information ~~which~~ THAT gives the inspector reasonable cause to believe that ~~any provision of this article~~ THIS ARTICLE 11 is being violated or has been violated;

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

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

**SECTION 55.** In Colorado Revised Statutes, **amend** 35-14-106 as follows:

**35-14-106. Administration.** The commissioner shall administer and enforce ~~the provisions of this article and shall have and~~ THIS ARTICLE 14 AND may exercise ~~any and all of the administrative powers conferred upon the head of a department of the state. The commissioner is authorized to~~ MAY employ, pursuant to section 13 of article XII of the state constitution, such deputies and inspectors as ~~he may deem~~ THE COMMISSIONER DEEMS necessary for the proper enforcement of this ~~article~~ ARTICLE 14, subject to the constitution and laws of the state. The powers and duties given to and imposed upon the commissioner are also given to and imposed upon the deputies and inspectors when acting under the instructions and at the direction of the commissioner.

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

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

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

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

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

**35-14-108. Special police powers.** (1) When necessary to perform ~~his~~ duties or to implement ~~the provisions of this article~~ THIS ARTICLE 14 or the rules ~~and regulations promulgated~~ ADOPTED pursuant ~~thereto~~ TO THIS ARTICLE 14, the commissioner or ~~his~~ THE COMMISSIONER'S authorized agent may:

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

(d) Stop any commercial vehicle and, after presentment of ~~his~~ THE COMMISSIONER'S credentials, require that the person in charge of the vehicle

produce any documents in ~~his~~ THE PERSON'S possession concerning the contents of ~~said~~ THE vehicle; inspect the contents of ~~such~~ THE vehicle at the site; and, if necessary, require ~~such~~ THE person to proceed with the vehicle to some specified place for inspection.

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

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

**35-14-110. Misrepresentation of quantity.** ~~No~~ A person shall NOT sell, offer, advertise, or expose for sale less than the quantity of commodity or service ~~he~~ THE PERSON represents nor take any more than the quantity of commodity or service ~~he~~ THE PERSON represents.

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

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

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

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

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

(b) A person weighing property, produce, commodities, or articles that ~~he~~ THE PERSON or ~~his~~ THE PERSON'S employer, if any, is buying or selling; and

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

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

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

**35-14-131. Civil penalties.** (5) It is a violation for any person to:

(a) Sell, offer, ~~or~~ expose for sale or hire, or have in ~~his or her~~ THE PERSON'S possession for the purpose of selling or hiring an incorrect weight or measure or any device or instrument used or calculated to falsify any weight or measure;

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

**35-14-132. Criminal penalties.** (1) Any person who willfully makes, installs, sells or offers to sell, or uses or allows to be used on ~~his or her~~ THE PERSON'S weights or measures ~~any~~ A counterfeit seal, or seal of the commissioner without proper authority, commits a civil infraction and shall be punished as provided in section 18-1.3-503.

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

**35-14-133. Enforcement - cease-and-desist orders - hearings.** (3) Whenever the commissioner possesses sufficient evidence satisfactory to ~~him or her~~ THE COMMISSIONER indicating that a person has engaged in or is about to engage in an act or practice constituting a violation of this ~~article~~ ARTICLE 14 or ~~any~~ A rule or order adopted pursuant to this ~~article~~ ARTICLE 14, the commissioner may apply to a court of competent jurisdiction to temporarily or permanently restrain or enjoin the act or practice in question and to enforce compliance with this ~~article~~ ARTICLE 14 or ~~any~~ A rule or order adopted pursuant to this ~~article~~ ARTICLE 14. In any such action, the commissioner ~~shall~~ IS not be required to plead or prove irreparable injury or the inadequacy of the remedy at law. Under no circumstances shall the court require the commissioner to post a bond.

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

**35-23-103. Federal cooperation.** The commissioner ~~is empowered to~~ OF AGRICULTURE MAY enter into such agreements with the United States department of agriculture as ~~he~~ THE COMMISSIONER may determine to be necessary or advisable

for the establishment of a joint state and federal inspection service in Colorado for fruits, vegetables, and other agricultural products.

**SECTION 65.** In Colorado Revised Statutes, **amend** 35-23-105 as follows:

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

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

**35-23-106. Establishment of regulations and grades - public meetings.** The commissioner ~~is empowered to~~ MAY establish and enforce such grades, grading rules, and regulations in addition to those established by this ~~article~~ ARTICLE 23, in no event less than the minimum requirements prescribed by this ~~article~~ ARTICLE 23, as ~~he~~ THE COMMISSIONER may deem necessary on fruits, vegetables, and other agricultural products, which shall not conflict with ~~any provisions of this article~~ THIS ARTICLE 23, after a thorough investigation has been made of the needs of the particular fruit, vegetable, or other agricultural product for which grades, grading rules, and regulations are contemplated; but, whenever it is deemed advisable by the commissioner, such grades shall be the same as the grades promulgated by the United States department of agriculture. Such grades, grading rules, and regulations, before they become effective, shall be submitted for approval at one or more public meetings called for that purpose and attended by representative growers and shippers of the localities interested in the industry affected. Such meetings shall be advertised at least once in a newspaper published in such localities, one week or more prior to the meeting. ~~Said~~ EACH meeting shall be presided over by the commissioner or any of ~~his~~ THE COMMISSIONER'S duly authorized deputies and, insofar as possible and practicable, shall be conducted at such places as can be conveniently reached by representatives of the affected industry. Grades, grading rules, and regulations, established in accordance with ~~the provisions of this section,~~ shall not be modified during the current shipping season of the fruit, vegetable, or other agricultural product for which they are established. In like manner the commissioner may provide for standard packages for all fruits, vegetables, and other agricultural products, but ~~no~~ standard packages shall NOT be eliminated or changed without two years' notice to the industry involved.

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

**35-23-108. Rules.** The commissioner OF AGRICULTURE, with the concurrence of the state agricultural commission, ~~is authorized to promulgate such~~ MAY ADOPT rules ~~and regulations~~ relative to the proper marking of containers, the issue of certificates of inspection, AND the tagging of the vehicle of transportation and ~~such~~ other rules ~~and regulations~~ as ~~he~~ THE COMMISSIONER deems necessary for the

improvement of the quality of marketing of all fruits, vegetables, or other agricultural products.

**SECTION 68.** In Colorado Revised Statutes, **amend** 35-23-109 as follows:

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

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

**35-23-112. Appeal of inspection - rules.** ~~Any~~ AN interested party who is dissatisfied with ~~any~~ A classification of grades of any fruits, vegetables, or other agricultural products made as the result of inspection under this ~~article~~ ARTICLE 23, within such time after the inspection and in such manner as shall be prescribed by the commissioner OF AGRICULTURE, may appeal to the commissioner, and the commissioner ~~is directed to promulgate~~ SHALL ADOPT rules ~~and regulations~~ governing the time and manner of such appeal. Upon such appeal to ~~him being regularly taken~~ THE COMMISSIONER, the commissioner shall cause such investigation to be made and such tests to be applied as ~~he~~ THE COMMISSIONER may deem necessary to determine the true grade or classification in the particular case in question and shall issue a finding determining the true grade or classification in the particular case. Whenever an appeal to the commissioner is taken, ~~he~~ THE COMMISSIONER shall fix and assess, and collect or cause to be collected, the established fee for an original inspection for each ~~such~~ appeal, which ~~shall~~ FEE MUST be uniform and which shall be refunded to the person paying the same if the findings of the commissioner on appeal are to the effect that the grade or classification as determined and certified on the original inspection was erroneous and a new or different grade or classification is determined by the commissioner. Any reinspection certificate issued as the result of an appeal ~~shall supersede~~ SUPERSEDES the original inspection certificate.

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

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

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

**35-24.5-104. Aquaculture board - created - members.** (2) The term of office of the two additional members ~~shall be~~ APPOINTED IN SUBSECTION (1)(b) OF THIS

SECTION IS three years. Each ~~of these members~~ ADDITIONAL MEMBER shall serve until ~~his or her~~ THE ADDITIONAL MEMBER'S successor has been appointed and qualified, and either member ~~shall be~~ is eligible for reappointment. ~~They~~ BOTH ADDITIONAL MEMBERS shall serve without compensation except for actual and necessary traveling expenses.

(3) The board shall annually select a ~~chairman~~ CHAIR and a ~~vice-chairman~~ VICE-CHAIR, who may be the same as the ~~chairman~~ CHAIR and ~~vice-chairman~~ VICE-CHAIR of the fish health board.

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

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

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

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

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

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

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

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

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

**35-25-106. Examination of apiaries.** (1) The commissioner, when ~~he~~ THE COMMISSIONER has reason to suspect disease in any apiary, may examine all



reported or suspected apiaries. If ~~any~~ A contagious disease is present, ~~he~~ THE COMMISSIONER may examine all apiaries in the same locality and ascertain whether or not ~~any~~ A contagious disease exists in the apiaries. If satisfied of the existence of ~~any such~~ A contagious disease, the commissioner may burn, sterilize, or medically treat said apiary in strict compliance with rules, ~~and regulations pertaining thereto,~~ or the commissioner may require the beekeeper to burn, sterilize, or medically treat ~~said~~ THE apiary.

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

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

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

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

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

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

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

**35-26-110. Out-of-state nurseries.** (1.5) An out-of-state nursery advertising and selling nursery stock in Colorado and having no duly appointed resident agent in this state upon whom process may be served as provided by law shall be deemed to have appointed the secretary of state as the agent of ~~said~~ THE nursery upon whom service of process may be had in the event of any suit against ~~said~~ THE nursery. Service on the secretary of state of any such process shall be made by delivering to and leaving with ~~him~~ THE SECRETARY OF STATE or with ~~his~~ THE SECRETARY OF STATE'S deputy, an assistant, or a clerk two copies of such process. The secretary of state shall also require a statement ~~which~~ THAT contains the name and address of the nonresident's home or home office. After receipt of such process the secretary of state shall forward to the defendant a copy of the process by registered mail, return receipt requested. The person so serving the secretary of state shall immediately send or give to the commissioner a notice of such service and a copy of the process. The secretary of state shall collect at the time of any service of process on ~~him~~ THE SECRETARY OF STATE as resident agent a fee ~~which~~ THAT shall be determined and collected pursuant to section 24-21-104 (3). ~~C.R.S.~~

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

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

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

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

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

**35-26-114. Enforcement - subpoenas - cease-and-desist orders - hearings - denial, revocation, or suspension of registration.** (3) (a) Whenever the commissioner has reasonable cause to believe a violation of ~~any~~ A provision of this ~~article~~ ARTICLE 26 or ~~any~~ A rule ~~made~~ ADOPTED pursuant to this ~~article~~ ARTICLE 26 has occurred and immediate enforcement is deemed necessary, ~~he~~ THE COMMISSIONER may issue a cease-and-desist order, which may require ~~any~~ A person to cease violating ~~any~~ A provision of this ~~article~~ ARTICLE 26 or ~~any~~ A rule ~~made~~ ADOPTED pursuant to this ~~article~~ ARTICLE 26. ~~Such~~ ARTICLE 26. THE cease-and-desist order ~~shall~~ MUST set forth the provisions alleged to have been violated, the facts alleged to have constituted the violation, and the requirement that all actions be ceased forthwith.

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

(5) Whenever it appears to the commissioner, upon sufficient evidence satisfactory to the commissioner, that ~~any~~ A person has engaged in or is about to engage in ~~any~~ AN act or practice constituting a violation of ~~any~~ A provision of this ~~article~~ ARTICLE 26 or of ~~any~~ A rule or of ~~any~~ AN order ~~promulgated~~ ADOPTED under this ~~article~~ ARTICLE 26, ~~he~~ ARTICLE 26, THE COMMISSIONER may apply to ~~any~~ A court of competent jurisdiction to temporarily or permanently restrain or enjoin the act or practice in question and to enforce compliance with this ~~article~~ ARTICLE 26 or ~~any~~ A rule or order ~~promulgated~~ ADOPTED under this ~~article~~ ARTICLE 26. In any such action, the commissioner ~~shall~~ IS not be required to plead or prove irreparable injury

or the inadequacy of the remedy at law. Under no circumstances shall the court require the commissioner to post a bond.

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

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

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

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

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

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

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

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

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

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

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

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

(3) "Distributor" means ~~any~~ A person engaged in the operation of selling, offering for sale, marketing, or distributing an agricultural commodity ~~which he~~ THAT THE PERSON has produced, purchased, or acquired from a producer, handler, or other distributor, or ~~which he~~ THAT THE PERSON is marketing ~~in~~ ON behalf of a producer, handler, or other distributor, whether as owner, agent, employee, broker, or otherwise. ~~but shall~~ "DISTRIBUTOR" DOES not include a retailer; ~~as defined in this section~~ except THAT "DISTRIBUTOR" INCLUDES a retailer ~~who~~ THAT purchases or acquires from, or handles on behalf of ~~any~~ A producer, handler, or other distributor an agricultural commodity THAT IS not ~~theretofore~~ subject to regulation by the marketing order covering ~~such~~ THE commodity.

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

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

**35-28-105. Administration of article - public hearings.** (2) Whenever the commissioner has reason to believe that the issuance of a marketing order will tend to effectuate the declared policy of this ~~article~~ ARTICLE 28 with respect to ~~any~~ AN agricultural commodity, either upon ~~his~~ THE COMMISSIONER'S own motion or upon application of any producer or handler of such commodity, ~~he~~ THE COMMISSIONER shall give due notice of and an opportunity for a public hearing upon a proposed marketing order.

(3) Due notice of ~~any~~ A hearing called for ~~such~~ THE purpose DESCRIBED IN SUBSECTION (2) OF THIS SECTION shall be given to all persons who may be directly affected by ~~any~~ AN action of the commissioner TAKEN pursuant to ~~the provisions of this article~~, THIS ARTICLE 28 and whose names appear upon lists to be filed by ~~such~~ THE agricultural industry with the commissioner. Such hearing shall be open to the public. All testimony shall be received under oath and a full and complete record of all proceedings at any such hearing shall be made and filed by the commissioner at ~~his~~ THE COMMISSIONER'S office.

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

and a proposed marketing order in the manner provided for giving due notice and opportunity for hearing for a marketing order as provided in this ~~article~~ ARTICLE 28.

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

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

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

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

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

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

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

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

**35-28-111. Termination of marketing order.** The commissioner shall suspend, amend, or terminate ~~any~~ A marketing order, or ~~any~~ A provision of ~~any~~ A marketing

order, whenever ~~he~~ THE COMMISSIONER finds that ~~such~~ THE provision or order does not tend to effectuate the declared purposes of this ~~article~~ ARTICLE 28 within the standards and subject to the limitations and restrictions imposed in this ~~article~~ ARTICLE 28, but ~~such~~ THE suspension or termination ~~shall not be~~ IS NOT effective until the expiration of the current marketing season. If the commissioner finds that the termination of ~~any~~ A marketing order is requested in writing by more than fifty percent of the producers who are engaged within the designated production area in the production for market of the commodity specified in ~~such~~ THE marketing order, or who produce for market more than fifty percent of the volume of ~~such~~ THE commodity produced within the designated production area for market, the commissioner shall terminate or suspend for a specified period ~~such~~ THE marketing order or provision, ~~thereof~~, but such termination ~~shall be~~ IS effective only if announced on or before such date, as may be specified in ~~such~~ THE order.

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

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

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

**35-28-116. Administration and enforcement - cease-and-desist orders - penalty.** (3) Upon the filing of a verified complaint charging a violation of ~~any provisions~~ A PROVISION of this ~~article~~ ARTICLE 28 or of ~~any provision of any~~ A PROVISION OF A marketing order issued by the commissioner under this ~~article~~ ARTICLE 28, and prior to the institution of ~~any~~ A court proceeding authorized in this section, the commissioner, ~~in his~~ AT THE COMMISSIONER'S discretion, may refer the matter to the attorney general or ~~any~~ A district attorney of this state for action pursuant to ~~the provisions of this article~~ THIS ARTICLE 28 or call a hearing to consider the charges set forth in ~~such~~ THE verified complaint. In such case, the commissioner shall cause a copy of ~~such~~ THE complaint, together with a notice of the time and place of hearing of ~~such~~ THE complaint, to be served personally or by mail, upon the person named as respondent ~~therein~~ IN THE COMPLAINT. Such service shall be made at least three days before ~~said~~ THE hearing date. The hearing shall be

held in the city or town in which is situated the principal place of business of the respondent, or in which the violation complained of is alleged to have occurred, or in the nearest office of the department of agriculture, at the discretion of the commissioner. At the time and place designated for ~~such~~ THE hearing, the commissioner or ~~his~~ THE COMMISSIONER'S agents shall hear the parties to ~~said~~ THE complaint and shall enter in the office of the commissioner at Denver ~~his~~ the COMMISSIONER'S findings based upon facts established at such hearing.

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

(5) If the commissioner finds that a violation has occurred, ~~he~~ THE COMMISSIONER shall so enter ~~his~~ THE COMMISSIONER'S findings and notify the parties to ~~such~~ THE complaint. ~~Should the respondent thereafter fail, neglect, or refuse~~ THEREAFTER, IF THE RESPONDENT FAILS, NEGLECTS, OR REFUSES to desist from ~~such~~ THE violation within the time specified by the commissioner, the commissioner may thereupon file a complaint against ~~such~~ THE respondent in a court of competent jurisdiction as set forth in this section.

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

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

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

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

(4) ~~No~~ A person shall NOT be excused from attending and testifying or from producing documentary evidence before the commissioner in obedience to the

subpoena of the commissioner on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of ~~him~~ THE PERSON may tend to incriminate ~~him~~ THE PERSON or subject ~~him~~ THE PERSON to a penalty or forfeiture, but ~~no~~ A natural person shall NOT be prosecuted or subjected to ~~any~~ A penalty or forfeiture for or on account of ~~any~~ A transaction, matter, or thing concerning which ~~he~~ THE NATURAL PERSON may be so required to testify or produce evidence, documentary or otherwise, before the commissioner in obedience to a subpoena issued by ~~him~~ THE COMMISSIONER; except that ~~no~~ A natural person so testifying shall ~~be~~ IS NOT exempt from prosecution and punishment for perjury in the first degree committed in so testifying.

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

**35-28-120. Deposit to defray expenses.** (1) Prior to the issuance of ~~any~~ A marketing order by the commissioner, ~~he~~ THE COMMISSIONER may require the applicants ~~therefor~~ to deposit with ~~him~~ THE COMMISSIONER such amount as the commissioner ~~may deem~~ DEEMS necessary to defray the expenses of preparing and making effective ~~such~~ THE marketing order. Such ~~funds~~ MONEY shall be received, deposited, and disbursed by the commissioner in accordance with ~~the provisions as set forth in~~ section 35-28-114.

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

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

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

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

(3) When ~~any~~ A producer, packer, distributor, or retailer has complied with ~~the provisions of this article~~ THIS ARTICLE 29 and the ~~regulations~~ RULES ADOPTED pursuant ~~thereto~~, ~~he~~ shall be permitted to THIS ARTICLE 29, THE PRODUCER, PACKER, DISTRIBUTOR, OR RETAILER MAY use the seal of quality in advertising, labeling, or marketing ~~his~~ THE PRODUCER'S, PACKER'S, DISTRIBUTOR'S, OR RETAILER'S product.

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

**35-30-101. Cooperation with United States.** The governor ~~is authorized to~~ MAY cooperate with the government of the United States and its agents and



representatives in all matters pertaining to the conservation, distribution, or production of food, insofar as ~~he~~ THE GOVERNOR may find it possible to do so.

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

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

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

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

(3) "Commissioner" means the commissioner of agriculture or ~~his or her~~ THE COMMISSIONER'S authorized agent.

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

**35-33-104. Commissioner of agriculture - powers and duties.** (6) When the commissioner has reasonable cause to believe that any meat or meat product is being held, slaughtered, or processed in violation of this ~~article~~ ARTICLE 33 or the rules ~~promulgated~~ ADOPTED under this ~~article~~ ARTICLE 33, and when such product endangers the public health, safety, or welfare, ~~he or she~~ THE COMMISSIONER may issue and enforce a written retention order prohibiting any person from moving or otherwise disposing of the retained product in any manner without written permission of the commissioner. Within five days after the issuance of ~~any~~ A retention order, the commissioner shall hold a hearing to determine whether the retained product should be condemned or released to the owner. If the product is found to be adulterated, and the product cannot be brought into compliance with this ~~article~~ ARTICLE 33, the commissioner shall order that the retained product is inedible meat and THE PRODUCT shall be disposed of.

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

**35-33-105. Injunctive relief.** Whenever the commissioner possesses sufficient evidence satisfactory to ~~him or her~~ THE COMMISSIONER indicating that ~~any~~ A person has engaged in or is about to engage in ~~any~~ AN act or practice constituting a violation of ~~any~~ A provision of this ~~article~~ ARTICLE 33 or of ~~any~~ A rule ~~promulgated~~ ADOPTED under this ~~article~~ ARTICLE 33, the commissioner may apply to ~~any~~ A court of competent jurisdiction to temporarily or permanently restrain or enjoin the act or practice in question and to enforce compliance with this ~~article~~ ARTICLE 33 or ~~any~~ A rule or order ADOPTED under this ~~article~~ ARTICLE 33. In any such action, the

commissioner shall IS not be required to plead or prove irreparable injury or the inadequacy of the remedy at law. Under no circumstances shall the court require the commissioner to post a bond.

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

**35-38-104. Dealer agreement cancellation notice - definition.** (2) (b) For purposes of AS USED IN this subsection (2), "cause" means when a dealer:

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

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

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

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

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

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

**35-41-101. State board of stock inspection commissioners - creation - brand commissioner - enterprise - bonds.** (2) The board shall appoint a brand commissioner who shall be under its supervision and who, in the absence of the board, shall carry out its policies. The brand commissioner shall be IS subject to the state personnel system laws. ~~His~~ THE BRAND COMMISSIONER'S compensation shall

be paid out of the brand inspection fund. ~~The brand commissioner, certified by the state personnel director to his position on April 27, 1963, shall continue in such certified status as provided by law.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**35-42-111. Investigations - access - administrative subpoena.** (1) The commissioner, upon ~~his~~ THE COMMISSIONER'S own motion or upon the complaint of any person, shall make any investigations necessary to ensure compliance with this ~~article~~ ARTICLE 42.

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

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

**35-42-112. Enforcement.** (1) The commissioner or ~~his~~ THE COMMISSIONER'S designee shall enforce the provisions of this ~~article~~ ARTICLE 42.

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

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

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

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

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

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

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

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

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

**35-43-105. Fee to record brands - unlawful use - penalty.** (2) It is unlawful for ~~any~~ A person, AN association, or A corporation to brand or cause to be branded any livestock with a brand ~~which~~ THAT has not been recorded with the state board of stock inspection commissioners, as provided in subsection (1) of this section, or

with a brand ~~which~~ THAT has been previously recorded by another person, association, or corporation. When ~~any~~ AN owner of a recorded brand in use in this state moves ~~his~~ THE OWNER'S cattle, branded with ~~his~~ THE OWNER'S own brand, to a new and different range or locality in this state within which territory there is in use a conflicting or similar recorded brand, the state board of stock inspection commissioners may order such recorded brand owner so moving to a new range or locality to discontinue the use of ~~his~~ THE OWNER'S recorded brand in that locality, and the board, at its discretion, may cancel such brand ordered to be so discontinued.

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

**35-43-116. Wrongful branding - penalty.** If ~~any~~ A person, AN association, or A corporation willfully and knowingly brands, or causes to be branded, an animal ~~which~~ THAT is the property of another with ~~his or her~~ THE PERSON'S, ASSOCIATION'S, OR CORPORATION'S brand or any brand ~~which~~ THAT is not the recorded brand of the owner or willfully and knowingly effaces, defaces, or obliterates ~~any~~ A brand or mark upon such an animal, ~~such~~ THE person or ~~any~~ THE officer or director of ~~any~~ such association or corporation commits a class 6 felony and shall be punished as provided in section 18-1.3-401. ~~C.R.S.~~

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

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

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

**35-43-120. Trespassing on lands - injuring resident - penalty.** (1) ~~It is the duty of any~~ A person owning or having charge of any drove of cattle, horses, or sheep, ~~who~~ when driving the same into or through any county of Colorado of which the owner is not a resident or landowner and where the land ~~in such county~~ is occupied and improved by settlers and ranchers, ~~to~~ SHALL prevent the same from mixing with the cattle, horses, or sheep belonging to the actual settlers and also ~~to~~ prevent said drove of cattle, horses, or sheep from trespassing on ~~such land as may be~~ THAT IS the property or in the possession of ~~the~~ AN actual settler and used by ~~him~~ THE SETTLER for the grazing of animals or the growing of hay or other crops or from doing injury to ditches.

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

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

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

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

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

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

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

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

**35-43-210. Inspection of hide.** The sheriff or deputy sheriff of ~~any~~ A county in this state and ~~any~~ A regular or special brand inspector appointed by the board ~~are hereby authorized and empowered to~~ MAY require ~~any~~ A person who kills for ~~his or her~~ THE PERSON'S own use and consumption any livestock to produce for inspection the hide of ~~any~~ such livestock ~~that has been killed~~ within thirty days unless the livestock has been inspected and tagged prior to ~~such~~ THE demand for inspection. In the absence of the owner or proper corporate officer, the person in charge of the premises where the meat ~~then~~ is shall produce the hide for inspection upon demand.

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

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

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

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

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

**35-44-104. Owner not found - advertisement.** If the brand commissioner appointed by the state board of stock inspection commissioners is unable to determine from the brand records and description who is the owner or probable owner of ~~any~~ A reported ~~estrays,~~ ~~he~~ ESTRAY, THE BRAND COMMISSIONER shall cause notice showing a facsimile of the brand and other identifying characteristics carried by the estray to be posted in the offices of all county clerk and recorders, ~~and~~ IN licensed livestock markets, and in other conspicuous places in the area where ~~said~~ THE estray was found. ~~Said~~ THE livestock notice ~~shall~~ MUST state when and where the estray animal was taken into custody. In addition, the brand commissioner shall cause a notice giving a general description of the estray to be placed in a local newspaper within the county where the estray is held, and ~~said~~ THE notice shall be carried in one regular issue only. Both notices ~~shall~~ MUST state that unless the animal is claimed by the legal owner within ten days after the publication or posting



of the notice, whichever is later, then the ~~same~~ ANIMAL shall be sold by the state board of stock inspection commissioners for the benefit of the owner when found.

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

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

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

**35-44-107. Custody of estray - claimant.** When ~~any~~ A person takes into ~~his~~ THE PERSON'S custody ~~any~~ AN estray animal and sends a description of the same to the state board of stock inspection commissioners, ~~said~~ THE person ~~shall be entitled to~~ MAY hold ~~same~~ THE ESTRAY ANIMAL lawfully until relieved of its custody by the state board of stock inspection commissioners. ~~Should~~ IF a claimant for ~~said~~ THE ESTRAY animal ~~apply~~ APPLIES to the person who has custody of the estray ANIMAL for possession of the same, the ~~said~~ person shall at once notify the state board of stock inspection commissioners in writing of such application, and, ~~should~~ IF the ~~said~~ board ~~be~~ IS satisfied that ~~said~~ THE applicant is the rightful owner, it shall forthwith issue an order authorizing ~~said~~ THE person ~~in~~ WITH custody to deliver the estray to the owner, who may be required to pay any reasonable charges made by ~~said~~ THE person ~~in~~ WITH custody. In case of a controversy as to what constitutes a reasonable charge, the state board of stock inspection commissioners shall fix the amount. The time of service for which ~~said~~ THE person may claim remuneration commences upon the date of notification made by the ~~said~~ person to the state board of stock inspection commissioners.

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

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

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

**35-45-103. District court has jurisdiction.** (1) Whenever a dispute arises as to which respective class of livestock has the better right to graze upon ~~any~~ A particular portion of ~~said~~ THE public domain, the district court of the county ~~wherein such~~ IN WHICH SOME OR ALL OF THE disputed area ~~or some part thereof~~ lies has jurisdiction

to determine the matters in an action in equity for an injunction to be brought by ~~any~~ A person claiming such better right and against ~~any~~ A person violating or threatening to violate ~~any~~ such alleged better right. In all actions brought under the terms of this ~~article~~ ARTICLE 45, service of process may be made in person or by publication, ~~as provided by~~ AND SHALL BE CONDUCTED IN ACCORDANCE WITH rule 4 of the Colorado rules of civil procedure. ~~and the procedure shall be as provided by these rules.~~ The plaintiff may proceed against all unknown defendants the same as in an action in rem and may have said disputed area established either as a cattle or sheep range, as the case may be. In such action, if ~~any~~ A defendant disclaims or suffers a decree against ~~him~~ THE DEFENDANT by default, ~~no~~ costs shall NOT be taxed against ~~him~~ THE DEFENDANT. The court may in its discretion grant a temporary restraining order or a temporary injunction as in ordinary cases of suits for injunctions.

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

**35-45-109. Range improvement fund - board of district advisers.** (1) All ~~moneys~~ MONEY paid to the counties shall be deposited with the county treasurer in a special fund to be known as the range improvement fund of district no. \_\_\_. The county treasurer of ~~any~~ A county in which a district is located ~~shall be~~ is the ex officio district treasurer and custodian of ~~moneys~~ MONEY received and shall be liable upon ~~his~~ THE COUNTY TREASURER'S official bond for all ~~moneys~~ MONEY deposited in ~~said~~ THE range improvement fund. The county treasurer, as ex officio district treasurer, shall pay out such money in ~~said~~ THE range improvement fund upon the warrant of the ~~chairman or vice-chairman~~ CHAIR OR VICE-CHAIR of the district grazing advisory board or a board of district advisers established pursuant to subsection (2) of this section and after consultation with the district manager of the grazing district in which county the ~~moneys were~~ MONEY WAS deposited. ~~Said~~ THE district grazing advisory boards are established pursuant to Public Law 94-579 (43 U.S.C. sec. 1753) or its successor, as may be established by the secretary of the interior pursuant to the "Federal Advisory Committee Act", Public Law 92-463 (86 Stat. 770; Title 5, App.).

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

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

**SECTION 129.** In Colorado Revised Statutes, **amend** 35-46-103 as follows:

**35-46-103. Board of arbitration.** When ~~any~~ A person is trespassed upon or damaged by any livestock or takes into ~~his~~ THE PERSON'S custody any livestock under section 35-46-102, the claim for damages occasioned by ~~said~~ THE livestock may be arbitrated by a board of three arbitrators, at the option of the party aggrieved

selecting one, the owner of the livestock selecting a second, and the two thus chosen selecting a third. ~~Said~~ THE CHOSEN arbitrators ~~so chosen~~ shall meet and act as a board of arbitration within five days after a written application FOR ARBITRATION is made ~~therefor~~ by either party and written notice given to the other party. ~~It is the duty of~~ The person ~~so taking into custody such~~ THAT TAKES THE livestock ~~to~~ INTO CUSTODY SHALL notify in writing within five days after ~~the taking~~ THE LIVESTOCK into custody ~~thereof~~ the owner or person in charge of ~~such~~ THE livestock. If the owner or person in charge of ~~such~~ THE livestock is not known to the person taking the livestock into custody or cannot be found after diligent search and inquiry, then the person ~~so taking~~ custody of ~~such~~ THE livestock shall publish within one week a notice containing a full description of ~~such~~ THE livestock, including all marks and brands as nearly as can be ascertained, in a ~~paper~~ NEWSPAPER published nearest the place where the alleged damage occurred. In the event the owner of ~~such~~ THE livestock cannot be found within ten days after the date of the publication of ~~such~~ THE notice, the livestock ~~shall be~~ IS an estray and the state board of stock inspection commissioners ~~shall be~~ IS entitled to ~~said~~ THE livestock subject to the lien for damage sustained and cost and care and feeding of the same by the person taking ~~such~~ THE livestock into custody. Such person shall deliver the ~~same~~ LIVESTOCK to the owner ~~thereof~~ OF THE LIVESTOCK whenever such owner furnishes the person so damaged by ~~such~~ THE livestock a bond in AN AMOUNT THAT IS double the amount of the damage claimed, executed by two responsible persons, ~~said bond to be~~ satisfactory to ~~such~~ THE damaged party or approved by a county judge or district judge of ~~such~~ THE county, AND conditioned upon the payment to the person taking custody of ~~such~~ THE livestock all damages and costs, if any such damages or costs are awarded.

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

**35-46-104. Finding of board - enforcement.** The finding of ~~said~~ THE board of arbitration, when reduced to writing and signed by a majority of the members ~~thereof~~ OF THE BOARD, constitutes an obligation on the part of the person against whom the finding is made to pay to the aggrieved party the sum set forth in the finding of ~~said~~ THE board of arbitration. In the event the person against whom the finding of ~~such~~ THE board of arbitration is made fails, neglects, or refuses to pay to the aggrieved party the sum set forth in the finding of ~~said~~ THE board of arbitration within thirty days ~~from~~ AFTER the date of the written findings of ~~such~~ THE board, then the finding of ~~said~~ THE board of arbitration may be filed in ~~any~~ A court of record within the jurisdiction where the damage was sustained. The finding of ~~such~~ THE board so filed shall be deemed for the purposes of sections 35-46-101 to 35-46-110 a judgment of ~~said~~ THE court and execution may issue ~~thereon~~ ON THE JUDGMENT as by law provided in judgments of ~~said~~ THE court. The costs agreed upon to be incurred in ~~said~~ THE arbitration shall follow the findings as in suits at court. If the owner of any livestock makes a tender in money of all damages to the person claiming damages, the person claiming damages shall pay all costs and expenses thereafter accruing unless ~~he~~ THE PERSON is awarded a larger amount than was tendered by the owner of such livestock.

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

**35-46-106. Care of stock taken into custody.** ~~It is the duty of any~~ A person who takes ~~any animals~~ AN ANIMAL into custody under the provisions of this ~~article to~~

ARTICLE 46 SHALL feed and care for ~~such animals~~ THE ANIMAL in a reasonable, careful, and prudent manner and keep the ~~same~~ ANIMAL in as good order and condition as when so taken into custody, ~~by the said party, and he shall be~~ THE PERSON IS liable for any damage occasioned by ~~his~~ THE PERSON'S failure to do so. For such feed and care ~~such~~ THE party ~~shall be entitled to~~ MAY recover from the owner of ~~such animals~~ THE ANIMAL a reasonable compensation, to be recovered as provided for the recovery of damages sustained.

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

**35-46-113. Cost and repair - how recovered.** Partition fences between agricultural and grazing land shall be erected and also kept in repair at the joint cost of the owners of the respective adjoining tracts, except as otherwise agreed by such owners. If, after thirty days' written notice, served personally or by registered mail by either the owner or tenant of one tract upon the owner or tenant of the other tract, such other owner neglects or refuses to erect or repair one-half of the partition fence, the person giving notice may proceed to erect or repair the entire partition fence and collect by a civil action at law one-half the entire cost ~~thereof~~ OF ERECTING OR REPAIRING THE PARTITION FENCE from the other owner. ~~Any~~ A judgment obtained against the owner of ~~any~~ land for the value of ~~his~~ THE OWNER'S share of any such partition fence or the repair ~~thereof shall be~~ OF THE PARTITION FENCE IS a lien upon ~~such~~ THE owner's land to which ~~such~~ THE fence is appurtenant, and a special execution may issue and be levied upon the land to which ~~such~~ THE fence is appurtenant, as in the manner now prescribed for the levying of an execution under the foreclosure of a mortgage upon real property. ~~Such~~ THE land may be sold under sheriff's sale for the purpose of satisfying ~~such~~ THE special execution in the same manner as is now provided for the foreclosure of mortgages on real property.

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

**35-47-102. Duty of custodian - fees - recovery.** Where ~~said~~ animals are in violation of section 35-47-101, ~~it is the duty of every~~ A sheriff or other peace officer of the county, on complaint of any person, ~~to~~ SHALL take custody of ~~such animals~~ THE ANIMAL and place ~~them~~ IT on feed and water. ~~He~~ THE SHERIFF OR OTHER PEACE OFFICER may appoint a custodian for such purpose and pay ~~such~~ THE custodian a fee of four dollars per day to be assessed as costs, and the owner or agent may give the sheriff or other PEACE officer a redelivery bond in sufficient sum for repossession of ~~his~~ THE OWNER'S OR AGENT'S stock, pending a court action. In cases where the owner or agent is known and has been convicted in court, the sheriff or other officer may dispose of such animals or sufficient numbers of them to pay for the fine and reasonable costs of feeding and other expenses in connection ~~therewith~~ WITH THE ANIMALS, after giving ten days' notice by posting three notices in public and conspicuous places. In cases where the owner of such animals is unknown, the animals shall be taken up and disposed of by the state board of stock inspection commissioners or one of its duly authorized representatives, the same as other estrays as provided for by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

**35-53-111. Sanitary rules as to movement of livestock - quarantine - fees - penalty.** (1) The state agricultural commission may make and adopt such quarantine and sanitary regulations affecting the movement of livestock into and out of the state ~~of Colorado~~ and within the borders of ~~said~~ THE state as may from time to time be necessary to prevent the introduction into the state or the spread within the state of any contagious or infectious disease, and the expense of such quarantine measures and the carrying out of such regulations shall be made by the imposition of a fee of three cents per head on all cattle and horses and one and one-half cents per head on all sheep entering the state ~~of Colorado~~ from any quarantine or infected territory. Whenever the state agricultural commission knows or has good reason to believe that ~~any~~ A contagious or infectious disease exists in ~~any~~ A locality in any other state, territory, or country or that there are conditions ~~which~~ THAT render domestic animals from ~~such~~ AN infected district liable to bring such disease into ~~this~~ THE state, ~~it~~ THE COMMISSION may report the same to the governor ~~of the state of Colorado~~ whereupon, by proclamation, ~~he~~ THE GOVERNOR shall prohibit the importation of any such livestock into this state, unless accompanied by a certificate of health given by the state veterinarian or sanitary inspectors appointed by the ~~state agricultural~~ commission, which veterinarian or sanitary inspectors shall carefully examine all such livestock previous to the giving of such certificate.

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

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

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

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

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

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

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

(2) In the event that ~~any~~ AN authorized brand inspector is making ~~any~~ AN inspection of hides received at ~~any~~ A hide house, the owner or person in charge of ~~such~~ THE hide house shall exhibit any hides in ~~his~~ THE OWNER'S OR PERSON'S possession and shall show proof of ownership evidenced by proper bill of sale showing the brand, if any, on the hide or by a brand inspection certificate issued by a brand inspector in the district at the point of origin of the hide. The inspector ~~is authorized to~~ MAY seize and impound any hides in the possession of any hide house that are not properly cleared for ownership by a valid bill of sale or brand inspection certificate and ~~to~~ dispose of the same as provided by law for the disposal of estrays.

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

**35-53-117. Officer may inspect vehicle.** ~~Any~~ A duly authorized inspector, sheriff, deputy sheriff, or peace officer ~~is authorized to~~ MAY stop and inspect ~~any~~ A motor or other vehicle transporting or containing livestock, or the carcasses ~~thereof~~ OF LIVESTOCK, and demand from the person operating ~~said~~ THE motor or other vehicle the exhibition of a bill of sale, permit, or certificate. If ~~any~~ A person who transports or ~~who has in possession~~ ~~said~~ POSSESSES livestock, or the carcasses ~~thereof~~ OF LIVESTOCK, is unable to exhibit to ~~such~~ AN inspector or peace officer ~~said~~ A bill of sale, permit, or certificate, ~~said~~ THE inspector or peace officer ~~is empowered to~~ MAY arrest, with or without warrant, ~~any such~~ THE person, ~~operating~~ ~~said motor or other vehicle,~~ to take possession of the ~~same~~ MOTOR VEHICLE OR OTHER VEHICLE and the livestock or carcasses, ~~therein,~~ and ~~to~~ retain such possession until the person operating ~~such~~ THE MOTOR VEHICLE or other vehicle can produce satisfactory evidence that ~~he~~ THE PERSON, or the person, firm, or corporation for whom the ~~same is~~ LIVESTOCK OR CARCASSES ARE being transported, is the lawful owner ~~thereof~~ OF THE LIVESTOCK OR CARCASSES or until ~~such~~ THE livestock or ~~the~~ carcasses ~~thereof,~~ are disposed of as provided in sections 35-53-118 and 35-53-119.

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

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

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

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

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

**35-53-126. Inspection at market - penalty.** All cattle that are subject to inspection in the state by virtue of any law or regulation, on arrival at any market, shall be inspected by a duly authorized brand inspector, REGARDLESS OF whether ~~or not~~ they have been previously inspected at the point of origin, before they are taken to the scales for weighing or are weighed at ~~such~~ THE market unless ~~such~~ THE cattle are released by an authorized brand inspector. ~~Any~~ A person, whether acting ~~in his or her~~ ON THE PERSON'S own behalf or as an agent, servant, officer, or employee of ~~any~~ A person, firm, corporation, or association, who violates ~~any provisions of~~ this section commits a civil infraction.

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

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

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

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

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



**35-53.5-108. Movement of cattle from certified feedlots - notice - inspection.**

(2) All certified feedlots shall notify the local brand inspector of all anticipated shipments going directly to slaughter, giving the inspector ample notice to inspect or audit the shipment at ~~his or her~~ THE INSPECTOR'S discretion during daylight hours.

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

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

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

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

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

**35-54-104. Purchaser must show bill of sale.** ~~It is the duty of any~~ A person who purchases or receives, or has in ~~his~~ THE PERSON'S possession, any ~~such~~ livestock, either for ~~himself~~ THE PERSON or for another, ~~to~~ SHALL exhibit, ~~on~~ AT THE reasonable request ~~to~~ OF any OTHER person, ~~inquiring therefor,~~ the bill of sale of such livestock if it is in ~~his~~ THE PERSON'S power to do so, ~~and~~ OR, if it is not in ~~his~~ THE PERSON'S power to do so, ~~to~~ THE PERSON SHALL state and give the reason ~~therefor.~~ ~~Any~~ WHY. A person violating or failing to comply with ~~the provisions of~~ this section shall be deemed guilty and liable to punishment as provided in section 35-54-102.

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

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

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

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

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

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

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

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

**35-55-114. Title.** The operator of each public livestock market in ~~this~~ THE state shall warrant to the purchaser ~~thereof~~ OF SUCH A PUBLIC LIVESTOCK MARKET the title of all livestock sold through ~~his~~ THE OPERATOR'S public livestock market and ~~shall be~~ is liable to the rightful owner ~~thereof~~ OF THE PUBLIC LIVESTOCK MARKET for the net proceeds in cash received for such livestock so sold. ~~It is the further duty of~~ If such AN operator ~~when~~ IS notified by the authorized brand inspector that there is a question as to whether any designated livestock sold through ~~said~~ THE PUBLIC LIVESTOCK market is lawfully owned by the consignor ~~thereof, to~~ OF THE PUBLIC LIVESTOCK MARKET, THE OPERATOR SHALL hold the proceeds received from the sale of ~~said~~ THE livestock for a reasonable time, not to exceed thirty days, to permit the consignor to establish ownership. ~~and~~ If, at THE expiration of that time, the consignor fails to establish ~~his~~ THE CONSIGNOR'S lawful ownership of ~~such~~ THE livestock, ~~said~~ THE OPERATOR SHALL RELEASE THE proceeds ~~shall be released by~~ such operator to the state board of stock inspection commissioners, which board ~~has~~ authority to MAY dispose of ~~said~~ THE proceeds in accordance with Colorado's estray laws relating to the distribution of estray money, and the board's receipt ~~therefor~~ shall ~~relieve~~ ~~said~~ OF THE PROCEEDS RELIEVES THE operator from further responsibility for ~~said~~ THE proceeds. ~~Proof of ownership and an account of all sales of livestock shall be transmitted by~~ The authorized brand inspector SHALL TRANSMIT

to the state board of stock inspection commissioners PROOF OF OWNERSHIP AND AN ACCOUNT OF ALL SALES OF LIVESTOCK.

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

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

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

**35-56-102. Contents of register.** In ~~such~~ A STOCK register shall be recorded the person's name who brings forward ~~such~~ AN animal for sale, REGARDLESS OF whether ~~or not he~~ THE PERSON is the owner of the ~~same~~ ANIMAL, and, if THE PERSON IS not the owner, the name of the owner, with ~~his~~ THE OWNER'S residence; also, the color, brand or marks, size, and age, as near as may be, of the animal so offered for sale SHALL BE RECORDED.

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

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

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

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

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

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

**35-57.5-112. Meetings.** The first board appointed shall meet as soon as practicable for the purpose of organizing. It shall elect a ~~chairman~~ CHAIR from among its members and a secretary-treasurer who may or may not be from among its members. It shall adopt a general statement of policy for guidance and shall transact such other business as is necessary to start the work of the board. Thereafter, the board shall meet regularly once ~~each~~ EVERY three months or at such other times as called by the ~~chairman~~ CHAIR. The ~~chairman~~ CHAIR may call special

meetings at any time and shall call a special meeting when requested by three or more members of the board.

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

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

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

**35-57.5-119. Refunds - fraudulent and false claims - penalty.** (5) ~~The~~ A claim for refund shall be signed by the person who paid the assessment. ~~Any~~ A person who files a fraudulent or false claim for refund; or who, by any false pretenses, obtains or attempts to obtain a refund not legally due ~~him~~, TO THE PERSON; or who signs a refund claim in the name of and for another person commits theft, as defined in section 18-4-401, ~~C.R.S.~~, and shall be punished accordingly.

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

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

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

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

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

(2) As used in this section, "all-hazards event" means the occurrence of ~~any~~ A catastrophic event or incident that is either natural, such as a blizzard, fire, flood,

tornado, earthquake, or disease outbreak, or ~~man-made~~ HUMAN-MADE and that could be of biological, chemical, radiological, nuclear, or explosive origin.

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

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

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

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

(3) ~~It shall be the duty of~~ Each district attorney to whom ~~any~~ A violation is reported to SHALL cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay. Before the commissioner reports a violation for prosecution, the commissioner shall allow an opportunity for the alleged violator to present ~~his or her~~ THE ALLEGED VIOLATOR'S view to the commissioner.

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

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

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

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

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

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

(a) Precludes a person in interest from accessing ~~his or her~~ THE PERSON'S OWN information;

**SECTION 171.** In Colorado Revised Statutes, 35-61-114, **amend** (1) as follows:

**35-61-114. Inspections - investigations - access - subpoenas.** (1) The commissioner, upon ~~his or her~~ THE COMMISSIONER'S OWN motion or upon the complaint of any person, may make any investigations necessary to ensure compliance with this article 61.

**SECTION 172.** In Colorado Revised Statutes, 35-65-401, **amend** (8.5) as follows:

**35-65-401. Colorado state fair authority - creation - board - powers and duties - repeal.** (8.5) All thirteen members of the board, including the commissioner of agriculture or ~~his or her~~ THE COMMISSIONER'S designee, ~~shall be~~ ARE voting members of the board. The members of the board shall elect a chair, a vice-chair, and a secretary from among the membership of the board. Board action ~~shall require~~ REQUIRES the affirmative vote of a majority of a quorum of the board.

**SECTION 173.** In Colorado Revised Statutes, 35-70-103, **amend** (3)(a) as follows:

**35-70-103. State conservation board - composition - powers.** (3) (a) Any vacancies occurring in the elective positions on the state board shall be filled by the STATE board by the appointment of a person who would be qualified to stand for election for the STATE board and who is from the same area in which the vacancy occurred, and ~~such~~ THE appointee shall hold office until the expiration of the term of the office to which ~~he~~ THE APPOINTEE was appointed.

**SECTION 174.** In Colorado Revised Statutes, 35-70-107, **amend** (3) and (4) as follows:

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

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

of lands within the district, the supervisors shall ~~thereupon~~ declare a vacancy and proceed to appoint a successor.

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

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

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

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

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

(3) If a majority of the votes cast are against ~~such inclusion~~ INCLUDING THE LANDS WITHIN THE CONSERVATION DISTRICT, the state board shall record the fact in its minutes, and the election shall adjourn; ~~but~~ EXCEPT THAT, if a majority of the votes cast are in favor of such inclusion, the state board shall note that fact in its minutes and shall certify to the director of the division of local government in the department of local affairs the fact that such additional lands have been included within such district, and the director ~~of said division~~ shall issue ~~his~~ A certificate describing the legal boundaries of the lands and stating that ~~such~~ THE land has been added to and included within the district.

(7) In the event that any lands included within a district cease to be used for agricultural purposes and are thereafter devoted exclusively to commercial or industrial uses or other uses related to urban development, or are subdivided for

residential purposes, or become a part of the area included within an incorporated municipality, such lands may be withdrawn from a conservation district as follows:

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

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

**35-72-102. Duty of landowner - liability for damage.** (2) ~~Any~~ AN OWNER or occupier who sustains damages to ~~his~~ property, including but not limited to crops, grasslands, fences, fencerows, irrigation canals, ditches, or livestock, proximately caused by the failure of ~~any other~~ AN OWNER or occupier of other land to discharge ~~his~~ THE OTHER OWNER'S duty to prevent soil blowing from land ~~he~~ THE OTHER OWNER owns or occupies may recover actual damages from the other owner or occupier by bringing an action in any court of competent jurisdiction.

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

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

**35-72-103. Action by county commissioners - emergency conditions.** (2) Notice of ~~such~~ THE CITATION shall be given by personal communication, if possible, and by mailing a copy ~~thereof~~ OF THE CITATION by registered mail addressed to each of the persons to whom the citation is directed at the address as shown on the records of the county assessor; otherwise, service of such citation shall be made as provided by the Colorado rules of civil procedure for the service of summons. Such citation shall also be posted in a public place in the county courthouse in the county in which said land is located. If such treatment is not commenced on or before three days or within such greater time as may be specified in such citation after the date of such personal communication, mailing, and posting or the service of notice as provided in this subsection (2), or if the treatment is not performed in the manner and to the extent specified in the citation and ~~in a workmanlike manner~~ and with due diligence, or if, prior to the expiration of the date fixed in said citation, the persons to whom said citation is directed advise the board



that they do not intend to or cannot accomplish the work so directed, the board may cause such treatment to be performed in accordance with such citation.

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

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

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

**35-72-106. Judicial review.** ~~Any~~ A landowner aggrieved at the amount of the assessment against ~~his~~ THE LANDOWNER'S land may bring an action in the district court of the county in which the land is situated to test the validity of the assessment or to enjoin its collection, but such action must be brought within thirty days after the assessment is made and the copy of the resolution of the board is mailed as provided in section 35-72-105 and cannot be brought thereafter.

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

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

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

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

**35-75-119. Investment powers of authority.** The authority ~~has the power to~~ MAY invest any ~~funds~~ MONEY held in reserve, sinking funds, capital reserve funds, or any funds not required for immediate disbursement in property or in securities in which the state treasurer may legally invest ~~funds~~ MONEY subject to ~~his~~ THE STATE TREASURER'S control; ~~and to sell from time to time such securities thus purchased and held; and to deposit any securities in any~~ A trust bank within or without the state. In addition, the authority ~~has the power to~~ MAY invest any ~~such funds~~ THE MONEY in unsecured promissory notes of a national bank having the highest investment ratings. Any ~~funds~~ MONEY deposited in a banking institution shall be secured in such manner and subject to such terms and conditions as the board may determine, with or without payment of ~~any~~ interest on such deposit, including, without limitation, time deposits evidenced by certificates of deposit. ~~Any~~ A commercial bank incorporated under the laws of this state ~~which~~ THAT may act as a depository of ~~any funds~~ THE MONEY of the authority may issue indemnifying bonds or may pledge such securities as may be required by the board.

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

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

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

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

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

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

(2) Complaints of record made to the commissioner and the results of ~~his or her~~ THE COMMISSIONER'S investigations may, ~~in~~ AT the discretion of the commissioner, be closed to public inspection, except to the person in interest, as defined in section

24-72-202 (4), ~~C.R.S.~~; or as provided by court order, during the investigatory period and until dismissed or until notice of hearing and charges are served on a licensee.

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

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

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

**35-80-111. Enforcement - cease-and-desist orders - hearings.**  
(2) (a) Whenever the commissioner has reasonable cause to believe a violation of ~~any~~ A provision of this ~~article~~ ARTICLE 80 or ~~any~~ A rule ~~promulgated~~ ADOPTED pursuant to this ~~article~~ ARTICLE 80 has occurred and immediate enforcement is deemed necessary, ~~he or she~~ THE COMMISSIONER may issue a cease-and-desist order, which may require ~~any~~ A person to cease violating ~~any~~ A provision of this ~~article~~ ARTICLE 80 or ~~any~~ A rule ~~promulgated~~ ADOPTED pursuant to this ~~article~~ ARTICLE 80. The cease-and-desist order ~~shall~~ MUST set forth the provisions alleged to have been violated, the facts alleged to have constituted the violation, and the requirement that all actions cease forthwith. At any time after service of the order to cease and desist, the person may request, at ~~such~~ THE person's discretion, a prompt hearing to determine whether ~~or not such~~ THE violation has occurred. ~~Such~~ THE hearing shall be conducted pursuant to ~~the provisions of article 4 of title 24 C.R.S.~~; and shall be ~~determined~~ CONDUCTED promptly.

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

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

**SECTION 188. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or

part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 26, 2025