

CHAPTER 202

AGRICULTURE

HOUSE BILL 04-1351

BY REPRESENTATIVE(S) Hoppe, Stengel, Briggs, Brophy, McCluskey, Rose, Salazar, Wiens, Young, Coleman, Hall, Harvey, Hefley, Larson, Smith, Spradley, Tochtrop, and Williams T.; also SENATOR(S) Taylor, Chlouber, Entz, Fitz-Gerald, Hillman, Isgar, Kester, and Phillips.

AN ACT

CONCERNING THE STATE BOARD OF STOCK INSPECTION COMMISSIONERS, AND, IN CONNECTION THEREWITH, CHANGING THE FISCAL POLICIES OF SUCH BOARD AND THE DIVISION OF BRAND INSPECTION TO ALLOW OPERATION AS AN ENTERPRISE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

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 A NEW SUBSECTION to read:

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

(1.5) "DIVISION" MEANS THE DIVISION OF BRAND INSPECTION IN THE DEPARTMENT OF AGRICULTURE, CREATED IN SECTION 24-1-123 (4) (g) (I), C.R.S.

SECTION 2. 35-41-101 (1), Colorado Revised Statutes, is amended, and the said 35-41-101 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

35-41-101. State board of stock inspection commissioners - creation - brand commissioner - enterprise - bonds. (1) There is created a state board of stock inspection commissioners, composed of five commissioners who shall be appointed by the governor all of whom shall be actively engaged in the production or feeding of cattle, HORSES, or sheep ~~and one of whom shall be an operator of a cattle feedlot~~ WITH THE CONSENT OF THE SENATE. TWO OF THE MEMBERS SHALL REPRESENT THE NONCONFINEMENT CATTLE INDUSTRY; TWO OF THE MEMBERS SHALL REPRESENT THE CONFINEMENT CATTLE INDUSTRY; AND

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

ONE SHALL HAVE BROAD GENERAL KNOWLEDGE OF THE COLORADO LIVESTOCK INDUSTRY AND SHALL REPRESENT THE COMMODITY, OTHER THAN THE CONFINEMENT AND NONCONFINEMENT CATTLE INDUSTRIES, WITH THE LARGEST PERCENTAGE OF CHARGED FEES. The members of the board shall be appointed in such manner as will at all times represent as nearly as possible all sections of the state wherein livestock is a major activity, but at no time shall any two members be residents of the same particular section of the state. The term of office of said commissioners shall be for a period of four years. Persons holding office on June 15, 1987, are subject to the provisions of section 24-1-137, C.R.S. Members may be removed for cause by the governor. They shall serve without compensation except for actual and necessary traveling expenses. The board shall meet monthly unless, in case of emergency, ~~declared in writing by the governor~~; a special meeting is deemed advisable.

(5) (a) THE DIVISION AND THE BOARD SHALL CONSTITUTE AN ENTERPRISE FOR THE PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, SO LONG AS THE BOARD RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND THE BOARD AND THE DIVISION RECEIVE LESS THAN TEN PERCENT OF THEIR TOTAL ANNUAL REVENUES IN GRANTS, AS DEFINED IN SECTION 24-77-102 (7), C.R.S., FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SECTION, THE DIVISION AND THE BOARD SHALL NOT BE SUBJECT TO ANY OF THE LIMITATIONS IMPOSED BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

(b) THE ENTERPRISE CREATED PURSUANT TO THIS SECTION SHALL HAVE ALL THE POWERS AND DUTIES AUTHORIZED BY THIS TITLE WITH REGARD TO THE BOARD AND THE DIVISION.

(c) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT OR RESTRICT THE AUTHORITY OF THE DIVISION TO EXPEND ITS REVENUES CONSISTENT WITH THE PROVISIONS OF THIS ARTICLE AND ARTICLES 41, 41.5, 43, 44, 46, 47, 53, 53.5, 55, 57, AND 57.8 OF THIS TITLE.

(6) (a) THE BOARD MAY, BY RESOLUTION THAT MEETS THE REQUIREMENTS OF SUBSECTION (7) OF THIS SECTION, AUTHORIZE AND ISSUE REVENUE BONDS IN AN AMOUNT NOT TO EXCEED TEN MILLION DOLLARS IN THE AGGREGATE FOR EXPENSES OF THE DIVISION. THE BONDS MAY BE ISSUED ONLY AFTER APPROVAL BY BOTH CHAMBERS OF THE GENERAL ASSEMBLY, ACTING EITHER BY BILL OR BY JOINT RESOLUTION, AND AFTER APPROVAL BY THE GOVERNOR IN ACCORDANCE WITH SECTION 39 OF ARTICLE V OF THE STATE CONSTITUTION. THE BONDS SHALL BE PAYABLE ONLY FROM MONEYS ALLOCATED TO THE DIVISION FOR EXPENSES OF THE DIVISION PURSUANT TO SECTION 35-41-102.

(b) ALL BONDS ISSUED BY THE BOARD SHALL SPECIFY THAT:

(I) NO HOLDER OF ANY BONDS MAY COMPEL THE STATE OR ANY SUBDIVISION THEREOF TO EXERCISE ITS APPROPRIATION OR TAXING POWER; AND

(II) THE BONDS DO NOT CONSTITUTE A DEBT OR FINANCIAL OBLIGATION OF THE STATE AND ARE PAYABLE ONLY FROM THE NET REVENUES ALLOCATED TO THE DIVISION FOR EXPENSES AS DESIGNATED IN THE BONDS.

(7) (a) A RESOLUTION AUTHORIZING THE ISSUANCE OF BONDS UNDER THE TERMS OF THIS SECTION SHALL STATE:

(I) THE DATE OF ISSUANCE OF THE BONDS;

(II) A MATURITY DATE OR DATES DURING A PERIOD NOT TO EXCEED THIRTY YEARS AFTER THE DATE OF ISSUANCE OF THE BONDS;

(III) THE INTEREST RATE OR RATES ON, AND THE DENOMINATION OR DENOMINATIONS OF, THE BONDS; AND

(IV) THE MEDIUM OF PAYMENT OF THE BONDS AND THE PLACE WHERE THE BONDS WILL BE PAID.

(b) A RESOLUTION AUTHORIZING THE ISSUANCE OF BONDS UNDER THE TERMS OF THIS SECTION MAY:

(I) STATE THAT THE BONDS ARE TO BE ISSUED IN ONE OR MORE SERIES;

(II) STATE A RANK OR PRIORITY OF THE BONDS; AND

(III) PROVIDE FOR REDEMPTION OF THE BONDS PRIOR TO MATURITY, WITH OR WITHOUT PREMIUM.

(8) BONDS ISSUED PURSUANT TO THE TERMS OF THIS SECTION MAY BE SOLD AT PUBLIC OR PRIVATE SALE. IF BONDS ARE TO BE SOLD AT A PUBLIC SALE, THE BOARD SHALL ADVERTISE THE SALE IN ANY MANNER THE BOARD DEEMS APPROPRIATE. ALL BONDS ISSUED PURSUANT TO THE TERMS OF THIS SECTION SHALL BE SOLD AT A PRICE NOT LESS THAN THE PAR VALUE THEREOF, TOGETHER WITH ALL ACCRUED INTEREST TO THE DATE OF DELIVERY.

(9) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ALL BONDS ISSUED PURSUANT TO THIS SECTION ARE NEGOTIABLE.

(10) (a) A RESOLUTION PERTAINING TO ISSUANCE OF BONDS UNDER THIS SECTION MAY CONTAIN COVENANTS AS TO:

(I) THE PURPOSE TO WHICH THE PROCEEDS OF SALE OF THE BONDS MAY BE APPLIED AND TO THE USE AND DISPOSITION THEREOF;

(II) SUCH MATTERS AS ARE CUSTOMARY IN THE ISSUANCE OF REVENUE BONDS, INCLUDING, WITHOUT LIMITATION, THE ISSUANCE AND LIEN POSITION OF OTHER OR ADDITIONAL BONDS; AND

(III) BOOKS OF ACCOUNT AND THE INSPECTION AND AUDIT THEREOF.

(b) A RESOLUTION MADE PURSUANT TO THIS SECTION SHALL BE DEEMED A CONTRACT WITH THE HOLDERS OF THE BONDS, AND THE DUTIES OF THE BOARD UNDER THE RESOLUTION SHALL BE ENFORCEABLE BY ANY APPROPRIATE ACTION IN A COURT OF COMPETENT JURISDICTION.

(11) BONDS ISSUED UNDER THIS SECTION AND BEARING THE SIGNATURES OF THE BOARD MEMBERS IN OFFICE ON THE DATE OF THE SIGNING SHALL BE DEEMED VALID AND BINDING OBLIGATIONS REGARDLESS OF WHETHER, PRIOR TO DELIVERY AND PAYMENT OF THE BONDS, ANY OR ALL OF THE PERSONS WHOSE SIGNATURES APPEAR THEREON HAVE CEASED TO BE MEMBERS OF THE BOARD.

(12) (a) EXCEPT AS OTHERWISE PROVIDED IN THE RESOLUTION AUTHORIZING THE BONDS, ALL BONDS OF THE SAME ISSUE UNDER THIS SECTION SHALL HAVE A PRIOR AND PARAMOUNT LIEN ON THE NET REVENUES PLEDGED THEREFOR. THE BOARD MAY PROVIDE FOR PREFERENTIAL SECURITY FOR ANY BONDS, BOTH PRINCIPAL AND INTEREST, TO BE ISSUED UNDER THIS SECTION TO THE EXTENT DEEMED FEASIBLE AND DESIRABLE BY THE BOARD OVER ANY BONDS THAT MAY BE ISSUED THEREAFTER.

(b) BONDS OF THE SAME ISSUE OR SERIES ISSUED UNDER THIS SECTION SHALL BE EQUALLY AND RATABLY SECURED, WITHOUT PRIORITY BY REASON OF NUMBER, DATE, SALE, EXECUTION, OR DELIVERY, BY A LIEN ON THE NET REVENUE PLEDGED IN ACCORDANCE WITH THE TERMS OF THE RESOLUTION AUTHORIZING THE BONDS.

SECTION 3. 24-77-102 (7) (b), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

24-77-102. Definitions - repeal. As used in this article, unless the context otherwise requires:

(7) (b) "Grant" does not include:

(V) ANY REVENUES RECEIVED BY THE DIVISION OF BRAND INSPECTION CREATED IN SECTION 24-1-123 (4) (g) (I).

SECTION 4. The introductory portion to 35-41-102 (1), Colorado Revised Statutes, is amended to read:

35-41-102. Brand inspection fund - estray fund. (1) All moneys coming into the hands of the ~~state board of stock inspection commissioners~~ from the sale of estray animals shall constitute and be known as the estray fund, which fund is hereby CREATED AND continuously appropriated to the board, and shall be kept in an account separate and distinct from other accounts, in conformity with rules to be prescribed by said board. THE ESTRAY FUND IS AN ESCROW FUND THAT THE BOARD SHALL KEEP IN TRUST FOR THE OWNER OF THE ESTRAY ANIMAL FOR SIX YEARS AFTER THE DATE THE PROCEEDS FROM THE SALE OF THE ANIMAL WERE DEPOSITED IN THE FUND. IF THE OWNER SUBMITS SUITABLE PROOF OF OWNERSHIP TO THE BOARD WITHIN THE SIX-YEAR PERIOD, THE BOARD SHALL PAY TO THE OWNER THE PROCEEDS FROM THE SALE. IF NO SUCH PROOF HAS BEEN SUBMITTED WITHIN THE SIX-YEAR PERIOD, THE BOARD MAY EXPEND THE PROCEEDS PURSUANT TO THIS SECTION. All other ~~funds of said~~ REVENUES COMING INTO THE HANDS OF THE board, including fees collected for the inspection of cattle, shall constitute and be known as the brand inspection fund, ~~of said board~~, which shall be kept in conformity with the rules to be prescribed by ~~said~~ THE board. The board is authorized, in the administration of the brand inspection fund, to maintain an accounts receivable system for the collection of all moneys to be credited to ~~said~~ THE fund. The board is authorized to expend, of the ~~base appropriation allocated to the brand inspection division to offset the indirect costs of~~

~~the board:~~ REVENUES IN THE ESTRAY FUND AND THE BRAND INSPECTION FUND:

SECTION 5. 35-41-104 (1), (1.5), (2), (4), (4.5), (7), and (8), Colorado Revised Statutes, are amended, and the said 35-41-104 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

35-41-104. Board's authority to impose fees and charges - rules. (1) Bovine livestock. (a) The board is hereby authorized to levy and collect, through authorized brand inspectors, a per-head inspection fee ~~of not more than forty cents~~ IN AN AMOUNT DETERMINED BY THE BOARD BY RULE on all bovine livestock inspected; except that the charges for livestock shipped directly to a licensed slaughter plant 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 minimum fee ~~of not more than ten dollars~~ IN AN AMOUNT DETERMINED BY THE BOARD BY RULE 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~~ THAT are owned by more than one person are inspected at one site, only one such minimum fee shall be collected. 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~~ IN AN AMOUNT DETERMINED BY THE BOARD BY RULE 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~~ IN AN AMOUNT DETERMINED BY THE BOARD BY RULE 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 such as are exempt by law, that are offered for sale or to be moved interstate or intrastate and to collect 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 fees that 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

fees so collected shall be reported and transmitted to the board at such time and in such manner as the board shall by ~~regulation~~ RULE require.

(4) **Minimum fee when inspection required by law - bovine livestock.** A minimum fee of ~~not more than ten dollars~~ IN AN AMOUNT DETERMINED BY THE BOARD BY RULE shall be collected from each person, company, or corporation requesting the brand inspection or from whom a brand inspection is required by law; 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~~ IN AN AMOUNT DETERMINED BY THE BOARD BY RULE 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.

(7) An inspection fee of ~~not more than thirty cents~~ IN AN AMOUNT DETERMINED BY THE BOARD BY RULE shall be collected for each hide inspected as provided in section 35-53-115.

(8) The board shall determine, and publish in ~~their~~ ITS rules, ~~and regulations, what~~ WHICH inspection fees can be carried on an accounts receivable basis. No such account shall be carried for a period ~~which~~ THAT exceeds one month.

(11) ANY RULE ADOPTED BY THE BOARD TO DETERMINE THE AMOUNT OF A FEE AUTHORIZED BY THIS TITLE SHALL BE SUBJECT TO ARTICLE 4 OF TITLE 24, C.R.S.; EXCEPT THAT:

(a) THE BOARD SHALL PROVIDE THE LIVESTOCK INDUSTRY WITH THIRTY DAYS' NOTICE OF ANY FEE CHANGE PROPOSAL AND OF THE DATE AND LOCATION OF AN INFORMATIONAL MEETING AT WHICH THE CHANGES SHALL BE DISCUSSED;

(b) AT OR AFTER THE NEXT REGULARLY SCHEDULED BOARD MEETING AFTER SUCH INFORMATIONAL MEETING, THE BOARD MAY SET THE FEES; AND

(c) THE FEE CHANGE SHALL TAKE EFFECT AT LEAST NINETY DAYS AFTER THE BOARD SETS THE FEES.

SECTION 6. 35-43-105 (1), Colorado Revised Statutes, is amended to read:

35-43-105. Fee to record brands - unlawful use - penalty. (1) Any person, association, or corporation desiring to adopt ~~any~~ A brand, not then being the recorded brand of another person, association, or corporation, shall forward to the state board of stock inspection commissioners a facsimile of the desired brand, together with a written application to adopt such brand, and shall accompany the same with a fee of ~~twenty-five dollars~~ IN AN AMOUNT DETERMINED BY THE BOARD BY RULE. Upon receipt of ~~such~~ THE facsimile and fee, the ~~state board of stock inspection commissioners~~ shall record the ~~same~~ BRAND, unless ~~such~~ THE brand stands of record as OR IS IN CONFLICT WITH that of some other person, association, or corporation, ~~or~~

~~is in conflict with the same~~ in which case the ~~state board of stock inspection commissioners~~ shall not record the ~~same~~ BRAND but shall return ~~such~~ THE facsimile ~~and fee~~ to the FORWARDING party. ~~sending the same.~~

SECTION 7. 35-43-109, Colorado Revised Statutes, is amended to read:

35-43-109. Brands personal property - recording by board - rules - effect.

Any brand recorded shall be the property of the person, association, or corporation causing such record to be made and shall be subject to sale, assignment, transfer, devise, and descent as personal property. Instruments of writing evidencing the sale of such brand, assignment, or transfer shall be recorded by the state board of stock inspection commissioners, and the fee for recording such sale, assignment, or transfer shall be ~~twenty-five dollars~~ IN AN AMOUNT DETERMINED BY THE BOARD BY RULE. The recording of such instruments of writing shall have the same force and effect as to third parties as the recording of instruments affecting real estate, and a certified copy of the record of any such instrument may be introduced in evidence the same as is provided for the certified copies of instruments affecting real estate.

SECTION 8. 35-43-115 (1), Colorado Revised Statutes, is amended to read:

35-43-115. Assessment of brands - rules. (1) (a) To revise and disencumber the brand records of unused brands and to provide ~~funds~~ REVENUES 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 thirty dollars per year or any fraction of a year and not to exceed one hundred fifty dollars in any one assessment period;~~ IN AN AMOUNT DETERMINED BY THE BOARD BY RULE on every brand recorded in the office of the ~~state board of stock inspection commissioners~~ on or before January 1, 2002, to cover the five-year period beginning on January 1, 2002, and ending on December 31, 2006, and like assessments covering every five years thereafter; EXCEPT THAT, NOTWITHSTANDING ANY OTHER REQUIREMENT OF THIS SECTION:

(I) THE BOARD MAY TEMPORARILY CHANGE THE PERIOD OF A BRAND'S ASSESSMENT TO ONE, TWO, THREE, OR FOUR YEARS SO THAT APPROXIMATELY EQUAL NUMBERS OF BRANDS ARE SUBSEQUENTLY ASSESSED FOR FIVE-YEAR PERIODS IN EACH SUCCESSIVE FIVE-YEAR PERIOD; AND

(II) IF THE PERIOD OF AN ASSESSMENT IS CHANGED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a):

(A) THE FEE FOR THE SHORTENED ASSESSMENT PERIOD SHALL BE PROPORTIONATELY DECREASED; AND

(B) THE SUBSEQUENT ASSESSMENT PERIOD SHALL REVERT TO FIVE YEARS.

(b) 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~~ THE assessment within ~~said~~ THE 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~~ THE 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.

SECTION 9. 35-44-106, Colorado Revised Statutes, is amended to read:

35-44-106. Proceeds of sale - rules. The brand inspector making the sale of such stray shall return the proceeds of such sale to the state board of stock inspection commissioners, who shall pay the expenses incurred in taking into custody, holding, advertising, and selling such animal, and place the balance in the stray fund of said board, making a record of the same, showing the marks and brands and other means of identification of said animal, and giving the amount realized from the sale of same, which record shall be open to the inspection of the public. Should the owner of any stray ~~which~~ THAT has been sold be found within three years after the sale of such animal, the net amount received from the sale of said stray, less a sum determined by the board ~~not to exceed ten dollars~~ BY RULE, for each stray, to be retained by the ~~state board, of stock inspection commissioners,~~ shall be paid to said owner upon ~~his~~ THE OWNER proving ownership to the satisfaction of the ~~state board, of stock inspection commissioners.~~

SECTION 10. 35-44-113, Colorado Revised Statutes, is amended to read:

35-44-113. Publication of notice - sale - rules. If the owners of any animals or livestock found abandoned or neglected, as provided for in section 35-44-112, are unknown to the state board of stock inspection commissioners, its officers, or agents, the notice required by section 35-44-112 shall be given by publishing the same as provided for in the case of animals or livestock taken up as estrays. If the owner is not found in ten days ~~from~~ AFTER the date of the first publication of ~~said~~ THE notice, ~~said~~ THE animals or livestock may be sold. The proceeds, after deducting all expenses of such care, provision, and sale, less a sum determined by the board ~~not to exceed ten dollars~~ BY RULE, for each animal sold, to be retained by the ~~state board, of stock inspection commissioners,~~ shall be ~~turned into~~ CREDITED TO the stray fund of ~~said~~ THE board, subject to the provisions of the law controlling the distribution of ~~said~~ THE fund. The amount determined by the board retained for each animal sold shall be ~~turned into~~ CREDITED TO the brand inspection fund, ~~of said board,~~ subject to the provisions of the law controlling the distribution of ~~said~~ THE brand inspection fund.

SECTION 11. 35-50-107 (1), Colorado Revised Statutes, is amended to read:

35-50-107. Inspection fee - range movements. (1) In addition to the funds now provided by law to provide the state board of stock inspection commissioners with sufficient funds with which to meet and defray expenses, it is the duty of brand inspectors appointed by ~~said~~ THE board to collect a fee ~~of not to exceed one cent per head~~ IN AN AMOUNT DETERMINED BY THE BOARD BY RULE on each sheep inspected in sheep inspection districts. The fee collected shall be reported and transmitted to the ~~state board, of stock inspection commissioners,~~ at such time and in such way as ~~regulations~~ THE BOARD'S RULES may require.

SECTION 12. 35-53-101 (2), Colorado Revised Statutes, is amended to read:

35-53-101. Brand inspection fee - minimum fee - rules - waiver permit.

(2) When any individual, firm, association, partnership, or corporation, referred to in this article as "person", who owns or has had under ~~his~~ control by lease or grazing permit for not less than five years a headquarters ranch or farm and who moves any cattle, horses, or mules from ~~such~~ THE headquarters place to another grazing or feeding ground ~~which~~ THAT is also owned by ~~such~~ THE person or ~~which~~ THAT has been controlled by lease or by grazing permit for not less than five years by ~~such~~ THE person, or when ~~such~~ THE person moves any cattle, horses, or mules from ~~such~~ THE grazing or feeding ground within this state to ~~his~~ THE PERSON'S headquarters ranch or farm in this state, ~~such~~ THE person, upon payment of a fee in ~~the~~ AN amount of ~~twenty-five dollars~~ DETERMINED BY THE BOARD BY RULE, may apply to the state board of stock inspection commissioners for and may be granted a brand inspection fee waiver permit, irrespective of the fact such headquarters ranch or farm and ~~such~~ THE other grazing or feeding grounds exceed seventy-five miles from the point of origin provided for in section 35-53-105 (4) (f) or that ~~said~~ THE grazing or feeding grounds are outside this state. ~~If such~~ THE brand inspection fee waiver permit ~~is granted by the state board of stock inspection commissioners,~~ it shall entitle the permittee to move cattle, horses, and mules for grazing or feeding purposes, with no change of ownership involved, between ~~such~~ THE headquarters ranch or farm and ~~such~~ THE other grazing or feeding grounds, with no charge for brand inspection and no collection of a beef board fee. If ~~such~~ THE livestock are moved outside this state, the permittee shall guarantee that, if, for any reason, the livestock are not returned to the Colorado ranch or farm, the permittee will immediately pay the required brand inspection and beef board fee to the ~~state board of stock inspection commissioners.~~

SECTION 13. 35-53-129 (1), Colorado Revised Statutes, is amended to read:

35-53-129. Permanent permit for rodeo and other horses - rules.

(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 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 horse, accompanied by a copy of the brand inspection certificate and a transportation permit fee ~~regulated~~ IN AN AMOUNT DETERMINED by the board ~~of not more than twenty dollars~~ BY RULE made payable to the state board of stock inspection commissioners, a permanent hauling transportation permit shall be issued that 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 18-1.3-501, C.R.S.

SECTION 14. 35-53-130 (1), Colorado Revised Statutes, is amended to read:

35-53-130. Annual transportation permit for cattle or alternative livestock - rules. (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~~ IN AN AMOUNT DETERMINED by the board ~~of not more than twenty dollars~~ BY RULE 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~~ AFTER 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 18-1.3-501, C.R.S.

SECTION 15. 35-53.5-106 (2), Colorado Revised Statutes, is amended to read:

35-53.5-106. Application - fees - rules. (2) An annual certification fee ~~not to exceed one thousand dollars,~~ IN AN AMOUNT DETERMINED BY THE BOARD BY RULE shall accompany the application.

SECTION 16. 38-20-207 (4) (b) (I), Colorado Revised Statutes, is amended to read:

38-20-207. Abandoned livestock - notice - disposition. (4) (b) If the owner of livestock presumed to be abandoned is found within three years after the date of the sale of such livestock, the net amount received from the sale shall be paid to the owner, less the following amounts, upon said owner proving ownership to the satisfaction of the board:

(I) A sum determined by the board ~~not to exceed ten dollars~~ BY RULE for each abandoned animal, to be retained by the state board of stock inspection commissioners;

SECTION 17. Effective date. This act shall take effect July 1, 2004.

SECTION 18. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 26, 2004