CHAPTER 96

AGRICULTURE

HOUSE BILL 98-1101

BY REPRESENTATIVES Young, K. Alexander, Smith, and Taylor; also SENATORS Wattenberg and Chlouber.

AN ACT

CONCERNING REGULATION OF THE LIVESTOCK INDUSTRY BY THE DIVISION OF BRAND INSPECTION IN THE DEPARTMENT OF AGRICULTURE, AND, IN CONNECTION THEREWITH, INCREASING FEES FOR LIVESTOCK INSPECTION, PROVIDING FOR THE PUBLIC SALE OF ABANDONED BRANDS, CREATING AN ANNUAL TRANSPORTATION PERMIT FOR CATTLE AND ALTERNATIVE LIVESTOCK, AND AUTHORIZING THE CERTIFICATION OF FEEDLOTS BY THE STATE BOARD OF STOCK INSPECTION COMMISSIONERS.

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

SECTION 1. 35-41-100.3, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

35-41-100.3. Definitions. As used in this article, unless the context otherwise requires:

(1.4) "BOVINE LIVESTOCK" MEANS:

(a) ALL CATTLE AND CALVES; AND

(b) ALL SHEEP BEING TREATED AS LIVESTOCK AT THE REQUEST OF THE OWNER THEREOF.

(1.7) "EQUINE LIVESTOCK" MEANS ALL HORSES, MULES, AND BURROS.

SECTION 2. 35-41-104 (1) and (2), the introductory portion to 35-41-104 (3), and 35-41-104 (4) and (6), Colorado Revised Statutes, are amended, and the said 35-41-104 is further amended BY THE ADDITION OF THE FOLLOWING NEW
35-41-104. Board's authority to impose fees and charges. (1) Bovine livestock. (a) The board is hereby authorized to levy and collect, through authorized brand inspectors, a per-head inspection tax fee of not more than forty cents on all bovine livestock inspected; except that the charges for livestock shipped directly to a licensed slaughter plant, within twenty-four hours after inspection in such feedlot, are as follows: For the first five hundred head per owner per certificate, two cents below the set inspection fee, and for over five hundred head per owner per certificate, five cents below the set inspection fee. Such sliding scale charges shall take effect at such time as the set inspection fee exceeds thirty-four cents. The inspection fee established pursuant to this paragraph (a) shall apply when any bovine livestock are being consigned to a Colorado-licensed public livestock market.

(b) In addition, the board is authorized to levy and collect, through authorized brand inspectors, a service charge of not less than one dollar nor more than seven dollars and fifty cents from each person, company, or corporation requesting the brand inspection or from whom a brand inspection is required by law; except that, when cattle which are owned by more than one person are inspected at one site, only one service charge shall be collected. The minimum fee established pursuant to this subsection (1), but not the service charge, shall apply when branded or unbranded livestock are being consigned to a Colorado-licensed public livestock market or a licensed slaughterhouse. The minimum fee shall be due and payable to the inspector when the inspector arrives at the designated inspection point, whether or not an inspection of the livestock actually takes place.

(1.5) Equine livestock. (a) The board is hereby authorized to levy and collect, through authorized brand inspectors, a per-head inspection fee of not more than one dollar on all equine livestock inspected. The inspection fee established pursuant to this paragraph (a) shall apply when any equine livestock are being consigned to a Colorado-licensed public livestock market.

(b) In addition, the board is authorized to levy and collect, through authorized brand inspectors, a minimum fee of not more than ten dollars from each person, company, or corporation requesting the brand inspection or from whom a brand inspection is required by law. The minimum fee shall be due and payable to the inspector when the inspector arrives at the designated inspection point, whether or not an inspection of the livestock actually takes place.

(2) It is the duty of all authorized Colorado brand inspectors to inspect all livestock, except as are exempt by law, that are offered for sale or to be moved interstate or intrastate and to collect the tax and service charge thereon. The fees established pursuant to subsections (1) and (1.5) of this section. Within the limits prescribed by this subsection (2), the board shall determine the amount of the tax and service charge which shall be collected by authorized brand inspectors from the owner or person in charge of said livestock before issuing a certificate of brand inspection granting leave to the owner or person in charge to offer...
the brand inspected livestock for sale or movement interstate or intrastate. The tax
and service charge fees so collected shall be reported and transmitted to the board
at such time and in such manner as the board shall by regulation require.

(3) A brand inspection tax fee inspection fees as authorized in subsection (1)
SUBSECTIONS (1) AND (1.5) of this section shall be collected by brand inspectors from
the owners or persons in charge of said livestock before issuing any certificate when:

(4) Minimum fee when inspection required by law - bovine livestock. A
 service charge MINIMUM FEE of not more than seven dollars and fifty cents
 TEN DOLLARS shall be collected from each recorded brand owner defined by person,
 company, or corporation requesting the brand inspection or from whom a brand
 inspection is required by law; except when livestock are consigned for sale at a
 Colorado licensed public livestock market or any licensed slaughterhouse EXCEPT
 THAT, WHEN BOVINE LIVESTOCK OWNED BY MORE THAN ONE PERSON ARE INSPECTED
 AT ONE SITE, ONLY ONE MINIMUM FEE SHALL BE COLLECTED. NO MINIMUM FEE SHALL
 BE REQUIRED WHEN BOVINE LIVESTOCK ARE CONSIGNED FOR SALE AT A
 COLORADO-LICENSED PUBLIC LIVESTOCK MARKET.

(4.5) Minimum fee when inspection required by law - equine livestock. A
 MINIMUM FEE OF NOT MORE THAN TEN DOLLARS SHALL BE COLLECTED FROM EACH
 PERSON, COMPANY, OR CORPORATION REQUESTING THE BRAND INSPECTION OR FROM
 WHOM A BRAND INSPECTION IS REQUIRED BY LAW. NO MINIMUM FEE SHALL BE
 REQUIRED WHEN EQUINE LIVESTOCK ARE CONSIGNED FOR SALE AT A
 COLORADO-LICENSED PUBLIC LIVESTOCK MARKET;

(6) In the case of unbranded or freshly branded calves inspected with their mothers
 in compliance with section 35-43-129, in addition to the inspection tax fee for each
calf inspected, mileage expense allowed by section 35-43-129 shall also be collected.

SECTION 3. 35-43-115 (1) and (3), Colorado Revised Statutes, are amended to
read:

35-43-115. Assessment of brands. (1) To revise and disencumber the brand
records of unused brands and to provide funds with which to publish new brand books
and otherwise assist in the operational cost of the division of brand inspection, the
state board of stock inspection commissioners has the authority to impose an
assessment, not to exceed eighteen 30 dollars per year or any fraction of a year
and not to exceed ninety 150 dollars in any one assessment period,
on every brand recorded in the office of the state board of stock inspection commissioners on or before January 1, 1992 2002, to cover the five-year period
beginning on January 1, 1992 2002, and ending on December 31, 1996 2006, and
like assessments covering every five years thereafter. It is the duty of the board to
notify every owner of a recorded brand of such assessment through the United States
mail by letter addressed to the owner at THE OWNER'S post-office address as given
in the brand records. The assessment shall be due and payable within ninety days
after January 1 of the assessment year. If any owner of a recorded brand fails or
refuses to pay such assessment within said ninety days, the board may mail a second
notice by certified mail. If, within ninety days after the second mailing, any owner
of a recorded brand fails or refuses to pay such assessment, such brand shall be
cancelled from the valid registry of livestock brands in the office of the state board
of stock inspection commissioners and may be reissued and recorded as a new brand after the expiration of three years from the date of such cancellation. The state board of stock inspection commissioners shall give a receipt for any such payment.

(3) As to any brand recorded prior to the beginning of any assessment period, the state board of stock inspection commissioners may require one payment of all assessments for the entire five-year period. As to any brand recorded on or after the commencement of any assessment period, the state board of stock inspection commissioners shall make the assessment for the year or fractional part of the year in which the brand is recorded and for the remaining years within that five-year period and may require one payment of all such assessments.

SECTION 4. Article 43 of title 35, Colorado Revised Statutes, is amended by the addition of a new section to read:

35-43-115.5. Abandoned brands - procedure - sale - proceeds. (1) Any brand that has been cancelled for nonpayment of the assessment pursuant to section 35-43-115(1) and that, as of June 30 of any assessment year, has remained unclaimed for at least five years since the date of cancellation shall be presumed abandoned, and all claims or interests in such brand shall be deemed forfeited.

(2) In accordance with the "State Administrative Procedure Act", Article 4 of title 24, C.R.S., the state board of stock inspection commissioners shall adopt rules governing the publication and sale of abandoned brands. Such rules shall include, without limitation, provisions for the publication of a notice of abandoned brands and procedures for the public sale of such brands.

(3) The purchaser of an abandoned brand at a public sale shall take all rights to the brand free and clear of all liens and encumbrances of the prior owner or of any other person. The state board of stock inspection commissioners shall provide all documents necessary to effectuate the transfer of ownership of the brand.

(4) The proceeds of the sale of an abandoned brand, net of expenses of the sale, shall be credited to the brand assessment account in the brand inspection fund.

SECTION 5. 35-53-129 (1), Colorado Revised Statutes, is amended to read:

35-53-129. Permanent permit for rodeo and other horses. (1) Competition horses, other than contractor-owned bucking horses, that are used in rodeo and horse show competitions, registered breed show horses, racehorses, special drill and pleasure horses, and Colorado farm or ranch work or saddle horses shall be eligible to receive a permanent transportation permit which shall be valid for both interstate and intrastate movement if positive proof of ownership is established to the state board of stock inspection commissioners or a duly authorized Colorado brand inspector. Upon completion of an application form, approved by the state board of stock inspection commissioners, which shall give a thorough physical description showing all brands, no brands, tattoos, or other characteristics carried by the horse,
accompanied by a copy of the brand inspection certificate and a transportation permit fee regulated by the board of not more than twenty dollars made payable to the state board of stock inspection commissioners, a permanent hauling transportation permit shall be issued which shall be good for the life of the horse unless a change of ownership takes place, in which case the permit will become void. The new owner may make application for permit by the same full compliance as the prior owner. Any person fraudulently using a transportation permit issued under this section commits a class 3 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S.

SECTION 6. Article 53 of title 35, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

35-53-130. Annual transportation permit for cattle or alternative livestock.
(1) Bovine livestock, as defined in section 35-41-100.3 (1.4), and alternative livestock, as defined in section 35-41.5-102 (1), shall be eligible to receive an annual transportation permit that shall be valid for both interstate and intrastate movement if positive proof of ownership is established to the state board of stock inspection commissioners or a duly authorized Colorado brand inspector. Upon completion of an application form, approved by the state board of stock inspection commissioners, which shall give a thorough physical description showing all brands, no brands, tattoos, or other characteristics carried by the animal, accompanied by a copy of the brand inspection certificate and a transportation permit fee regulated by the board of not more than twenty dollars made payable to the state board of stock inspection commissioners, an annual hauling transportation permit shall be issued that shall be good for one year from the date of issuance unless a change of ownership takes place, in which case the permit will become void. The new owner may make application for permit by the same full compliance as the prior owner. Any person fraudulently using a transportation permit issued under this section commits a class 3 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S.

(2) A permit issued pursuant to this section shall be in lieu of other permits required under the provisions of this article.

SECTION 7. Title 35, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 53.5
Feedlot Certification

35-53.5-101. Short title. This article shall be known and may be cited as the "Feedlot Certification Act".

35-53.5-102. Definitions. As used in this article, unless the context otherwise requires:

(1) "Board" means the state board of stock inspection commissioners created in section 35-41-101 (1).
(2) "Brand commissioner" means the brand commissioner appointed by the board pursuant to section 35-41-101 (2).

(3) "Brand inspector" means an authorized Colorado brand inspector.

(4) "Commissioner" means the commissioner of agriculture.

(5) "Department" means the department of agriculture.

(6) "Feedlot" has the meaning set forth in section 35-41-100.3 (2).

35-53.5-103. Rules. (1) To carry out the provisions of this article, the board is authorized to adopt appropriate rules pursuant to section 24-4-103, C.R.S., on subjects that shall include, but are not limited to, the following:

(a) Fees to fund all direct and indirect costs of the administration and enforcement of this article;

(b) Methods of separating cattle for purposes of this article;

(c) Standards and procedures for certification of feedlots and for the issuance, renewal, suspension, revocation, and reinstatement of certificates;

(d) The number and type of on-site inspections;

(e) Records to be maintained by the owners and operators of certified feedlots;

(f) Grounds for enforcement actions.

35-53.5-104. Delegation of duties - cooperative agreements. (1) The powers and duties vested in the board by this article may be delegated to qualified employees and agents, including without limitation the brand commissioner and brand inspectors.

(2) The department may receive grants-in-aid from any agency of the United States and may cooperate and enter into agreements with any agency of the United States, any agency of any other state, and any other agency of this state or its political subdivisions.

35-53.5-105. Feedlot certification. (1) Any person desiring to have a feedlot certified and utilize the certification seal under the provisions of this article shall secure such certification from the board in accordance with this article and any rules promulgated pursuant to this article. The certification period shall be one year, beginning July 1 and ending June 30 of each year.

(2) (a) Feedlots separated by at least one mile will be treated as separate facilities, even if they are owned by the same entity. Feedlots
OWNED BY THE SAME ENTITY AND NOT SEPARATED BY AT LEAST ONE MILE WILL BE CONSIDERED ONE FACILITY FOR PURPOSES OF CERTIFICATION UNDER THIS ARTICLE. EACH FACILITY SHALL BE CERTIFIED INDIVIDUALLY.

(b) TO BE ELIGIBLE FOR CERTIFICATION, EACH FACILITY MUST BE ORGANIZED AND OPERATED PRIMA RILY FOR THE FINISHING OF TERMINAL SLAUGHTER CATTLE. NO ANIMAL INTERD ICTION OR COMMINGLING OF ANIMALS FROM ANY OTHER FACILITY SHALL BE PERMITTED.

(c) ANIMALS SHALL NOT BE MARKETED AS FINISHED IN A CERTIFIED FEEDLOT UNLESS THE OWNER OF THE FEEDLOT VERIFIES THAT THE ANIMALS ARE DESTINED TO A PACKING FACILITY REGISTERED AND LICENSED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE. ANIMALS LEAVING A CERTIFIED FEEDLOT FOR ANY OTHER DESTINATION OR PURPOSE SHALL NOT BE MARKETED AS FINISHED IN A CERTIFIED FEEDLOT AND SHALL BE SUBJECT TO ALL OTHERWISE APPLICABLE BRAND INSPECTION REQUIREMENTS.

(3) CERTIFICATIONS ARE NOT TRANSFERABLE.

(4) CERTIFIED FEEDLOTS SHALL BE EXEMPT FROM THE FEE WAIVER PERMIT PROVISIONS OF SECTION 35-53-101 (2).

(5) ANIMALS IN A CERTIFIED FEEDLOT SHALL NOT BE EXEMPT FROM ANY COLORADO BRAND INSPECTION REQUIREMENT OTHER THAN THOS E EXEMPTIONS CONTAINED IN THIS ARTICLE.

35-53.5-106. Application - fees. (1) EACH PERSON SEEKING CERTIFICATION OF A FEEDLOT SHALL MAKE APPLICATION TO THE BOARD ON FORMS PRESCRIBED AND FURNISHED BY THE BOARD. THE BOARD MAY REJECT ANY APPLICANT WHO DOES NOT MEET THE MINIMUM REQUIREMENTS FOR CERTIFICATION AS SET FORTH IN RULES OF THE BOARD.

(2) AN ANNUAL CERTIFICATION FEE, NOT TO EXCEED ONE THOUSAND DOLLARS, SHALL ACCOMPANY THE APPLICATION.

35-53.5-107. Per-head fees. (1) THE PER-HEAD INSPECTION FEE FOR A CERTIFIED FEEDLOT SHALL BE FIFTEEN CENTS LESS THAN THE FEE SET BY THE BOARD PURSUANT TO SECTION 35-41-104 FOR DIRECT-TO-SLAUGHTER CATTLE AND SEVENTEEN CENTS LESS THAN SUCH FEE FOR ALL OTHER CATTLE. ALL SUCH FEES SHALL BE DUE AND PAYABLE TO THE BOARD BY THE FIFTH DAY OF EACH MONTH BASED ON THE NUMBER OF ANIMALS SHIPPED DURING THE PREVIOUS CALENDAR MONTH.

(2) EACH MONTH, THE OWNER OF A CERTIFIED FEEDLOT SHALL REMIT TWO SEPARATE CHECKS, EACH MADE PAYABLE TO THE BOARD. ONE OF SUCH CHECKS SHALL BE IN THE AMOUNT OF THE PER-HEAD FEE SPECIFIED IN SUBSECTION (1) OF THIS SECTION, AND THE OTHER IN THE AMOUNT REQUIRED TO COVER THE COLORADO BEEF BOARD FEE, THE NATIONAL BEEF PROMOTION FEE ASSESSED PURSUANT TO 7 C.F.R. SEC. 1260.172, OR BOTH. ANY PAYMENT RECEIVED OVER TEN DAYS LATE SHALL RESULT IN THE ASSESSMENT OF A PENALTY OF TEN PERCENT OF THE AMOUNT ORIGINALLY DUE, NOT TO EXCEED FIFTY DOLLARS PER LATE PAYMENT, PLUS INTEREST AT THE LEGAL RATE SPECIFIED IN SECTION 5-12-102 (1) (b), C.R.S., UNTIL PAID.
35-53.5-108. Movement of cattle from certified feedlots - notice - inspection.
(1) The board shall supply each certified feedlot with appropriate movement certificates in triplicate. One copy of each certificate shall accompany the slaughter animals to the packing facility, one copy shall be retained by the certified feedlot, and one copy shall be sent to the board together with the appropriate fees. The feedlot shall retain copies of the direct-to-slaughter certificates in a separate file, in numeric order, for audit purposes.

(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 discretion during daylight hours.

(3) Any certified feedlot that has animals inspected immediately prior to shipment to slaughter and an inspection certificate issued by an authorized Colorado inspector shall be charged the applicable per-head fees, Colorado beef board fees, and national beef promotion fees. The certified feedlot per-head fee will not be charged in addition to the inspection fee. One copy of the inspection certificate shall be filed with feedlot copies of the slaughter movement certificates. The feedlot shall be responsible for the inspection fee, which shall be payable at the time of inspection on all animals inspected.

35-53.5-109. Movement of cattle into certified feedlots - notice - inspection.
(1) (a) All Colorado cattle arriving at a certified feedlot from origins in Colorado shall be accompanied by an inspection certificate or Colorado licensed market invoice, issued immediately prior to entry, or shall be inspected upon entry to the certified feedlot. All Colorado cattle that are inspected at the feedlot prior to entry for change of ownership or feedlot entry and that are not accompanied by a Colorado inspection certificate or purchase invoice shall be charged the regular set fees as authorized by section 35-41-104 and shall not be entitled to the discount provided in section 35-53.5-107 (1).

(b) As used in this section, "Colorado cattle" means cattle that either were born in Colorado or were unloaded in Colorado before entering the feedlot.

(2) Cattle received from another brand inspection state or province and accompanied by a current inspection certificate or licensed public livestock market purchase invoice issued immediately prior to shipment that identifies the animals by brand and that identifies the certified feedlot as the final destination shall be exempt from inspection requirements.

(3) All cattle originating from a non-brand inspection area shall be accompanied by purchase and interstate shipment documentation as required by Colorado or the state of origin of the cattle, or both. The document shall include buyer, seller, date of purchase, number of head, sex, average weight, and brands if known. The feedlot shall notify the
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LOCAL BRAND INSPECTOR WITHIN TWENTY-FOUR HOURS AFTER ARRIVAL, AND THE CATTLE SHALL BE HELD SEPARATELY BY SOURCE FOR A MAXIMUM OF FORTY-EIGHT HOURS AFTER SUCH NOTIFICATION SO THAT THE INSPECTOR MAY INSPECT OR AUDIT-ENDORSE PURCHASE AND SHIPMENT DOCUMENTATION SO AS TO ESTABLISH IDENTITY SATISFACTORY TO THE INSPECTOR. NO COMINGLING OF SHIPMENTS SHALL BE ALLOWED PRIOR TO INSPECTION. THE LOCAL BRAND INSPECTOR SHALL NOT COLLECT ANY FEE FOR THIS SERVICE.

(4) CATTLE RECEIVED AT THE FEEDLOT FROM ANY SOURCE THAT ARE REJECTED BY THE FEEDLOT FOR ANY REASON MAY BE SHIPPED OUT AFTER PROPER REQUIRED INSPECTION. CATTLE SO REJECTED SHALL BE CONSIDERED COLORADO CATTLE. THESE ANIMALS SHALL BE KEPT TOTALLY SEPARATE FROM OTHER ANIMALS, AND NO COMINGLING SHALL BE ALLOWED.


35-53.5-110. Audits - inspections - complaints. (1) THE BOARD OR AN AUTHORIZED BRAND INSPECTOR MAY AUDIT A CERTIFIED FEEDLOT AT ANY REASONABLE TIME, WITH OR WITHOUT ADVANCE NOTICE, TO ENSURE COMPLIANCE WITH THIS ARTICLE OR ANY RULES ADOPTED UNDER THE AUTHORITY GRANTED IN THIS ARTICLE.

(2) (a) THE BOARD SHALL DETERMINE THE DEPTH AND FREQUENCY OF ANY FEEDLOT AUDIT.

(b) THE AUDIT OF A CERTIFIED FEEDLOT MAY INCLUDE PHYSICAL INSPECTION OF ANIMALS IN ANY AREA OF THE FACILITY AND MAY INCLUDE ANY DOCUMENT REQUIRED TO VERIFY HEAD COUNT, VALID OWNERSHIP, OR LEGAL ENTRY INTO THE FACILITY.

(3) (a) ANY PERSON HAVING REASONABLE SUSPICION OF A POTENTIAL VIOLATION MAY REQUEST, DIRECTLY TO THE BRAND COMMISSIONER OR HIS OR HER DESIGNATED AGENT, AN INSPECTION OR AUDIT OF A SPECIFIC CERTIFIED FEEDLOT OR PEN THEREIN. SUCH REQUEST MAY BE GRANTED OR DENIED BASED UPON RULES OF THE BOARD GOVERNING SUCH INSPECTION OR AUDIT. THE PERSON REQUESTING SUCH AUDIT SHALL BE RESPONSIBLE FOR 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 PERSON SHALL BE REIMBURSED FROM THE PENALTIES ASSESSED PURSUANT TO SECTION 35-53.5-113.

(b) THE OWNER OF A CERTIFIED FEEDLOT MAY REQUEST AN INSPECTION OF CATTLE HELD AT THE FEEDLOT UPON PAYMENT TO THE BOARD OF ALL APPLICABLE FEES.
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35-53.5-111. Enforcement - hearings. (1) The board is authorized to administer and enforce the provisions of this article and all rules adopted pursuant thereto.

(2) The board is authorized to conduct hearings in accordance with article 4 of title 24, C.R.S., and to use administrative law judges to conduct such hearings when their use would result in a net saving of costs to the board.

(3) The board and, in the exercise of delegated authority, the brand commissioner, shall have full authority to administer oaths and take statements, issue subpoenas requiring the attendance of witnesses and the production of books, records, and other documentary evidence, 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 witness to obey a subpoena, the board or the brand 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 punishable as a contempt of court.

35-53.5-112. Disciplinary actions - suspension or revocation of certificate - grounds. (1) The board, acting in accordance with article 4 of title 24, C.R.S., may deny, suspend, refuse to renew, or revoke any certification if the applicant or certificate holder has violated any provision of article 43, 44, 53, or 54 of this title or has entered a plea of guilty or no contest to or been convicted of any criminal act under title 18, C.R.S.

(2) The owner of any feedlot whose certification has been suspended or revoked shall, upon notice, cause all animals leaving the facility to be inspected pursuant to section 35-53-105 and shall pay all required inspection fees at the time of inspection.

(3) Upon the suspension or revocation of a certificate, all or part of the annual certification fee may be forfeited as determined by the board.

(4) The owner of a feedlot whose certification has been revoked may reapply for certification at any time after the expiration of two years from the date of revocation and upon the payment of all required fees.

35-53.5-113. Civil penalties. (1) (a) Any person who violates any provision of this article or of any rule adopted pursuant to this article is subject to a civil penalty, not to exceed one thousand dollars per violation, as determined by the board or a court of competent jurisdiction.

(b) No civil penalty shall be imposed by the board unless the person charged is given notice and opportunity for a hearing pursuant to article 4 of title 24, C.R.S.

(c) All civil penalties levied and collected pursuant to this article shall be credited to the brand inspection fund created in section
35-41-102. All moneys credited to such fund pursuant to this article, together with any interest earned thereon, shall be retained in the fund and shall not revert to the general fund or any other fund except as may be directed by the general assembly, acting by bill.

(2) Nothing in this article shall be construed to limit the authority of the board or any other law enforcement agency to investigate or prosecute violations of local, state, or federal law except as otherwise specifically provided.

(3) Nothing in this article shall be construed to immunize any person from civil liability.

35-53.114. Estrays - stolen livestock - board to assist recovery. (1) The board shall assist the owner of any certified feedlot that, as legal purchaser, has inadvertently received an estray or stolen animal on any shipment received. Stolen livestock found at any inspection location shall be handled in accordance with section 18-4-405, C.R.S.

(2) Animals found to be of questionable title shall be handled as estrays until clear and legal title has been established. At the time of entry into a certified feedlot, the officiating inspector shall notify the owner of the feedlot of any estrays or animals of questionable title and assist in clarifying title wherever possible.

35-53.115. Prohibited acts - no liability of state. (1) It shall be unlawful for any unauthorized person to reproduce, produce a facsimile of, or use a feedlot certificate in any fashion. Any person who violates this subsection (1) may be subject to appropriate civil or administrative proceedings or both.

(2) The state assumes no liability for persons who misrepresent any product under the authority of this article.

SECTION 8. 35-53-101 (1), Colorado Revised Statutes, is amended to read:

35-53.101. Brand inspection fee - minimum fee - waiver permit. (1) As a means of financing the operations of the state board of stock inspection commissioners, the board is hereby authorized to levy and collect, through authorized brand inspectors, a per head inspection tax not to exceed the amount specified in section 35-41-104 on all livestock inspected. In addition, the board is authorized to levy and collect through authorized brand inspectors a service charge of not less than the amount specified in section 35-41-104 from each person, company, or corporation requesting the brand inspection or from whom a brand inspection is required by law. The tax established pursuant to this subsection (1), but not the service charge, shall apply when branded or unbranded cattle, horses, or mules are being consigned to a Colorado licensed public livestock market or a licensed slaughter plant. It is the duty of all authorized Colorado brand inspectors to inspect all cattle, horses, and mules, except as exempt by law, that are offered for sale or to be moved interstate or intrastate and collect the tax and service charge thereon. Within the limits
prescribed by this subsection (1), the state board of stock inspection commissioners shall determine the amount of the tax and service charge which shall be collected by authorized brand inspectors from the owner or person in charge of said cattle, horses, or mules before issuing a certificate of brand inspection granting leave to the owner or person in charge to offer the brand inspected cattle, horses, or mules for sale or movement interstate or intrastate. The tax and service charge so collected shall be reported and transmitted to the state board of stock inspection commissioners at such time and in such manner as the board shall by regulation require.

SECTION 9. 35-53-115, Colorado Revised Statutes, is amended to read:

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 hides are shipped. A certificate of inspection as provided for in section 35-53-102 shall accompany all shipments and shall be exhibited by the carrier or his 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 tax in the amount prescribed by the board, pursuant to section 35-41-104, to the inspector before he issues the hide inspection certificate authorizing the transportation of such hides.

(2) Each inspector of hides shall keep a complete record of all inspections made by him and shall forward to the state board of stock inspection commissioners, together with the tax collected, on blanks furnished by the board, a complete report of each inspection, giving the names of the purchasers and shippers of the hides, as well as all of the brands thereon. Said report and tax so collected shall be reported and transmitted to said board at such time and in such manner as the board shall by regulation require, and said report shall be preserved by the brand commissioner as part of the records of his office. This section shall not apply to slaughter plants or packinghouses where all cattle are inspected immediately prior to slaughter by a duly authorized brand inspector of the state board of stock inspection commissioners.

SECTION 10. 35-53-125 (1), Colorado Revised Statutes, is amended to read:

35-53-125. Inspection at point of origin. (1) Any cattle moved from a pasture shall be inspected for brands by an authorized brand inspector at the point of origin before they are placed in a feedlot, and proof of ownership shall be shown on demand by any Colorado brand inspector or any other interested party. Any cattle found carrying questionable brands when an inspection is made shall be held and handled as estrays or questionably-owned cattle, as provided by law. Such inspections shall be made before mixing with any other cattle, and when any uninspected cattle are mixed prior to an inspection, an inspection shall be made on all the cattle so mixed, and the inspection tax shall be collected. A brand inspector shall be authorized to release the cattle to be inspected at the point of origin for an inspection to be made at any designated place where proper facilities are available.
SECTION 11.  35-55-103, Colorado Revised Statutes, is amended to read:

35-55-103.  License fee.  No person, partnership, or corporation shall engage in the operation of a public livestock market within the state of Colorado without first procuring a license from the state board of stock inspection commissioners and paying therefor a fee prescribed by the board in an amount sufficient to cover the administrative costs of the licensing provisions of this article.  Said license shall be renewed by eligible applicants prior to May 1 in each calendar year thereafter, upon like application and payment of a like fee.  An application for a license to establish and operate public livestock markets shall be in writing upon a blank form to be furnished by the state board of stock inspection commissioners and shall be accompanied by the fee prescribed by the board pursuant to this section. If the board does not issue a license or renewal, the fee must be returned to the applicant.

SECTION 12.  35-55-104 (3), Colorado Revised Statutes, is amended to read:

35-55-104.  Bond.  (3)  Any such public livestock market which is registered under the provisions of the federal "Packers and Stockyards Act, 1921", as amended, and has executed a bond as provided for therein and as is required by the rules and regulations prescribed by the secretary of agriculture, is not required to execute the bond provided for in this article if such bond also guarantees payment of all brand and sanitary inspection fees due this state. Copies of any such license and bond certified by the executive officer of such board may be procured upon payment of a fee of one dollar each, and shall be received as competent evidence in any court in this state.

SECTION 13.  35-55-105, Colorado Revised Statutes, is amended to read:

35-55-105.  Posting licenses.  A certified copy of an issued license may be procured by the holder of the original upon payment of a fee of one dollar therefor, and the original or certified copy of said license shall be posted during sale periods in a conspicuous place on the premises where the public livestock market is conducted.

SECTION 14.  35-55-112, Colorado Revised Statutes, is amended to read:

35-55-112.  Brand inspection.  (1)  All cattle, horses, mules, and burros, upon entering a public livestock market, shall be inspected for iron brands, earmarks, and other identifying characteristics before being offered for sale.  A bill of sale signed by the recorded owner of the brands or no brands or an account of sale showing the brands or no brands on the livestock consigned shall be produced by the consignor.  The brand inspector in charge may, in justifiable circumstances, permit the sale of cattle, horses, mules, or burros whose ownership is questionable and then proceed to impound the proceeds of the sale of such animals.  After any livestock are consigned to any public livestock market, they shall be held and treated as if the ownership thereof has not been established, until a proper bill of sale or account of sale is produced by the consignor.  Such inspections shall be made by authorized brand inspectors who have been approved by the state board of stock inspection commissioners, and a fee per head in the amount prescribed by the state board of stock inspection commissioners pursuant to section 35-41-104, shall be withheld from the consignor's proceeds of sale by the market operator, to be paid to the state
(2) The authorized brand inspector making the inspection and collecting the fees or taxes prescribed shall issue an official brand inspection certificate in duplicate, one copy to be the property of the owner or operator of the auction market, and will be authority for the public livestock market to issue a bill of sale to the purchaser of any livestock sold or disposed of through a licensed livestock auction market, the original to be delivered to the office of the state board of stock inspection commissioners.

SECTION 15. 35-55-115, Colorado Revised Statutes, is amended to read:

35-55-115. Disposition of fees. All license fees or taxes collected from public livestock markets shall be deposited with the state treasurer and shall be placed in the brand inspection fund by the state treasurer for use of the board in paying ordinary expenses of the state board of stock inspection commissioners.

SECTION 16. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 13, 1998