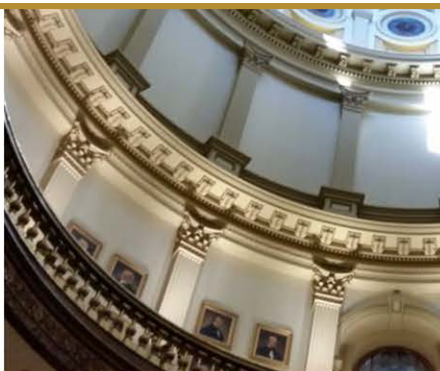


Final Report to the General Assembly

Water Resources and Agriculture Review Committee
December 2024 | Research Publication 822



Water Resources and Agriculture Review Committee

Members of the Committee

Representative Karen McCormick, Chair

Senator Dylan Roberts, Vice Chair

Senator Jeff Bridges

Representative Marc Catlin

Senator Janice Marchman

Representative Mike Lynch

Senator Byron Pelton

Representative Matthew Martinez

Senator Cleave Simpson

Representative Barbara McLachlan

Legislative Council Staff

Alexa Kelly, Senior Research Analyst

Dan Graeve, Research Analyst

Matthew Becker, Principal Research Analyst

Josh Abram, Chief Fiscal Analyst

Office of Legislative Legal Services

Richard Sweetman, Senior Attorney

Sarah Lozano, Senior Attorney

Christopher McMichael, Staff Attorney

Clare Haffner, Staff Attorney

December | 2024



COLORADO GENERAL ASSEMBLY

EXECUTIVE COMMITTEE

Rep. Julie McCluskie, Chair
Sen. Stephen Fenberg, Vice Chair
Rep. Monica Duran
Sen. Robert Rodriguez
Rep. Rose Pugliese
Sen. Paul Lundeen
STAFF
Natalie Castle, Director
Elizabeth Burger, Deputy Director
Manish Jani, Deputy Director



COMMITTEE

Rep. Judy Amabile
Rep. Ryan Armagost
Sen. James Coleman
Sen. Bob Gardner
Sen. Chris Hansen
Rep. Anthony Hartsook
Rep. Iman Jodeh
Rep. Meghan Lukens
Sen. Cleave Simpson
Sen. Jim Smallwood
Sen. Faith Winter
Rep. Chris deGruy-Kennedy

LEGISLATIVE COUNCIL

ROOM 029 STATE CAPITOL

DENVER, COLORADO 80203-1784

E-mail: lcs.ga@state.co.us

303-866-3521 FAX: 303-866-3855 TDD: 303-866-3472

December 2024

To Members of the Seventy-fourth General Assembly:

Submitted herewith is the final report of the Water Resources and Agriculture Review Committee. This committee was created pursuant to Article 98 of Title 37, Colorado Revised Statutes. The purpose of this committee is to oversee the conservation, use, development, and financing of Colorado's water resources.

At its meeting on October 15, 2024 the Legislative Council reviewed the report of this committee. A motion to forward this report and the bills therein for consideration in the 2025 session was approved.

Sincerely,

/s/ Rep. Julie McCluskie
Chair

Table of Contents

Committee Charge	1
Committee Activities.....	1
Colorado State University AgrAbility Project.....	2
CSU Spur Ag Innovation Center	2
Colorado Wildlife Council and Habitat Stamp Program	2
Energy Building Codes on Agricultural Property	2
Federal Farm Bill Update	3
Foreign Ownership of Agricultural Land	3
Growth, Density, and Water Demands.....	3
Healthy School Meals for All.....	3
Highly Pathogenic Avian Influenza in Colorado.....	4
Increasing Access to Vet Care	4
Orphaned Mines and Acid Mine Drainage.....	4
Platte River Partnership	4
Raw Milk Regulation	5
Regenerative Agriculture.....	5
Revegetation.....	5
The State of Colorado’s Climate.....	5
State Land Board Renewable Energy Projects	5
Status of Gray Wolves in Colorado	6
Tap Fees and the Cost of Water	6
Water Funding.....	6
Watershed Health and Wildfire Resistance	7
Wetlands, WOTUS, and Colorado’s Role.....	7
Zebra Mussel Detection in Colorado.....	7
Other Policy Areas	7
Committee Field Trips and Tours.....	8
CSU Spur Campus Tour	8

Upper Arkansas River Basin Tour 8
Colorado Water Congress Summer Conference 8
Summary of Recommendations 9
Resource Materials 11
Meetings and Topics Discussed 11

This report is also available online at:

<https://leg.colorado.gov/committees/water-resources-and-agriculture-review-committee/2024-regular-session>

Committee Charge

The committee is authorized to review water and agriculture issues and propose legislation related to the conservation, use, development, and financing of Colorado's water and agricultural resources. In conducting its review, the committee is required to consult with experts in the field of water conservation, quality, use, finance, and development. Pursuant to [Senate Bill 14-115](#), the Water Resources and Agriculture Review Committee (WRARC) is also required to review statewide planning for water resources. This law declares that the primary purpose of a state water plan is to determine state policy regarding the optimal conservation and development of Colorado's water resources, and it deems the General Assembly to be primarily responsible for guiding the development of state water policy.

Committee Activities

The committee held five meetings in 2024 and conducted three field trips. Briefings and presentations were made by Brujula Comunitaria, Broomfield Public Health and Environment, Capitol Focus, LLC, Colorado AgrAbility Project, Colorado Energy Office, Colorado Farm Bureau, Colorado Counties Inc., Colorado Department of Agriculture, Colorado Livestock Association, Colorado State Forest Service, Colorado State University, Colorado Water Commission, Colorado Water Conservation Board, Colorado Water Congress, Colorado Water Quality Control Division, Colorado Wildlife Conservation Project, Colorado Wildlife Council, Coalition for a Regenerative Future, Department of Natural Resources, Denver Water, Drylands Agroecology Research, Hunger Free Colorado, Lamar Unidos, Larimer Department of Public Health and Environment, Lower Arkansas Water Conservancy District, Lower South Platte Water Conservancy District, Nourish Colorado, North Sterling Irrigation District, Office of Senator Michael Bennet, Parker Water, ranchers, Rocky Mountain Farmers Union, The Street Dog Coalition, Thatcher Land and Cattle Co., Upper Yampa Water Conservancy District, Ute Water Conservancy District, Valley Resource and Water Management, LLC, WestWater Research, Western Resource Advocates, and members of the public on a wide range of subjects, including:

- the status of gray wolves in Colorado;
- the Platte River Partnership;
- Waters of the United States;
- water demand planning;
- orphaned mines and acid mine drainage;
- Highly Pathogenic Avian Influenza;
- State Land Board renewable energy projects; and
- Zebra Mussel detection.

The following sections discuss the committee's activities during the 2024 interim.

Colorado State University AgrAbility Project

Representatives from the Colorado State University (CSU) Colorado AgrAbility Project gave an overview of the project and its efforts working with farmers and ranchers who have physical limitations. The panelists also discussed the Colorado Agricultural Addiction and Mental Health Program, which works to prevent suicide among agricultural workers by providing mental health resources in rural communities. The committee discussed what CSU and CSU faculty are doing to assist rural and agricultural communities and the training and support provided to professionals working in rural communities. The committee asked questions about CSU's connection with the Behavioral Health Administration and funding for the different programs.

CSU Spur Ag Innovation Center

Representatives from the CSU Spur Ag Innovation Center presented to the committee on the work of the center. They told the committee about agricultural technology and the challenges and opportunities it presents. Panelists discussed some examples of innovation in agricultural businesses.

Colorado Wildlife Council and Habitat Stamp Program

Members from the Colorado Wildlife Council and the Colorado Wildlife Conservation Project presented to the committee. The committee heard about the Council's makeup, education and outreach efforts, funding sources, and its role in managing Colorado's wildlife. The panelists discussed the Colorado Habitat Stamp Program, which is funded through the sale of habitat stamps, which must be purchased in order to obtain a hunting or fishing license from Colorado Parks and Wildlife (CPW). Funding from habitat stamps provides a means for CPW to work with private landowners, local governments, and conservation organizations to protect fish and wildlife habitat. The committee discussed the role of the Habitat Stamp Committee and how it advises CPW.

Committee Recommendations. As a result of discussions, the committee recommends [Bill H](#), which continues the Wildlife Habitat Stamp Program indefinitely. The program is currently scheduled to repeal July 1, 2027.

The committee also requested a bill be drafted requiring Colorado Wildlife Council appointees to have had a fishing license in at least three of the five years prior to their appointment. The bill was not approved by the committee.

Energy Building Codes on Agricultural Property

Representatives from the Colorado Energy Office (CEO) joined the committee to discuss the state's [Building Performance Program](#), which the CEO has been tasked with implementing to meet statutory, sector-wide greenhouse gas emissions reduction targets from building owners. The program aims to reduce emissions from large commercial, multifamily, and public buildings. The committee heard concerns from agricultural producers, through a representative from the

Colorado Livestock Association (CLA), about classification and exemption of agricultural buildings with regard to the program.

Committee Recommendations. As a result of hearing from presenters and committee discussion on the issue, the committee recommends [Bill D](#), which clarifies what kinds of agricultural buildings qualify for an agricultural use exemption under the state’s Building Performance Program.

Federal Farm Bill Update

Representatives from the Office of Senator Michael Bennet and Colorado Farm Bureau discussed the status of the federal Farm Bill. The panelist from Senator Bennet’s Office gave an overview of the Farm Bill, the process and timeline for implementing a renewed bill, the expected spending and effect on the federal deficit, and how Colorado’s congressional delegation is working to get a new Farm Bill through Congress.

Colorado Farm Bureau discussed the need for funding in the Farm Bill and how the current structure of the pending bill would impact Colorado. They told the committee about the challenges associated with delaying the passage of a Farm Bill and the need for consistency for planning. The committee heard about the Farm Bill’s impacts on conservation and how its funding aides farmers in reaching sustainability goals, supports community investments, furthers broadband expansion, and provides food and nutrition support in many rural communities.

Foreign Ownership of Agricultural Land

Representatives from the Colorado Farm Bureau and from the CLA provided the committee with data on foreign ownership of agricultural land. The presenters provided context for recent media reports on the issue and explained changes in Colorado’s land ownership trends in recent years. Presenters also spoke about applicable state and foreign laws, regulations, and oversight authorities.

Growth, Density, and Water Demands

Colorado Water Congress, the Ute Water Conservancy District, and Denver Water spoke to the committee about their roles in managing growth and density within their districts to meet water demands. Panelists also discussed how they plan for the future and the importance of forest and watershed health. The committee discussed the threats of climate change, adapting water management to meet future needs, the sustainability of reservoirs, and how landscapes will be impacted by growth.

Healthy School Meals for All

The committee heard from Lamar Unidos, Hunger Free Colorado, Nourish Colorado, Rocky Mountain Farmers Union, and Brujula Comunitaria about the Healthy School Meals for All (HSMA) Program. Panelists spoke about the positive impact of healthy school meals on childhood development, local economies, and public health. The committee heard about the local food procurement grant program and the positive impacts on Colorado agricultural

producers. The panelists discussed the future of the HSMA program and the need for additional and ongoing funding.

Highly Pathogenic Avian Influenza in Colorado

State Veterinarian Dr. Maggie Baldwin from the Colorado Department of Agriculture presented an update on highly pathogenic avian influenza (HPAI) in Colorado. Dr. Baldwin told the committee about HPAI in wild birds and mammals and the poultry outbreak, which has spread to dairy cattle in Colorado and nationally. Dr. Baldwin also discussed the federal and state response, emergency rules, case information, and support available to producers.

Increasing Access to Vet Care

Representatives from Colorado State University and The Street Dog Coalition, an organization that provides free veterinary care and related services to pets of people experiencing or at risk of homelessness, presented to the committee on “Peticaid.gov.” The proposal is a federal and state supported subsidy that would be a supplement to Medicaid and would allow any household currently on Medicaid to add up to two pets to their coverage. Presenters provided statistics to the committee on the benefits of pet ownership, the fiscal impact of the program, as well as suggested revenue sources.

Committee Recommendations. The committee requested a bill be drafted regarding access to veterinary care, which would have established the Access to Veterinary Care Advisory Group to identify policy and program recommendations that increase access to affordable veterinary care. This bill would have incorporated concepts from the Peticaid.gov proposal. The bill was not approved by the committee.

Orphaned Mines and Acid Mine Drainage

The committee heard from the Department of Natural Resources (DNR) on orphaned mines and acid mine drainage across the state. Panelists told the committee about the 145 abandoned mines, how they can impact water quality, and the proximity of some mines to reservoirs. The committee discussed water treatment by reverse osmosis and the different forms of water quality work occurring. The committee discussed the historic nature of mines, the future of mining in Colorado, and the designation of superfund sites, among other issues.

Committee Recommendations. As a result of discussions, the committee recommends [Bill C](#), which creates a new permitting process in the Division of Reclamation, Mining, and Safety in DNR to remove mining waste. The bill also ratifies and enters Colorado into the Interstate Mining Compact.

Platte River Partnership

Representatives from Parker Water, Lower South Platte Valley Water Conservancy District, North Sterling Irrigation District, and Prewitt Reservoir discussed the Platte River Partnership. Panelists discussed water rights on the South Platte River and how the entities in the area work to

manage the variation in flows. The committee heard about the costs associated with projects in the valley, future construction costs, and possible funding sources.

Raw Milk Regulation

Members from the Colorado Dairy Association told the committee about the impacts of HPAI on dairy cattle how this has affected efforts to regulate raw milk in Colorado. Members from the Colorado Association of Local Health Officials presented their concerns about raw milk and public health. The committee discussed engagement from local health officials when creating state regulation for raw milk.

Regenerative Agriculture

Representatives from the Coalition for a Regenerative Future and Drylands Agroecology Research spoke about the work of their organizations. The organizations work in regenerative agriculture through research, design, and implementation in various locations across Colorado. Panelists discussed the challenges of dry land farms and the benefits of regenerative agriculture.

Revegetation

Representatives from the Colorado Department of Agriculture (CDA) and the Division of Water Resources (DWR), as well as from a private consulting firm, discussed the complexities on revegetation efforts in Colorado when agricultural lands are taken out of production as a result of water rights transfers. Presenters discussed changes to water rights, examples of successful revegetation efforts, and future changes to law.

Committee Recommendations. The committee requested a bill be drafted regarding revegetation provisions in water court when there are changes to a water right from irrigated agriculture to other beneficial uses. The bill was not approved by the committee.

The State of Colorado's Climate

Dr. Russ Schumacher, the State Climatologist from Colorado State University, presented on the state of Colorado's climate. Dr. Schumacher discussed his role at the Colorado Climate Center, mapping that shows trends in the state's average annual precipitation and temperatures, and changes in snowpack across river basins over time. The committee heard about temperature and precipitation changes under various emissions scenarios and what these trends mean for Colorado's water resources. The panelist highlighted data provided by CoAgMET, which collects information in agricultural production areas.

State Land Board Renewable Energy Projects

The committee heard from two panels of presenters speaking about renewable energy projects on state land. Representatives from the State Land Board (SLB) presented to the committee on leasing uses of SLB land. Presenters discussed different leasing types, impacts on local communities, and revenues generated for public schools. Other presenters, including a rancher

and a representative from Colorado Counties, Inc., offered suggestions for renewable energy projects on state owned land.

Committee Recommendations. As a result of discussions, the committee recommended a bill prohibiting SLB lands that have been historically leased for agriculture and grazing from being leased for new uses unless there is either no interest from lessees in leasing the land for agriculture and grazing or the new use is compatible with historic agriculture and grazing uses. The bill was not approved by the committee.

Status of Gray Wolves in Colorado

Staff from CPW spoke about efforts to capture and relocate a wolf pack, sourcing additional wolves, efforts to strengthen coexistence programs, site vulnerability assessments, and education and outreach. CPW discussed future efforts and goals for wolf reintroduction going forward, including mitigating the effects on ranching communities. The committee heard about the Copper Creek pack and the death of one of the male wolves. The committee asked questions about efforts around future reintroductions, conversations with local communities and officials, transparency in CPW operations, managing depredation, and impacts on the cattle and sheep industries.

Committee Recommendations. As a result of discussions, the committee recommends [Bill B](#), which requires personal information of any individual requesting compensation from CPW for wildlife damages or nonlethal prevention measures to be kept confidential.

Tap Fees and the Cost of Water

Representatives from WestWater Research and Western Resource Advocates discussed rising demand for water and integrating water use into land use planning. The committee heard about how the increased demand for water and its limited supplies are driving the costs of water, which influence tap fees and home costs. The committee discussed examples of land use planning related to water, including Aurora's Z-Zone Program, which creates incentives for low water-use landscapes.

Water Funding

Representatives from DNR presented to the committee about state and federal water funding sources, including revenues used to fund water projects generated from sports betting and the Colorado Water Plan Grant Program. Presenters also discussed severance taxes, including their variability, and the Water Projects Loan Program, which provides funding from the Severance Tax Perpetual Base Fund. DNR also discussed smaller funding programs, including turf replacement and drought response efforts, among others.

Committee Recommendations. As a result of hearing from presenters and committee discussion on the issue, the committee recommends [Bill G](#), which creates a task force within DNR to explore the impact of severance taxes on water resources.

Watershed Health and Wildfire Resistance

Representatives from DNR and the Upper Yampa Water Conservancy District (UYWCD) presented on various wildfire prevention and management efforts in the state. Presenters from DNR discussed the Wildfire Ready Watersheds program, which was created after passage of [Senate Bill 21-240](#). In addition to assessing the susceptibility of Colorado’s water resources to wildfire, the program helps communities plan and implement wildfire mitigation strategies. Presenters from UYWCD informed the committee of progress made by the Bear River Wildfire Ready Watershed Project, which includes the development of a Wildfire Ready Action Plan and hazardous fuels reduction efforts in the watershed.

Wetlands, WOTUS, and Colorado’s Role

The committee heard from Colorado Water Congress and the Colorado Department of Public Health and Environment (CDPHE) regarding the federal definition for Waters of the United States (WOTUS) and how it governs the management of wetlands. Panelists discussed court cases that have changed WOTUS definitions. The committee heard about how the change in a WOTUS definition has changed water quality management through the dredge and fill permitting process, including through [House Bill 24-1379](#).

Zebra Mussel Detection in Colorado

The committee heard from CPW on aquatic nuisance species (ANS) in Colorado. The presentation focused on zebra mussels, their discovery in Colorado waters, and their negative impact on water infrastructure. The panelist discussed CPW’s mussel management and the ANS Program, which put laws in place to help prevent ANS from becoming prevalent in Colorado.

Other Policy Areas

The committee also recommended the following bills:

- [Bill A](#), which replaces existing gendered language with gender-neutral language in Title 35 (Agriculture) of the Colorado Revised Statutes;
- [Bill E](#), which changes the definition of “ranch” for property tax, broadening it to include land used for raising livestock; and
- [Bill F](#), which specifies that backflow device inspection, testing, or repair does not require plumbing occupational licensure from the Department of Regulatory Agencies.

[Additional bills](#) were requested to be drafted but were not approved by the committee. These include:

- a bill establishing the Access to Veterinary Care Advisory Group to identify policy and program recommendations that increase access to affordable veterinary care; and
- a bill requiring the Department of Natural Resources to maintain a publicly accessible online database of the sale and purchase of all water rights.

Committee Field Trips and Tours

CSU Spur Campus Tour

The committee took a tour of the CSU Spur Campus in Denver and heard from a variety of representatives from CSU.

Upper Arkansas River Basin Tour

The committee took a multi-day tour of the Upper Arkansas River Basin hosted by Water Education Colorado. Presenters included local officials, recreation industry employees, water providers, and others.

Colorado Water Congress Summer Conference

The committee attended the conference in Colorado Springs and hosted a committee meeting as part of the conference. Members attended presentations from a wide variety of water and agriculture professionals from across Colorado.

Summary of Recommendations

As a result of the committee's activities, the committee recommended eight bills to the Legislative Council for consideration in the 2025 session. At its meeting on October 15, 2024, the Legislative Council approved the eight recommended bills for introduction. The approved bills are described below.

Bill A — Remove Gendered Language from Title 35

The bill replaces existing gendered language with gender-neutral language in Title 35 (Agriculture) of the Colorado Revised Statutes. It also updates archaic language in the title.

Bill B — Wildlife Damaged Protection of Personal Information

The bill requires that the personal information of any individual requesting compensation from Colorado Parks and Wildlife for damages caused by wildlife or for nonlethal prevention measures be kept confidential. This includes information about site assessments conducted by state officials and third parties to prevent future depredation. This personal information is not subject to requests under the Colorado Open Records Act.

Bill C — Mining Reclamation & Interstate Compact

The bill creates a new permit process in the Division of Reclamation, Mining, and Safety in the Department of Natural Resources to facilitate the removal of mining waste piles and refuse as part of the division's overall permitting of mining operations. Beginning July 2025, the division may issue a reclamation-only permit for operations conducted on less than two acres of land, and that remove less than 70,000 tons of refuse. An applicant must show evidence of the legal right to conduct the reclamation activities, and file a financial warranty and pay a fee to the division.

The bill limits the value of the interest in real or personal property that can be offered as financial warranty for the reclamation liability of a mining operator. The division may accept an interest in property as warranty only where the amount of the reclamation liability exceeds 50 million dollars. The percentage of the estimated value of the property may not exceed 75 percent of the appraised value. The bill also updates other restrictions on the posting of financial warranties by mining operators, and requires that 100 percent of the money recovered in forfeiture proceedings be used for reclamation purposes and none for administration.

The bill updates the required elements of revegetation plans of reclaimed mining operations to require a priority consideration for native and pollinator species.

Finally, this bill ratifies and enters the state into the Interstate Mining Compact with all states that enact the compact. Participating states agree to establish an effective program for the conservation and use of mined lands, including the conduct of mining and handling of waste.

The governor of each state or their designee serves on the Interstate Mining Compact Commission (IMCC). The commission submits an annual budget to member states with specific recommendations for the amount to be appropriated by each party state. The DNR must pay annual membership dues to the commission, paid from mining fees, abandoned mine land fees and funds, or from federal funds.

Bill D — Agricultural Buildings Exempt from Energy Use Requirements

Under current law, the owners of certain buildings are required to submit annual reports on energy benchmarking data to the Colorado Energy Office under the Building Performance Program. This bill exempts buildings used for agricultural purposes from the reporting requirement. The bill also clarifies which agricultural buildings qualify for the exemption.

Bill E — Ranch Property Tax Clarifications

The bill changes the definition of a ranch for property tax purposes from a parcel of land used only for grazing livestock to a parcel of land that can also be used to raise livestock. The bill also removes a narrow definition of livestock from the definition of ranch.

Bill F — Backflow Prevention Devices Requirements

The bill specifies that inspection, testing, or repair of backflow prevention devices does not require plumbing occupational licensure from the Department of Regulatory Agencies (DORA).

Bill G — Future of Severance Taxes & Water Funding Task Force

The bill creates the Future of Severance Taxes and Water Funding Task Force in the Department of Natural Resources. The 9-member task force will hire a contractor to conduct a study and develop recommendations. The contractor must explore options to continue funding water needs for the state while severance tax revenue is expected to decrease. Appointments to the task force must be made by September 1, 2025. Members of the task force may conduct meetings as necessary to oversee and revise the contractor's work. The contractor must submit a draft report to the task force by January 15, 2026, and a final report from the task force is due to the Water Resources and Agriculture Review committee by July 15, 2026.

Bill H — Continue Wildlife Habitat Stamp Program

The bill removes a sunset provision and continues the Wildlife Habitat Stamp Program and the Wildlife Habitat Stamp Committee indefinitely. The program and committee are currently set to repeal on July 1, 2027, subject to sunset review by the Department of Regulatory Agencies. The program is managed by Colorado Parks and Wildlife in the Department of Natural Resources.

Resource Materials

Meeting summaries are prepared for each meeting of the committee and contain all handouts provided to the committee. The summaries of meetings and attachments are available at the Division of Archives, 1313 Sherman Street, Denver (303-866-2055). The listing below contains the dates of committee meetings and the topics discussed at those meetings. Meeting summaries are also available on the committee's website at:

<https://leg.colorado.gov/committees/water-resources-and-agriculture-review-committee/2024-regular-session>

Meetings and Topics Discussed

March 20, 2024

- Discussion on Wetlands, WOTUS, and Colorado's Role
- Discussion on Growth, Density, and Water Demand

June 3-5, 2024

- Field Trip to Upper Arkansas River Basin Tour

July 11, 2024

- Field trip to Colorado State University Spur Campus, Denver
- Presentation on Orphaned Mines and Acid Mine Drainage
- Presentation on CSU Spur Ag Innovation Center
- Update on Highly Pathogenic Avian Influenza in Colorado
- Discussion on Raw Milk Regulation
- Presentation on Regenerative Agriculture

August 7, 2024

- Presentation on Energy Building Codes on Agricultural Property
- Discussion on Foreign Ownership of Agricultural Land
- Presentation on Increasing Access to Vet Care
- Discussion of State Land Board Renewable Energy Projects
- Presentation on Revegetation in Colorado
- Presentation on Colorado Water Funding
- Presentation on Watershed Health and Wildfire Resistance

August 20-22, 2024

- Field Trip to Colorado Water Congress Conference, Colorado Springs

August 21, 2024

- Discussion on the State of Colorado's Climate

- Presentation on Tap Fees and the Cost of Water
- Update on Zebra Mussel Detections in Colorado
- Public Testimony

September 18, 2024

- Update on the Farm Bill
- Discussion on the Status of Gray Wolves in Colorado
- Presentation on Healthy School Meals for All
- Presentation on Colorado State University AgrAbility Project
- Presentation on the Colorado Wildlife Council and Habitat Stamp Program
- Presentation on Platte River Partnership
- Public Testimony

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

BILL A

LLS NO. 25-0154.01 Richard Sweetman x4333

HOUSE BILL

HOUSE SPONSORSHIP

McCormick, Martinez

SENATE SPONSORSHIP

Marchman and Simpson, Bridges, Roberts

House Committees

Senate Committees

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (4) as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 section 35-7-103.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~limited to:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 the case may be;

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

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

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

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

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

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

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

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

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

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

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

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

14 inspector of an affidavit stating:

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

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

17 violated or has been violated;

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

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

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

21 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 as follows:

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

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

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

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

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

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

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

1 **35-23-109. Engaging in trade prohibited.** The commissioner OF
2 AGRICULTURE and ~~his~~ THE COMMISSIONER'S deputies, inspectors, and
3 employees are each prohibited, during their respective terms of
4 employment or office, from engaging in this state or elsewhere, either
5 directly or indirectly, in the business of buying or selling fruits,
6 vegetables, or other agricultural products or in dealing in the same on
7 commission.

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

10 **35-23-112. Appeal of inspection - rules.** ~~Any~~ AN interested party
11 who is dissatisfied with ~~any~~ A classification of grades of any fruits,
12 vegetables, or other agricultural products made as the result of inspection
13 under this ~~article~~ ARTICLE 23, within such time after the inspection and in
14 such manner as shall be prescribed by the commissioner OF
15 AGRICULTURE, may appeal to the commissioner, and the commissioner ~~is~~
16 ~~directed to~~ SHALL promulgate rules ~~and regulations~~ governing the time
17 and manner of such appeal. Upon such appeal to ~~him being regularly~~
18 ~~taken~~ THE COMMISSIONER, the commissioner shall cause such
19 investigation to be made and such tests to be applied as ~~he~~ THE
20 COMMISSIONER may deem necessary to determine the true grade or
21 classification in the particular case in question and shall issue a finding
22 determining the true grade or classification in the particular case.
23 Whenever an appeal to the commissioner is taken, ~~he~~ THE COMMISSIONER
24 shall fix and assess, and collect or cause to be collected, the established
25 fee for an original inspection for each ~~such~~ appeal, which ~~shall~~ FEE MUST
26 be uniform and which shall be refunded to the person paying the same if
27 the findings of the commissioner on appeal are to the effect that the grade

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

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

7 **35-23-115. Information confidential - rules.** ~~All~~ Information
8 obtained as the result of ~~any~~ AN inspection made under ~~the provisions of~~
9 ~~this article~~ THIS ARTICLE 23 shall not be open to inspection by the public;
10 except that the commissioner OF AGRICULTURE shall prepare and certify
11 to any financially interested party a copy of the original inspection
12 certificate of any inspection upon the payment to ~~him~~ of his fees therefor
13 THE COMMISSIONER OF ANY REQUIRED FEES. The commissioner is
14 ~~authorized to~~ MAY prescribe rules ~~and regulations~~ governing the issuance
15 of such certificates.

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

18 **35-24.5-104. Aquaculture board - created - members.** (2) The
19 term of office of the two additional members ~~shall be~~ APPOINTED IN
20 SUBSECTION (1)(b) OF THIS SECTION IS three years. Each ~~of these members~~
21 ADDITIONAL MEMBER shall serve until ~~his or her~~ THE ADDITIONAL
22 MEMBER'S successor has been appointed and qualified, and either member
23 ~~shall be~~ IS eligible for reappointment. ~~They~~ BOTH ADDITIONAL MEMBERS
24 shall serve without compensation except for actual and necessary
25 traveling expenses.

26 (3) The board shall annually select a ~~chairman~~ CHAIR and a
27 ~~vice-chairman~~ VICE-CHAIR, who may be the same as the ~~chairman~~ CHAIR

1 and ~~vice-chairman~~ VICE-CHAIR of the fish health board.

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

4 **35-25-103. Enforcement.** (1) The commissioner or ~~his~~ THE
5 COMMISSIONER'S authorized agents are authorized and directed to enforce
6 the provisions of this ~~article~~ ARTICLE 25.

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

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

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

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

1 as a contempt of court.

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

4 **35-25-105. Rules.** (2) The powers and duties of the commissioner
5 under this ~~article~~ ARTICLE 25 may be delegated by the commissioner to
6 employees of the department of agriculture designated by ~~him~~ THE
7 COMMISSIONER.

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

10 **35-25-106. Examination of apiaries.** (1) The commissioner,
11 when ~~he~~ THE COMMISSIONER has reason to suspect disease in any apiary,
12 may examine all reported or suspected apiaries. If ~~any~~ A contagious
13 disease is present, ~~he~~ THE COMMISSIONER may examine all apiaries in the
14 same locality and ascertain whether or not ~~any~~ A contagious disease exists
15 in the apiaries. If satisfied of the existence of ~~any such~~ A contagious
16 disease, the commissioner may burn, sterilize, or medically treat said
17 apiary in strict compliance with rules, ~~and regulations pertaining thereto,~~
18 or the commissioner may require the beekeeper to burn, sterilize, or
19 medically treat ~~said~~ THE apiary.

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

22 **35-25-107. Inspection of beehives for interstate movement.**
23 ~~Any~~ A beekeeper or person requesting an inspection of beehives for
24 contagious disease for the purpose of interstate movement ~~shall be~~ IS
25 liable for all costs of such inspection. The beekeeper or ~~his~~ THE
26 BEEKEEPER'S agent shall accompany and assist the inspector in making the
27 inspection.

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

3 **35-26-105. Prohibited acts - removal from sale - advisory**
4 **alerts.** (2) The commissioner or ~~his~~ THE COMMISSIONER'S authorized
5 agents shall issue a stop-sale order to any person offering nursery stock
6 for sale in violation of any provision of this ~~article~~ ARTICLE 26 or any
7 rules ~~or regulations~~ promulgated pursuant to this ~~article~~. ~~Any~~ ARTICLE 26.
8 A person receiving a stop-sale order shall remove such stock from sale
9 immediately.

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

12 **35-26-108. Access to locations and records - administrative**
13 **subpoena - complaints and investigations.** (2) The commissioner, upon
14 ~~his~~ THE COMMISSIONER'S own motion or upon the complaint of any
15 person, may make ~~any~~ and all investigations necessary to ensure
16 compliance with this ~~article~~ ARTICLE 26.

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

19 **35-26-110. Out-of-state nurseries.** (1.5) An out-of-state nursery
20 advertising and selling nursery stock in Colorado and having no duly
21 appointed resident agent in this state upon whom process may be served
22 as provided by law shall be deemed to have appointed the secretary of
23 state as the agent of ~~said~~ THE nursery upon whom service of process may
24 be had in the event of any suit against ~~said~~ THE nursery. Service on the
25 secretary of state of any such process shall be made by delivering to and
26 leaving with ~~him~~ THE SECRETARY OF STATE or with ~~his~~ THE SECRETARY
27 OF STATE'S deputy, an assistant, or a clerk two copies of such process. The

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

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

12 **35-26-111. Rules.** The commissioner ~~is hereby authorized and~~
13 ~~directed to~~ SHALL promulgate such rules ~~and regulations as he may deem~~
14 AS THE COMMISSIONER DEEMS necessary and proper for the furtherance
15 and enforcement of ~~the provisions of this article. Such~~ THIS ARTICLE 26.
16 THE rules ~~and regulations~~ shall be promulgated in accordance with
17 ~~applicable provisions of article 4 of title 24. C.R.S.~~

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

20 **35-26-113. Bodies politic.** (1) All growing fields and all other
21 premises in this state on which nursery stock is being grown or held by
22 bodies politic for the purpose of planting on public or private grounds
23 shall be inspected at least once each year by the commissioner or ~~his~~ THE
24 COMMISSIONER'S authorized agents.

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

27 **35-26-114. Enforcement - subpoenas - cease-and-desist orders**

1 - **hearings - denial, revocation, or suspension of registration.**

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

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

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

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

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

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

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

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

19 **35-27-122. Arbitration council - procedures.** (2) (c) The
20 commissioner shall investigate the allegations in ~~the~~ A complaint. In
21 conducting ~~such~~ THE investigation, the commissioner may employ the
22 services of any expert that ~~he or she~~ THE COMMISSIONER deems
23 appropriate. Upon completion of the investigation, the commissioner shall
24 refer the complaint to the council along with a report of the results of the
25 investigation.

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

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

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

7 **35-27.3-107. Advisory committee - created - members - terms**
8 **- duties.** (2) (c) In the event of a vacancy on the advisory committee prior
9 to the completion of a member's full term, the commissioner shall appoint
10 a person to complete the remainder of that term. The person so appointed
11 shall represent the same group as the member ~~he or she~~ THE PERSON is
12 replacing, as set forth in ~~paragraph (b) of subsection (1)~~ SUBSECTION
13 (1)(b) of this section.

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

16 **35-28-104. Definitions.** As used in this article 28, unless the
17 context otherwise requires:

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

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

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

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

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

13 **35-28-105. Administration of article - public hearings.**

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

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

1 complete record of all proceedings at any such hearing shall be made and
2 filed by the commissioner at ~~his~~ THE COMMISSIONER'S office.

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

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

23 **35-28-106. Marketing order issued - when.** (1) After ~~such~~
24 notice and A hearing, the commissioner may issue a marketing order if ~~he~~
25 THE COMMISSIONER finds and sets forth in ~~such~~ THE marketing order that
26 ~~such~~ THE order will tend to:

27 (a) Reestablish or maintain prices received by producers for ~~such~~

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

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

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

17 **35-28-107. Board of control.** (2) ~~No~~ A member of ~~any such~~ A
18 board OF CONTROL shall NOT receive a salary but ~~each shall be entitled to~~
19 ~~his~~ MAY RECEIVE AN AMOUNT EQUAL TO THE MEMBER'S actual expenses
20 incurred while engaged in performing ~~his~~ THE MEMBER'S duties
21 authorized in this ~~article~~ ARTICLE 28. The commissioner may authorize
22 ~~such~~ THE board to employ necessary personnel, including an attorney
23 approved by the attorney general; fix their compensation and terms of
24 employment; and ~~to~~ incur such expenses, to be paid by the commissioner
25 from ~~moneys~~ MONEY collected as provided in sections 35-28-113 and
26 35-28-114, as the commissioner ~~may deem~~ DEEMS necessary and proper
27 to enable ~~such~~ THE board properly to perform such of its duties as are

1 authorized in this ~~article~~ ARTICLE 28. The duties of any such board ~~shall~~
2 ~~be~~ ARE administrative only and ~~may~~ include only the following:

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

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

11 **35-28-111. Termination of marketing order.** The commissioner
12 shall suspend, amend, or terminate ~~any~~ A marketing order, or ~~any~~ A
13 provision of ~~any~~ A marketing order, whenever ~~he~~ THE COMMISSIONER
14 finds that ~~such~~ THE provision or order does not tend to effectuate the
15 declared purposes of this ~~article~~ ARTICLE 28 within the standards and
16 subject to the limitations and restrictions imposed in this ~~article~~ ARTICLE
17 28, but ~~such~~ THE suspension or termination ~~shall not be~~ IS NOT effective
18 until the expiration of the current marketing season. If the commissioner
19 finds that the termination of ~~any~~ A marketing order is requested in writing
20 by more than fifty percent of the producers who are engaged within the
21 designated production area in the production for market of the commodity
22 specified in ~~such~~ THE marketing order, or who produce for market more
23 than fifty percent of the volume of ~~such~~ THE commodity produced within
24 the designated production area for market, the commissioner shall
25 terminate or suspend for a specified period ~~such~~ THE marketing order or
26 provision, ~~thereof~~, but such termination ~~shall be~~ IS effective only if
27 announced on or before such date, as may be specified in ~~such~~ THE order.

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

3 **35-28-114. Disposition of money.** (2) Any ~~moneys~~ MONEY
4 remaining in ~~such~~ THE fund, allocable to any particular agricultural
5 commodity affected by a marketing order at the discretion of the
6 commissioner, may be refunded at the close of ~~any~~ A marketing season,
7 upon a pro rata basis, to all persons from whom assessments were
8 collected, or such portion of ~~such moneys~~ THE MONEY as may be
9 recommended by the board of control and approved by the commissioner
10 may be carried over into the next succeeding marketing season whenever
11 the commissioner finds that such ~~moneys~~ MONEY may be required to
12 assist in defraying the cost of operating ~~such~~ THE marketing order in ~~such~~
13 THE succeeding season. Upon termination by the commissioner of ~~any~~ A
14 marketing order, any ~~moneys~~ MONEY remaining, and not required by the
15 commissioner to defray the expenses of ~~such~~ THE marketing order, shall
16 be returned by the commissioner, upon a pro rata basis, to all persons
17 from whom assessments were collected. If the commissioner finds that
18 the amounts ~~so~~ returnable are so small as to make impractical the
19 computation and remitting of such pro rata refund to such persons, the
20 commissioner may use the ~~moneys~~ MONEY in ~~such~~ THE fund to defray the
21 expenses incurred by ~~him~~ THE COMMISSIONER in the formulation,
22 issuance, administration, or enforcement of any subsequent marketing
23 order for ~~such~~ THE commodity.

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

26 **35-28-116. Administration and enforcement - cease-and-desist**
27 **orders - penalty.** (3) Upon the filing of a verified complaint charging A

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

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

25 (5) If the commissioner finds that a violation has occurred, ~~he~~ THE
26 COMMISSIONER shall so enter ~~his~~ THE COMMISSIONER'S findings and notify
27 the parties to ~~such~~ THE complaint. ~~Should the respondent thereafter fail,~~

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

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

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

17 **35-28-119. Records - information - hearings.** (1) The
18 commissioner may require all processors or distributors subject to the
19 provisions of any marketing order issued pursuant to this ~~article~~ ARTICLE
20 28 to maintain books and records reflecting their operations under ~~said~~
21 THE marketing order, ~~and~~ to furnish to the commissioner or ~~his~~ THE
22 COMMISSIONER'S duly authorized or designated representatives such
23 information as may be from time to time requested by them relating to
24 operations under ~~said~~ THE marketing order, and to permit the inspection
25 by ~~said~~ THE commissioner, or ~~his~~ THE COMMISSIONER'S duly authorized
26 or designated representatives, of ~~such~~ portions of such books and records
27 ~~as~~ THAT relate to operations under ~~said~~ THE marketing order.

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

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

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

22 **35-28-120. Deposit to defray expenses.** (1) Prior to the issuance
23 of ~~any~~ A marketing order by the commissioner, ~~he~~ THE COMMISSIONER
24 may require the applicants ~~therefor~~ to deposit with ~~him~~ THE
25 COMMISSIONER such amount as the commissioner ~~may deem~~ DEEMS
26 necessary to defray the expenses of preparing and making effective ~~such~~
27 THE marketing order. Such ~~funds~~ MONEY shall be received, deposited, and

1 disbursed by the commissioner in accordance with ~~the provisions as set~~
2 ~~forth in~~ section 35-28-114.

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

5 **35-28-121. General provisions.** (2) The commissioner is
6 ~~authorized to~~ MAY confer with and cooperate with the legally constituted
7 authorities of other states and of the United States for the purpose of
8 obtaining uniformity in the administration of federal and state marketing
9 regulations, licenses, or orders. ~~Said~~ THE commissioner is ~~authorized to~~
10 MAY conduct joint hearings and issue joint or concurrent marketing orders
11 for the purposes and within the standards set forth in this ~~article~~ ARTICLE
12 28, and ~~he~~ THE COMMISSIONER may exercise any administrative authority
13 prescribed by this ~~article~~ ARTICLE 28 to effect such uniformity of
14 administration and regulation.

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

17 **35-29-103. Administration - seal of quality.** (1) The
18 commissioner and the representatives of the department under the
19 direction of the commissioner shall administer and enforce this ~~article~~;
20 ARTICLE 29, and, in such administration, the commissioner has and may
21 exercise ~~any or all~~ the administrative powers conferred upon ~~him~~ THE
22 COMMISSIONER as head of the department.

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

1 PRODUCER'S, PACKER'S, DISTRIBUTOR'S, OR RETAILER'S product.

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

4 **35-30-101. Cooperation with United States.** The governor is
5 ~~authorized to~~ MAY cooperate with the government of the United States
6 and its agents and representatives in all matters pertaining to the
7 conservation, distribution, or production of food, insofar as ~~he~~ THE
8 GOVERNOR may find it possible to do so.

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

11 **35-30-102. Powers of governor.** The governor of the state of
12 Colorado is vested with all police and regulatory powers regarding the
13 production, storage, refrigeration, manufacture, distribution, handling,
14 dealing in, or sale of foodstuffs or food products and other necessities of
15 life, whether in the raw state or in manufactured form, or any article used
16 or capable of use as food for ~~man~~ HUMAN or beast, ~~which~~ THAT are vested
17 in the president or any other executive officer of the United States, but the
18 rules, regulations, and orders promulgated by the governor in the exercise
19 of the power conferred in this section ~~shall~~ MUST not be more drastic than
20 nor in conflict with the rules, regulations, and orders of the president and
21 executive officers of the United States government.

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

24 **35-33-103. Definitions.** As used in this ~~article~~ ARTICLE 33, unless
25 the context otherwise requires:

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

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

3 **35-33-104. Commissioner of agriculture - powers and duties.**

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

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

20 **35-33-105. Injunctive relief.** Whenever the commissioner
21 possesses sufficient evidence satisfactory to ~~him or her~~ THE
22 COMMISSIONER indicating that ~~any~~ A person has engaged in or is about to
23 engage in ~~any~~ AN act or practice constituting a violation of ~~any~~ A
24 provision of this ~~article~~ ARTICLE 33 or of ~~any~~ A rule promulgated under
25 this ~~article~~ ARTICLE 33, the commissioner may apply to ~~any~~ A court of
26 competent jurisdiction to temporarily or permanently restrain or enjoin the
27 act or practice in question and to enforce compliance with this ~~article~~

1 ARTICLE 33 or ~~any~~ A rule or order PROMULGATED under this ~~article~~
2 ARTICLE 33. In any such action, the commissioner ~~shall~~ IS not ~~be~~ required
3 to plead or prove irreparable injury or the inadequacy of the remedy at
4 law. Under no circumstances shall the court require the commissioner to
5 post a bond.

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

8 **35-38-104. Dealer agreement cancellation notice - definition.**

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

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

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

16 **35-40-115. Enforcement - penalty.** (4) Whenever it appears to
17 the commissioner, upon sufficient evidence satisfactory to the
18 commissioner, that ~~any~~ A person has engaged in or is about to engage in
19 ~~any~~ AN act or practice constituting a violation of ~~any~~ A provision of this
20 part 1 or of ~~any~~ A rule or of ~~any~~ AN order promulgated under this part 1,
21 ~~he~~ THE COMMISSIONER may apply to ~~any~~ A court of competent jurisdiction
22 to temporarily or permanently restrain or enjoin the act or practice in
23 question and to enforce compliance with this ~~article~~ ARTICLE 40 or ~~any~~ A
24 rule or order under this ~~article~~ ARTICLE 40. In any such action, the
25 commissioner ~~shall~~ IS not ~~be~~ required to plead or prove irreparable injury
26 or the inadequacy of the remedy at law. Under no circumstances shall the
27 court require the commissioner to post a bond.

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

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

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

18 **35-41-101. State board of stock inspection commissioners -**
19 **creation - brand commissioner - enterprise - bonds.** (2) The board
20 shall appoint a brand commissioner who shall be under its supervision
21 and who, in the absence of the board, shall carry out its policies. The
22 brand commissioner ~~shall be~~ IS subject to the state personnel system laws.
23 ~~His~~ THE BRAND COMMISSIONER'S compensation shall be paid out of the
24 brand inspection fund. ~~The brand commissioner, certified by the state~~
25 ~~personnel director to his position on April 27, 1963, shall continue in such~~
26 ~~certified status as provided by law.~~

27 **SECTION 103.** In Colorado Revised Statutes, 35-42-103, **amend**

1 (4) as follows:

2 **35-42-103. Definitions.** As used in this article 42, unless the
3 context otherwise requires:

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

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

8 **35-42-107. Bureau personnel - appointment.** (5) The
9 commissioner may, ~~in his~~ AT THE COMMISSIONER'S discretion, revoke the
10 commission of ~~any~~ AN agent.

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

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

16 **35-42-108. Care of confined animal.** (1) Except as authorized
17 by law, ~~no~~ A PERSON SHALL NOT CONFINE AN animal ~~shall be confined~~
18 without an adequate supply of food and water. If ~~any~~ AN animal is found
19 to be confined without adequate food or water, ~~it shall be lawful for any~~
20 AN officer or agent of the bureau, a peace officer within ~~his~~ THE PEACE
21 OFFICER'S jurisdiction, or a licensed veterinarian ~~to~~ MAY, from time to
22 time as ~~may be~~ necessary, enter into ~~any~~ and upon any area or building
23 where such animal is confined and supply ~~it~~ THE ANIMAL with adequate
24 food and water; except that such entry shall not be made into ~~any~~ A
25 building ~~which~~ THAT is a person's residence, unless by search warrant or
26 court order.

27 **SECTION 106.** In Colorado Revised Statutes, 35-42-109, **amend**

1 (5)(a), (5)(c), (5)(e), and (8) as follows:

2 **35-42-109. Protection of animals mistreated, neglected, or**
3 **abandoned.** (5) (a) The commissioner may, ~~in his~~ AT THE
4 COMMISSIONER'S discretion, provide for ~~such~~ THE animal until judgment
5 by the court.

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

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

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

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

27 **35-42-110. Injured animals may be euthanized.** ~~Any~~ AN agent

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

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

16 **35-42-111. Investigations - access - administrative subpoena.**

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

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

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

26 **35-42-112. Enforcement.** (1) The commissioner or ~~his~~ THE
27 COMMISSIONER'S designee shall enforce the provisions of this ~~article~~

1 ARTICLE 42.

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

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

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

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

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

27 **35-42-115. Dangerous dog registry - created - cash fund -**

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

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

20 **35-42.5-101. Duties and restrictions relating to shelters and**
21 **pounds - legislative declaration - red tagging prohibited -**
22 **enforcement - penalty - definitions.** (1) (a) (III) If a pound or shelter
23 provides dogs or cats to facilities for experimentation, ~~such~~ THE pound or
24 shelter shall inform an owner who is relinquishing ~~his~~ THE OWNER'S dog
25 or cat to the pound or shelter of such practice. The pound or shelter may
26 charge a reasonable fee for housing the dog or cat during the two-week
27 period the animal is cared for by the pound or shelter.

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

3 **35-43-105. Fee to record brands - unlawful use - penalty.** (2) It
4 is unlawful for ~~any~~ A person, AN association, or A corporation to brand or
5 cause to be branded any livestock with a brand ~~which~~ THAT has not been
6 recorded with the state board of stock inspection commissioners, as
7 provided in subsection (1) of this section, or with a brand ~~which~~ THAT has
8 been previously recorded by another person, association, or corporation.
9 When ~~any~~ AN owner of a recorded brand in use in this state moves ~~his~~
10 THE OWNER'S cattle, branded with ~~his~~ THE OWNER'S own brand, to a new
11 and different range or locality in this state within which territory there is
12 in use a conflicting or similar recorded brand, the state board of stock
13 inspection commissioners may order such recorded brand owner so
14 moving to a new range or locality to discontinue the use of ~~his~~ THE
15 OWNER'S recorded brand in that locality, and the board, at its discretion,
16 may cancel such brand ordered to be so discontinued.

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

19 **35-43-116. Wrongful branding - penalty.** If ~~any~~ A person, AN
20 association, or A corporation willfully and knowingly brands, or causes
21 to be branded, an animal ~~which~~ THAT is the property of another with ~~his~~
22 ~~or her~~ THE PERSON'S, ASSOCIATION'S, OR CORPORATION'S brand or any
23 brand ~~which~~ THAT is not the recorded brand of the owner or willfully and
24 knowingly effaces, defaces, or obliterates ~~any~~ A brand or mark upon such
25 an animal, ~~such~~ THE person or ~~any~~ THE officer or director of ~~any~~ such
26 association or corporation commits a class 6 felony and shall be punished
27 as provided in section 18-1.3-401. ~~C.R.S.~~

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

3 **35-43-117. Use of false brand - damages.** ~~Any~~ A person who
4 brands or marks, or causes to be branded or marked, ~~any~~ AN animal ~~which~~
5 THAT is the property of another with ~~his~~ THE PERSON'S brand or ~~any~~ A
6 brand ~~which~~ THAT is not the recorded brand of the owner or effaces,
7 defaces, or obliterates ~~any~~ A brand or mark upon ~~any~~ AN animal is guilty
8 of theft and, upon conviction thereof, ~~shall be~~ IS liable to the owner
9 ~~thereof~~ OF THE ANIMAL for three times the value of the animal so branded
10 or marked or upon which the brand or mark has been effaced, defaced, or
11 obliterated. Payment of the forfeiture provided in this section ~~shall~~ DOES
12 not entitle the person so branding, effacing, defacing, or obliterating a
13 brand to the property right in the animal so branded or upon which the
14 brand was effaced, defaced, or obliterated, but such animal shall be
15 surrendered to the proper owner.

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

18 **35-43-120. Trespassing on lands - injuring resident - penalty.**
19 (1) ~~It is the duty of any~~ A person owning or having charge of any drove
20 of cattle, horses, or sheep, ~~who~~ when driving the same into or through any
21 county of Colorado of which the owner is not a resident or landowner and
22 where the land ~~in such county~~ is occupied and improved by settlers and
23 ranchers, ~~to~~ SHALL prevent the same from mixing with the cattle, horses,
24 or sheep belonging to the actual settlers and also ~~to~~ prevent said drove of
25 cattle, horses, or sheep from trespassing on ~~such land as may be~~ THAT IS
26 the property or in the possession of ~~the~~ AN actual settler and used by ~~him~~
27 THE SETTLER for the grazing of animals or the growing of hay or other

1 crops or from doing injury to ditches.

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

4 **35-43-130. Cattle in feedlots - penalty.** (1) A Colorado brand
5 inspector shall inspect all cattle entering a Colorado custom feedlot for
6 feeding under a custom contract if the cattle are not accompanied by a
7 brand certificate or valid documentation of purchase listing all brands or
8 no brands. In addition, all cattle entering Colorado for grazing purposes
9 under a leased grazing agreement, owned by a nonresident, shall also be
10 inspected by a duly authorized Colorado brand inspector. The brand
11 inspector shall issue a certificate of inspection to the proven owner and
12 a copy of such certificate to the custom feedlot operator or ranch manager
13 after ownership is established and before the cattle are mixed with any
14 other cattle or turned loose for grazing. Upon completion of the
15 inspection, ~~said~~ THE inspector shall collect an inspection fee in the
16 amount prescribed by the state board of stock inspection commissioners
17 pursuant to section 35-41-104. If the cattle are carrying more than two
18 consistent brands, the owner shall mark or brand all of ~~his~~ THE OWNER'S
19 cattle with the same brand, with one of the two existing brands, with a
20 brand of valid registry of the owner, OR with an ear tag specifically
21 identifying each animal to a specific feedlot; or otherwise identify the
22 cattle as prescribed by the board. Evidence of this brand or permanent
23 mark shall be shown on the certificate of inspection in addition to brands
24 or no brands found on the inspected cattle for future reference of valid
25 proven ownership. When ear tags are utilized, each ear tag ~~shall~~ MUST be
26 legible and at least one inch in height and two inches in width.

27 **SECTION 117.** In Colorado Revised Statutes, 35-43-203, **amend**

1 (1)(f) as follows:

2 **35-43-203. Requirements for slaughterer business.** (1) Every
3 person carrying on the trade or business of a slaughterer of livestock in
4 this state:

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

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

11 **35-43-208. Person killing for own use.** Unless ~~the~~ A hide has
12 been previously inspected and released by a duly authorized Colorado
13 brand inspector, it is unlawful for any person to possess or to kill
14 livestock to obtain any part of the animal for ~~his or her~~ THE PERSON'S own
15 use without preserving the hide of ~~such~~ THE animal intact with a complete
16 unskinned tail attached ~~thereto~~ for a period of not less than thirty days,
17 during which period the hide shall be presented upon the demand of any
18 person.

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

21 **35-43-210. Inspection of hide.** The sheriff or deputy sheriff of
22 ~~any~~ A county in this state and ~~any~~ A regular or special brand inspector
23 appointed by the board ~~are hereby authorized and empowered to~~ MAY
24 require ~~any~~ A person who kills for ~~his or her~~ THE PERSON'S own use and
25 consumption any livestock to produce for inspection the hide of ~~any~~ such
26 livestock ~~that has been killed~~ within thirty days unless the livestock has
27 been inspected and tagged prior to ~~such~~ THE demand for inspection. In the

1 absence of the owner or proper corporate officer, the person in charge of
2 the premises where the meat ~~then~~ is shall produce the hide for inspection
3 upon demand.

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

6 **35-44-102. Taking up estrays - notice.** ~~No~~ A person shall NOT
7 take into ~~his~~ THE PERSON'S custody an estray animal unless the ~~same~~
8 ANIMAL is found trespassing upon lands owned, leased, or otherwise
9 controlled by ~~him~~ THE PERSON. The state board of stock inspection
10 commissioners or an authorized brand inspector representing ~~said~~ THE
11 board has authority to move such estray animal to a safe and practical
12 place within the immediate vicinity to be held during the legal advertising
13 period. When ~~any~~ A person takes into ~~his~~ THE PERSON'S custody an estray,
14 within five days thereafter ~~he~~ THE PERSON shall ~~make-out~~ EXECUTE a
15 written description of ~~such~~ THE animal, setting forth all marks or brands
16 appearing upon such animal and other marks of identity, such as color,
17 age, size, sex, and possible owner, and forward the same by mail to the
18 state board of stock inspection commissioners in Denver or notify the
19 nearest authorized brand inspector. ~~Any~~ A person having knowledge of
20 ~~any~~ AN estray animal upon the public range may notify the state board of
21 stock inspection commissioners, or any authorized brand inspector of ~~said~~
22 THE board, giving a description of ~~said~~ THE estray, and upon instructions
23 from the board of stock inspection commissioners, or from an authorized
24 inspector of the board, ~~said~~ THE estray shall be held by ~~such~~ THE person
25 to be turned over to a duly authorized inspector of ~~said~~ THE board for
26 disposition as the board may direct according to law.

27 **SECTION 121.** In Colorado Revised Statutes, **amend** 35-44-103

1 as follows:

2 **35-44-103. When estray returned to owner.** Upon receiving
3 notice that ~~any~~ A person has taken into ~~his~~ THE PERSON'S custody ~~any~~ AN
4 estray animal, ~~it is the duty of~~ the state board of stock inspection
5 commissioners ~~to~~ SHALL make or cause to be made an examination of the
6 state brand records, and, if from this record the name of the owner or
7 probable owner can be determined, ~~it~~ THE BOARD shall forthwith notify
8 ~~him~~ THE OWNER OR PROBABLE OWNER of the taking into custody of ~~such~~
9 THE estray. Upon the owner proving OWNERSHIP to the satisfaction of the
10 state board of stock inspection commissioners, ~~that the estray animal is~~
11 ~~rightfully his~~, the state board shall issue to ~~him~~ THE OWNER an order to
12 receive the same upon payment of any reasonable charges ~~which~~ THAT
13 may have been incurred in the care of ~~said~~ THE animal.

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

16 **35-44-104. Owner not found - advertisement.** If the brand
17 commissioner appointed by the state board of stock inspection
18 commissioners is unable to determine from the brand records and
19 description who is the owner or probable owner of ~~any~~ A reported ~~estrays~~,
20 ~~he~~ ESTRAY, THE BRAND COMMISSIONER shall cause notice showing a
21 facsimile of the brand and other identifying characteristics carried by the
22 estray to be posted in the offices of all county clerk and recorders, ~~and~~ IN
23 licensed livestock markets, and in other conspicuous places in the area
24 where ~~said~~ THE estray was found. ~~Said~~ THE livestock notice ~~shall~~ MUST
25 state when and where the estray animal was taken into custody. In
26 addition, the brand commissioner shall cause a notice giving a general
27 description of the estray to be placed in a local newspaper within the

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

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

9 **35-44-105. Sale of estrays.** If ~~said~~ AN estray animal is not claimed
10 within ten days after the posting of AN estray notice, it shall be sold by the
11 state board of stock inspection commissioners, through an authorized
12 brand inspector of the board, in such manner as the board may direct. ~~It~~
13 ~~is the duty of~~ The brand inspector making ~~such~~ THE sale ~~to~~ SHALL give a
14 bill of sale to the purchaser from the state board of stock inspection
15 commissioners, signed by ~~himself~~ THE BRAND INSPECTOR as inspector for
16 the board, which bill of sale ~~shall be~~ IS legal evidence of the ownership
17 of ~~said~~ THE animal by the purchaser ~~thereof~~ and ~~shall be~~ IS a legal and
18 valid title to ~~said~~ THE animal.

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

21 **35-44-107. Custody of estray - claimant.** When ~~any~~ A person
22 takes into ~~his~~ THE PERSON'S custody ~~any~~ AN estray animal and sends a
23 description of the same to the state board of stock inspection
24 commissioners, ~~said~~ THE person ~~shall be entitled to~~ MAY hold ~~same~~ THE
25 ESTRAY ANIMAL lawfully until relieved of its custody by the state board
26 of stock inspection commissioners. ~~Should~~ IF a claimant for ~~said~~ THE
27 ESTRAY animal ~~apply~~ APPLIES to the person who has custody of the estray

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

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

15 **35-44-111. Concealing estray - penalty.** ~~Any~~ A person who
16 conceals ~~any~~ AN estray found or taken into ~~his or her~~ THE PERSON'S
17 custody, or effaces or changes ~~any~~ A mark or brand ~~thereon~~ ON AN
18 ESTRAY, or carries ~~the same~~ AN ESTRAY beyond the limits of the county
19 where found, or knowingly permits ~~the same~~ THE CONCEALMENT,
20 EFFACING, OR CHANGING OF A MARK OR BRAND ON AN ESTRAY ANIMAL to
21 be done, or neglects to notify or give information of ~~estrays~~ AN ESTRAY
22 to the state board of stock inspection commissioners is guilty of a class 6
23 felony and, upon conviction thereof, shall be punished as provided in
24 section 18-1.3-401. C.R.S.

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

27 **35-45-103. District court has jurisdiction.** (1) Whenever a

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

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

21 **35-45-109. Range improvement fund - board of district**
22 **advisers.** (1) All ~~moneys~~ MONEY paid to the counties shall be deposited
23 with the county treasurer in a special fund to be known as the range
24 improvement fund of district no. ___. The county treasurer of ~~any~~ A county
25 in which a district is located ~~shall be~~ IS the ex officio district treasurer and
26 custodian of ~~moneys~~ MONEY received and shall be liable upon ~~his~~ THE
27 COUNTY TREASURER'S official bond for all ~~moneys~~ MONEY deposited in

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

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

14 **35-46-102. Owner may recover for trespass.** (2) Whenever ~~any~~
15 A person stocks land, not enclosed by a lawful fence, on which ~~such~~ THE
16 person has a lawful right to pasture or forage livestock, with a greater
17 number of livestock than ~~such~~ THE land can properly support or water and
18 any of ~~such~~ THE livestock pasture, forage, or water on the lands of another
19 person, in order to obtain the proper amount of pasture, forage, or water
20 or whenever ~~any~~ A person stocks with livestock land on which ~~such~~ THE
21 person has no lawful right to pasture or forage livestock and ~~such~~ THE
22 livestock pasture, forage, or water on such land or on other land on which
23 ~~such~~ THE person has no right to pasture or forage livestock, ~~he~~ THE
24 PERSON shall be deemed a trespasser and shall be liable in damages and
25 subject to injunction.

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

1 **35-46-103. Board of arbitration.** When ~~any~~ A person is
2 trespassed upon or damaged by any livestock or takes into ~~his~~ THE
3 PERSON'S custody any livestock under section 35-46-102, the claim for
4 damages occasioned by ~~said~~ THE livestock may be arbitrated by a board
5 of three arbitrators, at the option of the party aggrieved selecting one, the
6 owner of the livestock selecting a second, and the two thus chosen
7 selecting a third. ~~Said~~ THE CHOSEN arbitrators ~~so chosen~~ shall meet and
8 act as a board of arbitration within five days after a written application
9 FOR ARBITRATION is made ~~therefor~~ by either party and written notice
10 given to the other party. ~~It is the duty of~~ The person ~~so taking into custody~~
11 ~~such~~ THAT TAKES THE livestock ~~to~~ INTO CUSTODY SHALL notify in writing
12 within five days after ~~the~~ taking THE LIVESTOCK into custody ~~thereof~~ the
13 owner or person in charge of ~~such~~ THE livestock. If the owner or person
14 in charge of ~~such~~ THE livestock is not known to the person taking the
15 livestock into custody or cannot be found after diligent search and
16 inquiry, then the person ~~so~~ taking custody of ~~such~~ THE livestock shall
17 publish within one week a notice containing a full description of ~~such~~ THE
18 livestock, including all marks and brands as nearly as can be ascertained,
19 in a ~~paper~~ NEWSPAPER published nearest the place where the alleged
20 damage occurred. In the event the owner of ~~such~~ THE livestock cannot be
21 found within ten days after the date of the publication of ~~such~~ THE notice,
22 the livestock ~~shall be~~ IS an estray and the state board of stock inspection
23 commissioners ~~shall be~~ IS entitled to ~~said~~ THE livestock subject to the lien
24 for damage sustained and cost and care and feeding of the same by the
25 person taking ~~such~~ THE livestock into custody. Such person shall deliver
26 the ~~same~~ LIVESTOCK to the owner ~~thereof~~ OF THE LIVESTOCK whenever
27 such owner furnishes the person so damaged by ~~such~~ THE livestock a

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

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

9 **35-46-104. Finding of board - enforcement.** The finding of ~~said~~
10 THE board of arbitration, when reduced to writing and signed by a
11 majority of the members ~~thereof~~ OF THE BOARD, constitutes an obligation
12 on the part of the person against whom the finding is made to pay to the
13 aggrieved party the sum set forth in the finding of ~~said~~ THE board of
14 arbitration. In the event the person against whom the finding of ~~such~~ THE
15 board of arbitration is made fails, neglects, or refuses to pay to the
16 aggrieved party the sum set forth in the finding of ~~said~~ THE board of
17 arbitration within thirty days ~~from~~ AFTER the date of the written findings
18 of ~~such~~ THE board, then the finding of ~~said~~ THE board of arbitration may
19 be filed in ~~any~~ A court of record within the jurisdiction where the damage
20 was sustained. The finding of ~~such~~ THE board so filed shall be deemed for
21 the purposes of sections 35-46-101 to 35-46-110 a judgment of ~~said~~ THE
22 court and execution may issue ~~thereon~~ ON THE JUDGMENT as by law
23 provided in judgments of ~~said~~ THE court. The costs agreed upon to be
24 incurred in ~~said~~ THE arbitration shall follow the findings as in suits at
25 court. If the owner of any livestock makes a tender in money of all
26 damages to the person claiming damages, the person claiming damages
27 shall pay all costs and expenses thereafter accruing unless ~~he~~ THE PERSON

1 is awarded a larger amount than was tendered by the owner of such
2 livestock.

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

5 **35-46-106. Care of stock taken into custody.** ~~It is the duty of~~
6 ~~Any~~ A person who takes ~~any animals~~ AN ANIMAL into custody under the
7 provisions of this ~~article to~~ ARTICLE 46 SHALL feed and care for ~~such~~
8 ~~animals~~ THE ANIMAL in a reasonable, careful, and prudent manner and
9 keep the ~~same~~ ANIMAL in as good order and condition as when so taken
10 into custody, ~~by the said party, and he shall be~~ THE PERSON IS liable for
11 any damage occasioned by ~~his~~ THE PERSON'S failure to do so. For such
12 feed and care ~~such~~ THE party ~~shall be entitled to~~ MAY recover from the
13 owner of ~~such animals~~ THE ANIMAL a reasonable compensation, to be
14 recovered as provided for the recovery of damages sustained.

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

17 **35-46-113. Cost and repair - how recovered.** Partition fences
18 between agricultural and grazing land shall be erected and also kept in
19 repair at the joint cost of the owners of the respective adjoining tracts,
20 except as otherwise agreed by such owners. If, after thirty days' written
21 notice, served personally or by registered mail by either the owner or
22 tenant of one tract upon the owner or tenant of the other tract, such other
23 owner neglects or refuses to erect or repair one-half of the partition fence,
24 the person giving notice may proceed to erect or repair the entire partition
25 fence and collect by a civil action at law one-half the entire cost ~~thereof~~
26 OF ERECTING OR REPAIRING THE PARTITION FENCE from the other owner.
27 ~~Any~~ A judgment obtained against the owner of ~~any~~ land for the value of

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

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

12 **35-47-102. Duty of custodian - fees - recovery.** Where ~~said~~
13 animals are in violation of section 35-47-101, ~~it is the duty of every~~ A
14 sheriff or other peace officer of the county, on complaint of any person,
15 ~~to~~ SHALL take custody of ~~such animals~~ THE ANIMAL and place ~~them~~ IT on
16 feed and water. ~~He~~ THE SHERIFF OR OTHER PEACE OFFICER may appoint
17 a custodian for such purpose and pay ~~such~~ THE custodian a fee of four
18 dollars per day to be assessed as costs, and the owner or agent may give
19 the sheriff or other PEACE officer a redelivery bond in sufficient sum for
20 repossession of ~~his~~ THE OWNER'S OR AGENT'S stock, pending a court
21 action. In cases where the owner or agent is known and has been
22 convicted in court, the sheriff or other officer may dispose of such
23 animals or sufficient numbers of them to pay for the fine and reasonable
24 costs of feeding and other expenses in connection ~~therewith~~ WITH THE
25 ANIMALS, after giving ten days' notice by posting three notices in public
26 and conspicuous places. In cases where the owner of such animals is
27 unknown, the animals shall be taken up and disposed of by the state board

1 of stock inspection commissioners or one of its duly authorized
2 representatives, the same as other estrays as provided for by law.

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

5 **35-48-103. Inferior bulls or rams - penalty.** (2) ~~Any~~ A person
6 permitting cows of which ~~he~~ THE PERSON is the owner or agent of the
7 owner to run at large upon the public ranges of this state shall furnish
8 during breeding season at least one registered purebred bull of one of the
9 recognized beef breeds, not less than eighteen months of age, for every
10 twenty-five head of cows or fraction thereof over ten head so permitted
11 to run at large in this state. ~~No~~ AN owner or agent of the owner shall NOT
12 permit ~~any~~ A jersey, holstein, guernsey, ayrshire, or other bull THAT IS not
13 registered or eligible for registration as one of the recognized beef breeds
14 to run at large in this state under any pretense whatever, and, should any
15 such bull break through any enclosure surrounded by a lawful fence, the
16 owner of ~~such~~ THE animal ~~shall be~~ IS liable for all damages occasioned by
17 such trespass.

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

20 **35-50-103. Definitions.** As used in this ~~article~~ ARTICLE 50, unless
21 the context otherwise requires:

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

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

27 **35-50-109. Inspection and testing.** (10) Whenever in the opinion

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

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

10 **35-52-114. Permit to be obtained.** Prior to the feeding of garbage
11 to any swine located in the state of Colorado, the owner or feeder, as the
12 case may be, shall first obtain a permit from the state agricultural
13 commission. The applicant for a garbage feeding permit shall certify in
14 the application that ~~he~~ THE APPLICANT has facilities for cooking garbage
15 in one or more of the methods described in section 35-52-113 (2). The
16 state agricultural commission ~~must~~ SHALL, within a reasonable time,
17 ascertain that such facilities are as represented and, if the requirements of
18 section 35-52-113 can be fulfilled, issue a permit to the applicant.

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

21 **35-53-102. Duties of brand inspector.** ~~It is the duty of~~ The brand
22 inspector, who shall be notified as provided in section 35-53-105 or shall
23 be selected by the board of stock inspection commissioners, ~~to~~ SHALL
24 inspect the brands and earmarks of any cattle, horses, or mules to be
25 transported by rail, truck, or other conveyance from any point within this
26 state to any point within or without the state or to be driven out of the
27 state and ~~to~~ SHALL make a report to the state board of stock inspection

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

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

14 **35-53-111. Sanitary rules as to movement of livestock -**
15 **quarantine - fees - penalty.** (1) The state agricultural commission may
16 make and adopt such quarantine and sanitary regulations affecting the
17 movement of livestock into and out of the state ~~of Colorado~~ and within
18 the borders of ~~said~~ THE state as may from time to time be necessary to
19 prevent the introduction into the state or the spread within the state of any
20 contagious or infectious disease, and the expense of such quarantine
21 measures and the carrying out of such regulations shall be made by the
22 imposition of a fee of three cents per head on all cattle and horses and one
23 and one-half cents per head on all sheep entering the state ~~of Colorado~~
24 from any quarantine or infected territory. Whenever the state agricultural
25 commission knows or has good reason to believe that ~~any~~ A contagious
26 or infectious disease exists in ~~any~~ A locality in any other state, territory,
27 or country or that there are conditions ~~which~~ THAT render domestic

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

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

11 **35-52-113. Garbage cooking.** (1) It is unlawful for any person,
12 firm, partnership, or corporation, including ~~eleemosynary~~ CHARITABLE
13 institutions, to feed garbage to animals unless ~~such~~ THE garbage has been
14 heated throughout to boiling or equivalent temperature for thirty minutes
15 or heated according to a method specifically promulgated by the state
16 agricultural commission; ~~but~~ EXCEPT THAT this requirement ~~shall~~ DOES
17 not apply to an individual who feeds to ~~his~~ THE INDIVIDUAL'S own animals
18 only the garbage obtained from ~~his~~ THE INDIVIDUAL'S household.

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

21 **35-53-115. Inspection and transportation of hides - fee -**
22 **records.** (1) It is unlawful for any person, firm, corporation, railroad
23 company, or other common carrier to transport or cause to be transported
24 within this state or beyond the limits of this state any hides that have not
25 been inspected and tagged by a duly authorized brand inspector of the
26 state board of stock inspection commissioners for the district in which
27 ~~such~~ THE hides are shipped. A certificate of inspection as provided for in

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

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

10 **35-53-116. Hides inspected - fee - seizure.** (1) In the event ~~any~~
11 AN authorized brand inspector is making an inspection of hides or the
12 inspection of ~~any~~ slaughtered carcasses, the hides from all such carcasses
13 shall be exhibited to the inspector at the time of the inspection, and if the
14 inspector is satisfied that the person, firm, or corporation is acting within
15 the law, the inspector, in addition to furnishing the certificate, shall tag or
16 mark the carcasses and hides in a manner to be designated by the state
17 board of stock inspection commissioners as evidence that the same have
18 been inspected. In any case where the inspector has reason to doubt the
19 ownership of ~~any~~ A carcass or of ~~any~~ A hide, ~~he~~ THE INSPECTOR shall
20 refuse to write the hide inspection certificate and ~~shall be authorized to~~
21 MAY seize ~~any~~ such hide or ~~any~~ such carcass of beef and hold the same
22 for proper proof of ownership and ~~to~~ dispose of the same as provided in
23 sections 35-53-118 and 35-53-119.

24 (2) In the event that ~~any~~ AN authorized brand inspector is making
25 ~~any~~ AN inspection of hides received at ~~any~~ A hide house, the owner or
26 person in charge of ~~such~~ THE hide house shall exhibit any hides in ~~his~~ THE
27 OWNER'S OR PERSON'S possession and shall show proof of ownership

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

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

10 **35-53-117. Officer may inspect vehicle.** ~~Any~~ A duly authorized
11 inspector, sheriff, deputy sheriff, or peace officer ~~is authorized to~~ MAY
12 stop and inspect ~~any~~ A motor or other vehicle transporting or containing
13 livestock, or the carcasses ~~thereof~~ OF LIVESTOCK, and demand from the
14 person operating ~~said~~ THE motor or other vehicle the exhibition of a bill
15 of sale, permit, or certificate. If ~~any~~ A person who transports or ~~who has~~
16 ~~in possession said~~ POSSESSES livestock, or the carcasses ~~thereof~~ OF
17 LIVESTOCK, is unable to exhibit to ~~such~~ AN inspector or peace officer ~~said~~
18 A bill of sale, permit, or certificate, ~~said~~ THE inspector or peace officer ~~is~~
19 ~~empowered to~~ MAY arrest, with or without warrant, ~~any such~~ THE person,
20 ~~operating said motor or other vehicle,~~ to take possession of the ~~same~~
21 MOTOR VEHICLE OR OTHER VEHICLE and the livestock or carcasses,
22 ~~therein,~~ and ~~to~~ retain such possession until the person operating ~~such~~ THE
23 motor VEHICLE or other vehicle can produce satisfactory evidence that ~~he~~
24 THE PERSON, or the person, firm, or corporation for whom the ~~same is~~
25 LIVESTOCK OR CARCASSES ARE being transported, is the lawful owner
26 ~~thereof~~ OF THE LIVESTOCK OR CARCASSES or until ~~such~~ THE livestock or
27 ~~the carcasses thereof,~~ are disposed of as provided in sections 35-53-118

1 and 35-53-119.

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

4 **35-53-118. Officer may sell carcasses.** If ~~said~~ AN inspector or
5 peace officer deems it necessary to sell ~~said~~ ANY carcasses ~~so~~ taken to
6 prevent the loss of ~~same~~ THE CARCASSES by spoiling, ~~he is authorized to~~
7 THE INSPECTOR OR PEACE OFFICER MAY do so, retaining the sale price
8 ~~thereof~~ OF THE CARCASSES in ~~his~~ THE INSPECTOR'S OR PEACE OFFICER'S
9 possession to be disposed of as provided in section 35-53-119.

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

12 **35-53-122. Duty to exhibit permit.** ~~Any~~ A driver or other person
13 in charge or control of ~~any~~ A truck, automobile, or other vehicle ~~so~~
14 transporting or carrying live sheep, swine, goats, horses, mules, OR
15 domestic fowl, or the carcasses ~~thereof~~ OF SUCH ANIMALS, upon demand
16 of any peace officer of the state, ~~of Colorado~~, shall exhibit to ~~such~~ THE
17 peace officer ~~his~~ THE DRIVER'S OR OTHER PERSON'S permit to carry ~~said~~
18 THE livestock, ~~or~~ domestic fowl, or ~~the~~ carcasses ~~thereof~~, or, in lieu of
19 EXHIBITING such A permit, ~~upon demand of such peace officer~~, shall make
20 a written statement ~~which shall contain~~ THAT CONTAINS the same
21 information as is specified in section 35-53-121.

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

24 **35-53-126. Inspection at market - penalty.** All cattle that are
25 subject to inspection in the state by virtue of any law or regulation, on
26 arrival at any market, shall be inspected by a duly authorized brand
27 inspector, REGARDLESS OF whether ~~or not~~ they have been previously

1 inspected at the point of origin, before they are taken to the scales for
2 weighing or are weighed at ~~such~~ THE market unless ~~such~~ THE cattle are
3 released by an authorized brand inspector. ~~Any~~ A person, whether acting
4 ~~in his or her~~ ON THE PERSON'S own behalf or as an agent, servant, officer,
5 or employee of ~~any~~ A person, firm, corporation, or association, who
6 violates ~~any provisions of~~ this section commits a civil infraction.

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

9 **35-53-128. Brand inspectors - powers of arrest.** (1) In addition
10 to ~~his~~ ANY other duties, a duly appointed brand inspector ~~is authorized to~~
11 MAY ride the ranges, pastures, and other localities within the state to
12 protect the livestock industry of the state from depredations and theft.

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

15 **35-53-132. Failure to give notice - penalty.** ~~Any~~ AN owner or
16 ~~foreman~~ FOREPERSON who segregates, forms flocks of, transports, or
17 drives any sheep from authorized inspection districts without giving due
18 notice to an authorized inspector as required by section 35-53-131 (3)
19 commits a petty offense.

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

22 **35-53.5-108. Movement of cattle from certified feedlots -**
23 **notice - inspection.** (2) All certified feedlots shall notify the local brand
24 inspector of all anticipated shipments going directly to slaughter, giving
25 the inspector ample notice to inspect or audit the shipment at ~~his or her~~
26 THE INSPECTOR'S discretion during daylight hours.

27 **SECTION 150.** In Colorado Revised Statutes, 35-53.5-110,

1 **amend** (3)(a) as follows:

2 **35-53.5-110. Audits - inspections - complaints.** (3) (a) ~~Any~~ A
3 person having reasonable suspicion of a potential violation may request,
4 directly to the brand commissioner or ~~his or her~~ THE BRAND
5 COMMISSIONER'S designated agent, an inspection or audit of a specific
6 certified feedlot or pen ~~therein. Such~~ IN THE FEEDLOT. THE request may
7 be granted or denied based upon rules of the board governing such
8 inspection or audit. The person requesting ~~such~~ THE audit ~~shall be~~ IS
9 responsible for PAYING the board's fees and costs incurred in conducting
10 the inspection or audit; except that, if any violations are proven as a result
11 of the inspection or audit, ~~such~~ THE person shall be reimbursed from the
12 penalties assessed pursuant to section 35-53.5-113.

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

15 **35-54-103. Requirements of bill of sale.** (2) Both the seller and
16 the buyer shall sign the bill of sale, giving the ~~post-office~~ MAILING
17 address of each, in the presence of a witness who also signs with ~~his~~ THE
18 WITNESS'S name and address and who is a legal resident of the county
19 where the transfer of the described livestock takes place. The bill of sale
20 shall be dated the day of the transaction.

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

23 **35-54-104. Purchaser must show bill of sale.** ~~It is the duty of any~~
24 A person who purchases or receives, or has in ~~his~~ THE PERSON'S
25 possession, any ~~such~~ livestock, either for ~~himself~~ THE PERSON or for
26 another, ~~to~~ SHALL exhibit, ~~on~~ AT THE reasonable request ~~to~~ OF any OTHER
27 person, ~~inquiring therefor,~~ the bill of sale of such livestock if IT IS in ~~his~~

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

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

8 **35-54-105. Selling without bill of sale - theft.** (1) ~~Any~~ A person
9 who sells or offers for sale or trades any livestock upon which ~~such~~ THE
10 person has not ~~his~~ THE PERSON'S recorded mark or brand, or for which the
11 person so offering has neither bill of sale nor power of attorney from the
12 owner of ~~such~~ THE livestock authorizing ~~such~~ THE sale, is guilty of theft,
13 unless ~~such~~ THE person upon trial ~~shall establish and prove~~ ESTABLISHES
14 that ~~he~~ THE PERSON was at the time the actual owner of the livestock so
15 sold or traded, or offered for sale or trade, or that ~~he~~ THE PERSON acted ~~by~~
16 AT the direction of one proven to be the actual owner of such livestock.

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

19 **35-55-107. Discipline of licensees - revocation, suspension,**
20 **probation - letter of admonition.** (1) ~~Any~~ A violation of ~~the provisions~~
21 ~~of~~ this article 55 or of ~~any~~ A rule adopted and published by the state board
22 of stock inspection commissioners is deemed sufficient cause for the state
23 board of stock inspection commissioners to revoke or suspend the license
24 of the offending operator of the public livestock market or to place on
25 probation the licensee, and the following are specific grounds for the
26 imposition of any of the disciplinary actions specified in this introductory
27 portion:

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

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

7 **35-55-111. Records.** ~~Operators~~ AN OPERATOR of ~~all~~ A public
8 livestock ~~markets~~ MARKET shall keep on file an accurate record of the
9 date on which a consignment of animals was received and sold, ~~together~~
10 ~~with~~ INCLUDING the name and address of the buyer and seller, the number
11 and species of the animals received and sold, and the marks and brands
12 on each animal. ~~Said~~ THE OPERATOR SHALL MAKE SUCH records, ~~together~~
13 ~~with the~~ INCLUDING gross selling prices, commission, and other proper
14 care, handling, and sale charges on each consignment, ~~shall be~~ available
15 for inspection by the executive officer of the state board of stock
16 inspection commissioners, ~~his~~ THE EXECUTIVE OFFICER'S deputy, or AN
17 authorized inspector. All records of sales during preceding months shall
18 be kept readily accessible for immediate examination.

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

21 **35-55-114. Title.** The operator of each public livestock market in
22 ~~this~~ THE state shall warrant to the purchaser ~~thereof~~ OF SUCH A PUBLIC
23 LIVESTOCK MARKET the title of all livestock sold through ~~his~~ THE
24 OPERATOR'S public livestock market and ~~shall be~~ IS liable to the rightful
25 owner ~~thereof~~ OF THE PUBLIC LIVESTOCK MARKET for the net proceeds in
26 cash received for such livestock so sold. ~~It is the further duty of~~ IF such
27 AN operator ~~when~~ IS notified by the authorized brand inspector that there

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

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

20 **35-56-101. Stock register.** ~~Any~~ A person licensed in this state to
21 keep an auction where horses, mules, or cattle are sold at auction shall
22 maintain a book, called a stock register, in which ~~he~~ THE PERSON shall
23 describe minutely every animal ~~he~~ THE PERSON offers for sale.

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

26 **35-56-102. Contents of register.** In ~~such~~ A STOCK register shall
27 be recorded the person's name who brings forward ~~such~~ AN animal for

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

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

8 **35-56-103. Registration fee.** The keeper of ~~such~~ AN auction ~~shall~~
9 ~~be entitled to~~ MAY charge and receive for the registering of each animal
10 so entered in ~~his~~ THE AUCTION KEEPER'S register, before ~~he~~ THE AUCTION
11 KEEPER offers the ~~same~~ ANIMAL for sale, the sum of twenty-five cents. All
12 stock registers shall be open for inspection ~~and reference to~~ BY any person
13 who ~~may wish~~ WISHES to examine ~~the same~~ THEM and shall be evidence
14 in any court where the trial of the right of property may be had.

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

17 **35-57.5-106. Board - qualifications of members and alternates.**
18 (1) Each member and alternate of the board ~~shall~~ MUST have the
19 following qualifications, which ~~shall~~ QUALIFICATIONS MUST continue
20 during ~~such~~ THE person's term of office:

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

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

27 **35-57.5-112. Meetings.** The first board appointed shall meet as

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

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

12 **35-57.5-116. License fee - expenditure of money.** (3) A
13 producer or feeder who, by virtue of ~~his or her~~ THE PRODUCER'S OR
14 FEEDER'S activities or circumstances, becomes a handler as defined in
15 section 35-57.5-103 (4) or who sells, ships, or otherwise disposes of
16 sheep to a person not subject to this ~~article~~ ARTICLE 57.5 shall forthwith
17 remit to the authority an amount equal to the amount of fees that would
18 otherwise have been payable under subsection (2) of this section.

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

21 **35-57.5-119. Refunds - fraudulent and false claims - penalty.**
22 (5) ~~The~~ A claim for refund shall be signed by the person who paid the
23 assessment. ~~Any~~ A person who files a fraudulent or false claim for
24 refund; or who, by any false pretenses, obtains or attempts to obtain a
25 refund not legally due ~~him~~, TO THE PERSON; or who signs a refund claim
26 in the name of and for another person commits theft, as defined in section
27 18-4-401, ~~C.R.S.~~, and shall be punished accordingly.

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

3 **35-57.9-103. Authority of commissioner to deny access to**
4 **information - redaction - exceptions.** (5) Nothing in this ~~article~~
5 ARTICLE 57.9 shall:

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

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

10 **35-57.9-104. Restrictions on information in databases -**
11 **definition.** (1) ~~Any~~ A database created by the department that contains
12 specific operational details that constitute confidential commercial data
13 pursuant to section 24-72-204 ~~C.R.S.~~, shall not be merged or shared with
14 any state, federal, or foreign government, industry partner, or other
15 database that would modify the provisions with respect to how specific
16 operational details that constitute confidential commercial data may be
17 disseminated pursuant to section 35-57.9-103. Such data includes
18 ownership, numbers, locations, and movements of livestock; financial
19 information; the purchase and sale of livestock; account numbers or
20 unique identifiers issued by government or private entities; operational
21 protocols; and participation in an all-hazards security system; except that
22 data within any all-hazards security system may be shared for response to
23 or participation in any all-hazards event limited to the scope of each
24 individual all-hazards event and to the scope of only those agencies
25 directly involved in the all-hazards event.

26 (2) As used in this section, "all-hazards event" means the
27 occurrence of ~~any~~ A catastrophic event or incident that is either natural,

1 such as a blizzard, fire, flood, tornado, earthquake, or disease outbreak,
2 or ~~man-made~~ HUMAN-MADE and that could be of biological, chemical,
3 radiological, nuclear, or explosive origin.

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

6 **35-60-103. Commercial feed registration - rules.** (1) ~~No~~ A
7 person shall NOT manufacture commercial feed within the state, or allow
8 ~~his or her~~ THE PERSON'S name to appear on the label of a commercial feed
9 as guarantor, without first registering with the department. Such
10 registration ~~shall expire~~ EXPIRES on the date specified by the
11 commissioner by rule and may be renewed annually.

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

14 **35-60-112. Penalties.** (1) ~~Any~~ A person ~~violating any of the~~
15 ~~provisions of~~ WHO VIOLATES this ~~article~~ ARTICLE 60 or who impedes,
16 hinders, or otherwise prevents, or attempts to prevent, the commissioner
17 or THE COMMISSIONER'S duly authorized agent in the performance of ~~his~~
18 ~~or her~~ THE COMMISSIONER'S OR AGENT'S duty in connection with this
19 ~~article~~ ARTICLE 60 is guilty of a misdemeanor and, upon conviction
20 thereof, shall be fined not less than one hundred dollars nor more than
21 two hundred fifty dollars or, upon a subsequent conviction, not less than
22 two hundred dollars nor more than five hundred dollars.

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

1 present ~~his or her~~ THE ALLEGED VIOLATOR'S view to the commissioner.

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

4 **35-60-115. Publications.** The commissioner shall publish at least
5 annually, in such form as ~~he or she~~ THE COMMISSIONER may deem proper
6 and in accordance with ~~the provisions of~~ section 24-1-136, ~~C.R.S.~~,
7 information concerning the sales of commercial feeds, together with such
8 data on their production and use as the commissioner may consider
9 advisable, and a report of the results of the analyses of official samples
10 of commercial feeds sold within the state as compared with the analyses
11 on the label, but the information concerning production and use of
12 commercial feeds ~~shall~~ MUST not disclose the operations of any person.

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

15 **35-61-103. Industrial hemp advisory committee -**
16 **appointments - duties - coordination with commission.** (1) (c) Each
17 committee member holds office until ~~his or her~~ THE MEMBER'S term of
18 office expires or until a successor is duly appointed. If a vacancy occurs
19 on the board, the appointing authorities shall appoint a new member
20 meeting the qualifications of the member vacating the position to serve
21 the remainder of the unexpired term of the member.

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

24 **35-61-110. Record-keeping requirements.** (6) Nothing in this
25 article 61:

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

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

3 **35-61-114. Inspections - investigations - access - subpoenas.**

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

7 **SECTION 172.** In Colorado Revised Statutes, 35-65-401, **amend**
8 (8.5) as follows:

9 **35-65-401. Colorado state fair authority - creation - board -**

10 **powers and duties - repeal.** (8.5) All thirteen members of the board,
11 including the commissioner of agriculture or ~~his or her~~ THE
12 COMMISSIONER'S designee, ~~shall be~~ ARE voting members of the board.
13 The members of the board shall elect a chair, a vice-chair, and a secretary
14 from among the membership of the board. Board action ~~shall require~~
15 REQUIRES the affirmative vote of a majority of a quorum of the board.

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

18 **35-70-103. State conservation board - composition - powers.**

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

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

27 **35-70-107. Board of supervisors - election - term.** (3) Members

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

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

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

18 **35-70-110. Appeals to state board.** (1) ~~If~~ The owner of any
19 lands within the district ~~desires, he~~ may appeal from any decision of the
20 supervisors to the state board. To establish such an appeal, ~~he~~ THE OWNER
21 must submit ~~his~~ THE OWNER'S appeal in writing to the state board within
22 thirty days after the date of the action of the supervisors ~~from~~ TO which
23 the appeal ~~was taken~~ IS DIRECTED. The notice of appeal ~~shall~~ MUST state
24 the ~~particular~~ SPECIFIC part of the decision of the supervisors ~~from~~ TO
25 which ~~an~~ THE appeal is ~~being taken~~ DIRECTED, if less than the entire
26 decision is being appealed, ~~from,~~ and ~~shall~~ MUST state in simple and
27 concise language the reasons why the owner considers the decision to be

1 improper.

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

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

13 **35-70-115. Additions and withdrawals.** (1) (a) If ~~any~~ AN owner
14 of lands adjoining or in the immediate vicinity of the boundary of an
15 established conservation district desires to have ~~his or her~~ THE OWNER'S
16 lands included within the district, the owner may petition the supervisors
17 of the district, stating the legal description of the lands affected and the
18 reasons why it is desired to have ~~such~~ THE lands included within the
19 district and shall accompany the petition with two maps showing the outer
20 boundaries of the lands petitioned to be included within the district.

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

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

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

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

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

25 **35-72-102. Duty of landowner - liability for damage.** (2) ~~Any~~
26 AN owner or occupier who sustains damages to ~~his~~ property, including
27 but not limited to crops, grasslands, fences, fencerows, irrigation canals,

1 ditches, or livestock, proximately caused by the failure of ~~any other~~ AN
2 owner or occupier of other land to discharge ~~his~~ THE OTHER OWNER'S duty
3 to prevent soil blowing from land ~~he~~ THE OTHER OWNER owns or occupies
4 may recover actual damages from the other owner or occupier by bringing
5 an action in any court of competent jurisdiction.

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

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

16 **35-72-103. Action by county commissioners - emergency**
17 **conditions.** (2) Notice of ~~such~~ THE citation shall be given by personal
18 communication, if possible, and by mailing a copy ~~thereof~~ OF THE
19 CITATION by registered mail addressed to each of the persons to whom the
20 citation is directed at the address as shown on the records of the county
21 assessor; otherwise, service of such citation shall be made as provided by
22 the Colorado rules of civil procedure for the service of summons. Such
23 citation shall also be posted in a public place in the county courthouse in
24 the county in which said land is located. If such treatment is not
25 commenced on or before three days or within such greater time as may be
26 specified in such citation after the date of such personal communication,
27 mailing, and posting or the service of notice as provided in this subsection

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

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

9 **35-72-105. Method of assessment.** (2) Upon delivery of ~~said~~ A
10 resolution to ~~the~~ AN assessor, ~~he~~ THE ASSESSOR shall extend the ~~same~~
11 RESOLUTION upon the assessment rolls, and ~~said~~ THE assessment shall
12 ~~thereupon~~ become a part of the general taxes and constitute a lien against
13 ~~said~~ THE land as set forth in ~~said~~ THE resolution and shall thereafter
14 become due in the same manner and be collected in the same manner as
15 the general ad valorem property tax. ~~Such~~ THE assessment may be paid
16 at any time before general taxes become due and payable. All of the
17 provisions of the general laws for the enforcement of the collection of
18 taxes ~~shall be~~ ARE applicable ~~thereto~~ after the extension by the assessor.

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

21 **35-72-106. Judicial review.** ~~Any~~ A landowner aggrieved at the
22 amount of the assessment against ~~his~~ THE LANDOWNER'S land may bring
23 an action in the district court of the county in which the land is situated
24 to test the validity of the assessment or to enjoin its collection, but such
25 action must be brought within thirty days after the assessment is made and
26 the copy of the resolution of the board is mailed as provided in section
27 35-72-105 and cannot be brought thereafter.

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

3 **35-75-105. Organization meeting - chair - personnel - surety**
4 **bond - conflict of interest.** (1) (a) The member of the board appointed
5 by the governor shall call and convene the initial organizational meeting
6 of the board and shall serve as its ~~chairman~~ CHAIR pro tempore. At such
7 meeting, appropriate bylaws shall be presented for adoption. The bylaws
8 may provide for the election or appointment of officers, the delegation of
9 certain powers and duties, and such other matters as the authority deems
10 proper. At ~~such~~ THE meeting, and annually thereafter, the board shall elect
11 one of its members as ~~chairman~~ CHAIR and one as ~~vice-chairman~~
12 VICE-CHAIR.

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

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

26 **35-75-119. Investment powers of authority.** The authority ~~has~~
27 ~~the power to~~ MAY invest any ~~funds~~ MONEY held in reserve, sinking funds,

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

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

19 **35-75-122. Enforcement of rights of bondholders.** ~~Any~~ A holder
20 of bonds issued pursuant to this ~~article~~ ARTICLE 75 or a trustee under a
21 trust agreement or trust indenture entered into pursuant to this ~~article~~
22 ARTICLE 75, except to the extent that ~~his~~ THE BOND HOLDER'S OR
23 TRUSTEE'S rights are restricted by any bond resolution, may protect and
24 enforce, by any suitable form of legal proceedings, any rights under the
25 laws of this state or granted by the bond resolution. Such rights include
26 the right to compel the performance of all duties of the authority required
27 by this ~~article~~ ARTICLE 75 or the bond resolution and to enjoin unlawful

1 activities.

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

4 **35-80-108. Unlawful acts - short title - disclosure requirement**
5 **- definition.** (3) It is ~~unlawful and~~ a violation of this ~~article~~ ARTICLE 80
6 for ~~any~~ AN employee or official of the department or ~~any~~ A person
7 designated by the commissioner pursuant to section 35-80-109 (6) to
8 disclose or use for ~~his or her~~ THE EMPLOYEE'S, OFFICIAL'S, OR PERSON'S
9 own advantage any information derived from ~~any~~ THE reports or records
10 submitted to the department pursuant to section 35-80-110 or to reveal
11 such information to anyone except authorized persons, including officials
12 or employees of the state, the federal government, and the courts of this
13 or other states.

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

16 **35-80-110. Inspections - investigations - access - subpoena -**
17 **duty to report suspected animal cruelty or animal fighting -**
18 **immunity.** (1) The commissioner, upon ~~his or her~~ THE COMMISSIONER'S
19 own motion or upon the complaint of any person, may make any
20 investigations necessary to ensure compliance with this ~~article~~ ARTICLE
21 80.

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

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

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

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

20 **35-80-111. Enforcement - cease-and-desist orders - hearings.**

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

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

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

11 **35-80-115. Advisory committee.** (3) In the event of a vacancy
12 on the advisory committee prior to the completion of ~~the~~ A member's full
13 term, the commissioner shall appoint a person to complete the remainder
14 of the term. ~~Such~~ THE person shall represent the same group as the
15 member ~~he or she~~ THE PERSON is replacing, pursuant to subsection (1) of
16 this section.

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

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

BILL B

LLS NO. 25-0156.01 Sarah Lozano x3858

SENATE BILL

SENATE SPONSORSHIP

Roberts, Bridges, Marchman, Pelton B., Simpson

HOUSE SPONSORSHIP

McCluskie and Catlin, Martinez, McCormick

Senate Committees

House Committees

A BILL FOR AN ACT

101 **CONCERNING PROTECTION OF THE PERSONAL INFORMATION OF**
102 **PERSONS IMPACTED BY WILDLIFE DAMAGE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Water Resources and Agriculture Review Committee. Under current law, a person may file a claim with the division of parks and wildlife (division) for compensation for damages to property caused by wildlife, and the division must review and investigate that claim (claim procedures). The bill changes current law by requiring that the personal information of a claimant received by the division through the claim

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

procedures and proactive nonlethal measures is kept confidential and not disclosed pursuant to the "Colorado Open Records Act".

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds that:

4 (a) Proposition 114, the ballot measure enacted in 2020 that
5 authorized the process to introduce gray wolves in Colorado, explicitly
6 required the state to fairly compensate owners for losses of livestock
7 caused by gray wolves in addition to losses of livestock caused by other
8 wildlife;

9 (b) To fulfill this obligation, the general assembly passed and the
10 governor signed into law Senate Bill 23-255, enacted in 2023, which,
11 along with funding sources that exist for damages resulting from other
12 types of wildlife, created a dedicated compensation fund to compensate
13 owners for depredation of livestock and working animals by gray wolves;

14 (c) Now that gray wolves have been released and are present in
15 Colorado, along with depredation by other wildlife, livestock and
16 working animals have been killed by wolves, entitling ranchers to
17 compensation for the losses; and

18 (d) However, ranchers in the state have been reluctant to
19 participate in site assessments and file claims for compensation due to the
20 fear of their personal information being made public through open
21 records requests brought by individuals and organizations with the intent
22 of:

23 (I) Traveling to the rancher's home or business to view gray
24 wolves and other wildlife;

25 (II) Contacting the rancher directly; or

1 (III) Using the rancher's personal information to conduct other
2 invasions of the rancher's privacy.

3 (2) The general assembly therefore declares that:

4 (a) It is the intent of the state through the enactment of Proposition
5 114 and Senate Bill 23-255 to prevent future depredations and fairly
6 compensate ranchers for their losses; and

7 (b) By protecting the personal information of compensation
8 claimants, more ranchers will be comfortable submitting depredation
9 claims to the division of parks and wildlife and participating in proactive
10 nonlethal measures, and the intent of Proposition 114 and Senate Bill
11 23-255 will be better fulfilled.

12 **SECTION 2.** In Colorado Revised Statutes, **add** 33-3-110.5 as
13 follows:

14 **33-3-110.5. Confidentiality of personal information -**
15 **definition.** (1) AS USED IN THIS SECTION, "PERSONAL INFORMATION"
16 MEANS:

17 (a) A CLAIMANT'S:

18 (I) NAME;

19 (II) PHONE NUMBER;

20 (III) HOME ADDRESS;

21 (IV) BUSINESS ADDRESS;

22 (V) PERSONAL E-MAIL ADDRESS; OR

23 (VI) BUSINESS E-MAIL ADDRESS; OR

24 (b) ANY OTHER INFORMATION THAT WOULD REVEAL THE IDENTITY
25 OF THE CLAIMANT OR THE CLAIMANT'S BUSINESS.

26 (2) THE PERSONAL INFORMATION OF A CLAIMANT THAT THE
27 DIVISION RECEIVES THROUGH THE CLAIM PROCEDURES DESCRIBED IN

1 SECTIONS 33-3-107 TO 33-3-110 AND PROACTIVE NONLETHAL MEASURES,
2 INCLUDING SITE ASSESSMENTS CONDUCTED BY STATE OFFICIALS AND
3 THIRD PARTIES TO PREVENT FUTURE DEPREDATION, IS CONFIDENTIAL AND
4 IS NOT SUBJECT TO DISCLOSURE PURSUANT TO THE "COLORADO OPEN
5 RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24.

6 (3) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
7 CONTRARY, ANY CLAIMANT, OR AUTHORIZED DESIGNEE OR
8 REPRESENTATIVE OF THE CLAIMANT, THAT REQUESTS RECORDS
9 PERTAINING TO THE CLAIMANT'S OWN CLAIM PURSUANT TO THE
10 "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24, IS
11 ENTITLED TO RECEIVE THE RECORDS WITHOUT REGARD TO SUBSECTION (2)
12 OF THIS SECTION.

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

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

BILL C

LLS NO. 25-0157.01 Richard Sweetman x4333

SENATE BILL

SENATE SPONSORSHIP

Simpson and Bridges, Pelton B.

HOUSE SPONSORSHIP

Martinez and McCormick, Winter T.

Senate Committees

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF MINING ACTIVITIES, AND, IN**
102 **CONNECTION THEREWITH, CREATING A NEW PERMIT TYPE TO**
103 **FACILITATE THE CLEANUP OF ABANDONED MINE WASTE PILES,**
104 **UPDATING FORFEITURE AND WARRANTY PROCEDURES, AND**
105 **RATIFYING COLORADO'S MEMBERSHIP IN THE "INTERSTATE**
106 **MINING COMPACT" AND THE INTERSTATE MINING**
107 **COMMISSION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

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

Water Resources and Agriculture Review Committee. The bill amends the "Colorado Mined Land Reclamation Act" and the "Colorado Land Reclamation Act for the Extraction of Construction Materials" to:

- Contemplate the expedited issuance of reclamation-only permits to persons desiring to conduct reclamation-only operations after July 1, 2025, on less than 5 acres; and
- Update restrictions and requirements concerning the posting and forfeiture of financial warranties relating to mine reclamation projects.

The office of mined land reclamation may not issue a reclamation-only permit to a designated mining operation.

The bill also enacts the "Interstate Mining Compact" and ratifies Colorado's membership in the associated Interstate Mining Commission.

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

2 **SECTION 1. Short title.** This short title of this act is the "Legacy
3 Mining and Modernization Act".

4 **SECTION 2. Legislative declaration.** (1) The general assembly
5 finds and declares that:

6 (a) The division of reclamation, mining, and safety within the
7 department of natural resources estimates there are more than
8 twenty-three thousand abandoned mines across the state;

9 (b) It is estimated that one thousand eight hundred miles of
10 Colorado streams are impaired due to acid-mine-drainage-related
11 pollutants, and that approximately five thousand legacy sites could be
12 reclaimed to reduce the impacts to surface waters and watersheds through
13 clean-up operations;

14 (c) Many legacy mine features contribute heavy metals and acid
15 mine drainage to Colorado watersheds, contaminating drinking water
16 supplies, negatively impacting the health of aquatic ecosystems, and
17 corroding essential infrastructure;

1 (d) Certain discharges from legacy mine features, such as mine
2 tunnels and adits, may represent point source discharges of pollution,
3 requiring robust permitting that limits the concentration of pollutants such
4 as copper, iron, and lead;

5 (e) Storm water runoff associated with other sources of pollution
6 at legacy mines may represent nonpoint sources of pollution, where heavy
7 metals and acid mine drainage are mobilized by rainfall and snowmelt as
8 they move over and through the ground. Nonpoint sources of pollution
9 are not subject to the same permitting requirements as point sources.

10 (f) The new permit type contemplated by this act is not intended
11 to facilitate reclamation at any site identified as having a point source of
12 discharge, nor does it eliminate a permittee's duty to comply with any
13 applicable surface water or groundwater quality requirements. Rather, the
14 new permit type is intended to facilitate reclamation activities that
15 improve water quality by removing many nonpoint sources of pollution
16 from Colorado's watersheds.

17 (g) Current law makes cleanup of these sites difficult due to
18 stringent regulations that are geared to address mining operations, not
19 reclamation only;

20 (h) In addition to improvements in watershed health and water
21 quality, removing barriers to reclaiming these legacy mine features offers
22 an opportunity to facilitate recovery of valuable metals, rare earths, and
23 strategic minerals; establish ecosystem-appropriate vegetation, including
24 pollinator-friendly and drought-tolerant plants, where no vegetation exists
25 today; and return land to a beneficial use for local communities;

26 (i) Financial warranties are required for all mining operations to
27 ensure the completion of reclamation;

1 (j) Each financial warranty must be set and maintained at a level
2 that reflects the actual current cost of fulfilling the requirements of the
3 reclamation plan; and

4 (k) One hundred percent of the proceeds of all forfeited financial
5 warranties must be deposited in a special account established by the
6 mined land reclamation board for the purpose of reclaiming lands that
7 were obligated to be reclaimed under the permits upon which such
8 financial warranties have been forfeited.

9 (2) Therefore, the general assembly declares that a new permit
10 type should be created to remove undue regulatory burdens and facilitate
11 the removal of waste piles while providing regulatory oversight and
12 ensuring lands are returned to a beneficial use.

13 **SECTION 3.** In Colorado Revised Statutes, 34-32-103, **amend**
14 the introductory portion and (8); and **add** (2.5) and (5.9) as follows:

15 **34-32-103. Definitions.** As used in this ~~article~~ ARTICLE 32, unless
16 the context otherwise requires:

17 (2.5) "CERCLA" MEANS THE FEDERAL "COMPREHENSIVE
18 ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF
19 1980", 42 U.S.C. SEC. 9601 ET SEQ.

20 (5.9) "LEGACY MINE" MEANS A MINE WHERE PRE-LAW MINING
21 OPERATIONS HAVE OCCURRED OR THE MINING OPERATIONS HAVE BEEN
22 ABANDONED, AND NO BOND OR OTHER FINANCIAL ASSURANCE OR
23 RECLAMATION RESPONSIBILITY COVERING THE RECLAMATION OF THE LAND
24 AFFECTED BY THE MINING OPERATIONS EXISTS.

25 (8) "Mining operation" means the development or extraction of a
26 mineral from its natural occurrences OR WITHIN REFUSE on affected land.
27 ~~The term~~ "Mining operation" includes, but is not limited to, open mining,

1 in situ mining, in situ leach mining, surface operations, and the disposal
2 of refuse from underground mining, in situ mining, and in situ leach
3 mining. ~~The term~~ "Mining operation" also includes the following
4 operations on affected lands: Transportation, concentrating, milling,
5 evaporation, REMOVAL OF WASTE PILES AND REFUSE, and other
6 processing. ~~The term~~ "Mining operation" does not include: The
7 exploration and extraction of natural petroleum in a liquid or gaseous
8 state by means of wells or pipe; the development or extraction of coal; the
9 extraction of geothermal resources; smelting, refining, cleaning,
10 preparation, transportation, and other off-site operations not conducted on
11 affected land; or the extraction of construction material where there is no
12 development or extraction of any mineral.

13 **SECTION 4.** In Colorado Revised Statutes, 34-32-110, **add** (9)
14 as follows:

15 **34-32-110. Limited impact operations - expedited process -**
16 **reclamation-only permits - rules.** (9) (a) AN OPERATOR DESIRING TO
17 CONDUCT RECLAMATION-ONLY OPERATIONS PURSUANT TO AN
18 APPLICATION SUBMITTED AFTER JULY 1, 2025, ON LESS THAN FIVE ACRES
19 MAY APPLY FOR THE EXPEDITED PROCESSING OF THE OPERATOR'S PERMIT.
20 IN ORDER TO OBTAIN A RECLAMATION-ONLY PERMIT PURSUANT TO THIS
21 SUBSECTION (9), AN OPERATOR SHALL FILE WITH THE OFFICE:

22 (I) EVIDENCE OF THE SOURCE OF THE OPERATOR'S LEGAL RIGHT TO
23 ENTER AND INITIATE A RECLAMATION OPERATION ON THE AFFECTED LAND;

24 (II) A FINANCIAL WARRANTY AND FEE THAT COMPLIES WITH
25 SUBSECTION (3) OF THIS SECTION;

26 (III) THE ADDRESS AND TELEPHONE NUMBER OF THE OPERATOR'S
27 GENERAL OFFICE AND THE OPERATOR'S LOCAL ADDRESS OR ADDRESSES

1 AND TELEPHONE NUMBER;

2 (IV) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE
3 OWNER OF THE SURFACE OF THE AFFECTED LAND AND THE SOURCE OF THE
4 OPERATOR'S LEGAL RIGHT TO ENTER AND INITIATE A RECLAMATION
5 OPERATION ON THE AFFECTED LAND;

6 (V) A STATEMENT THAT THE OPERATOR WILL CONDUCT THE
7 OPERATIONS PURSUANT TO THE TERMS AND CONDITIONS LISTED ON THE
8 APPLICATION AND IN ACCORDANCE WITH THIS ARTICLE 32 AND THE RULES
9 PROMULGATED PURSUANT TO THIS ARTICLE 32 AND IN EFFECT AT THE TIME
10 THE PERMIT WAS APPROVED OR AMENDED;

11 (VI) A MAP SHOWING INFORMATION SUFFICIENT TO DETERMINE
12 THE LOCATION OF THE AFFECTED LAND AND EXISTING AND PROPOSED
13 ROADS OR ACCESS ROUTES TO BE USED IN CONNECTION WITH THE
14 RECLAMATION OPERATION;

15 (VII) THE APPROXIMATE SIZE OF THE AFFECTED LAND;

16 (VIII) INFORMATION SUFFICIENT TO DESCRIBE OR IDENTIFY THE
17 TYPE OF RECLAMATION OPERATION PROPOSED, HOW THE OPERATOR
18 INTENDS TO CONDUCT THE RECLAMATION OPERATION, AND THE NAME AND
19 LOCATION OF THE MILL OR FACILITY ACCEPTING THE MATERIALS BEING
20 EXCAVATED;

21 (IX) A STATEMENT THAT THE OPERATOR HAS APPLIED FOR
22 NECESSARY LOCAL GOVERNMENT APPROVALS; AND

23 (X) A DESCRIPTION OF MEASURES TO BE TAKEN TO RECLAIM ANY
24 AFFECTED LAND CONSISTENT WITH THE REQUIREMENTS OF SECTION
25 34-32-116.

26 (b) THE OFFICE SHALL NOT ISSUE A RECLAMATION-ONLY PERMIT
27 TO A DESIGNATED MINING OPERATION.

1 (c) THE OFFICE SHALL NOT ISSUE A RECLAMATION-ONLY PERMIT
2 FOR A PERIOD THAT EXCEEDS THREE YEARS FROM THE INITIATION OF
3 EXCAVATION TO COMPLETION OF ALL RECLAMATION WORK.

4 (d) A RECLAMATION-ONLY PERMIT SHALL NOT BE CONVERTED INTO
5 ANY OTHER TYPE OF PERMIT.

6 (e) NOTHING IN THIS SUBSECTION (9) RELIEVES A PERMITTEE OF
7 THE DUTY TO COMPLY WITH APPLICABLE SURFACE WATER OR
8 GROUNDWATER QUALITY OR RADIATION CONTROL REQUIREMENTS.

9 (f) NOTHING IN THIS SUBSECTION (9) APPLIES TO RESPONSE
10 ACTIONS CONDUCTED PURSUANT TO CERCLA.

11 (g) THE BOARD MAY PROMULGATE RULES THAT DEFINE WHAT
12 TYPES OF RECLAMATION ACTIVITIES ARE PERMISSIBLE AND PROHIBITED
13 UNDER THIS SECTION.

14 **SECTION 5.** In Colorado Revised Statutes, 34-32-112, **amend**
15 (1) introductory portion; and **repeal** (1)(a) as follows:

16 **34-32-112. Application for reclamation permit - changes in**
17 **permits - fees - notice.** (1) ~~Any~~ AN operator desiring to obtain a
18 reclamation permit shall make written application to the board or to the
19 office for a permit on forms provided by the board. The reclamation
20 permit or the renewal of an existing permit, if approved, ~~shall~~ MUST
21 authorize the operator to engage in such mining operation upon the
22 affected land described in ~~such~~ THE application for the life of the mine.
23 ~~Such~~ THE application shall ~~consist~~ BE FILED THROUGH BOARD-APPROVED
24 METHODS AND CONSISTS of the following:

25 (a) ~~Five copies of the application;~~

26 **SECTION 6.** In Colorado Revised Statutes, 34-32-115, **amend**
27 (2) as follows:

1 **34-32-115. Action by board - appeals.** (2) ~~Prior to the~~ BEFORE
2 holding ~~of any such~~ A hearing AS DESCRIBED IN SUBSECTION (1) OF THIS
3 SECTION, the board or the office shall provide notice to ~~any~~ A person WHO
4 previously ~~filing~~ FILED a protest or petition for a hearing or statement in
5 support of an application pursuant to section 34-32-114 and shall publish
6 notice of the time, date, and location of the hearing ON THE DIVISION
7 WEBSITE AND in a newspaper of general circulation in the locality of the
8 proposed mining operation once a week for two consecutive weeks
9 immediately prior to the hearing. The hearing shall be conducted ~~as a~~
10 ~~proceeding~~ pursuant to article 4 of title 24. ~~C.R.S.~~ A final decision on the
11 application shall be made within one hundred twenty days after the
12 receipt of the application. In the event of complex applications, serious
13 unforeseen circumstances, or significant snow cover on the affected land
14 that prevents a necessary on-site inspection, the board or the office may
15 reasonably extend the maximum time FOR A FINAL DECISION BY sixty
16 days. In the event of in situ leach mining operations, a final decision on
17 the application ~~will~~ SHALL be made within two hundred forty days.

18 **SECTION 7.** In Colorado Revised Statutes, 34-32-116, **amend**
19 (7)(e) as follows:

20 **34-32-116. Duties of operators - reclamation plans.**
21 (7) Reclamation plans and the implementation of reclamation plans must
22 conform to the following general requirements:

23 (e) In those areas where revegetation is part of the reclamation
24 plan, land shall be revegetated in such a way as to establish a diverse,
25 effective, and long-lasting vegetative cover that is capable of
26 self-regeneration and at least equal in extent of cover to the natural
27 vegetation of the surrounding area. Native PLANT species THAT

1 ENCOURAGE POLLINATORS should receive first consideration, but
2 introduced species may be used in the revegetation process when found
3 desirable by the board.

4 **SECTION 8.** In Colorado Revised Statutes, 34-32-117, **amend**
5 (3)(b), (3)(d)(II), (3)(f)(IV), (3)(f)(V)(A), (4)(c)(II), (6)(a), (6)(b)(I),
6 (6)(c), (6)(e), (6)(f), and (6)(g); and **repeal** (3)(f)(V)(C), (3)(f)(V)(D),
7 (3)(f)(V)(E), and (8) as follows:

8 **34-32-117. Warranties of performance - warranties of**
9 **financial responsibility - release of warranties - applicability.**

10 (3) (b) The board may accept interests in real and personal property as
11 financial warranties ~~to~~ WHERE THE AMOUNT OF THE RECLAMATION
12 LIABILITY EXCEEDS FIFTY MILLION DOLLARS. THE BOARD MAY DETERMINE
13 the extent of a specified percentage of the ~~estimated~~ APPRAISED value of
14 ~~any such~~ THE property, ~~Any~~ NOT TO EXCEED SEVENTY-FIVE PERCENT OF
15 THE APPRAISED VALUE. A person offering such financial warranty shall
16 submit THE information necessary to show clear title to and the value of
17 ~~such~~ THE property.

18 (d) For nondesignated mining operations:

19 (II) This subsection (3) ~~shall be~~ IS applicable on January 1, 1996,
20 to:

21 (A) Deeds of trust existing as of July 1, 1993, and subsequent
22 updates of ~~these same~~ THE deeds of trust used as collateral for financial
23 warranties. ~~and~~

24 (B) ~~Any financial warranty completed before July 1, 1993, if the~~
25 ~~value of any such financial warranty includes any mineral value or if~~
26 ~~mineral value is used to update any such financial warranty. The value of~~
27 ~~any financial warranty described in this sub-subparagraph (B) shall~~

1 ~~include mineral value for the life of the warranty.~~

2 (f) Proof of financial responsibility may consist of any one or
3 more of the following, subject to approval by the board:

4 (IV) A deed of trust or security agreement encumbering real or
5 personal property and creating a first lien in favor of the state FOR
6 LIABILITIES EXCEEDING FIFTY MILLION DOLLARS;

7 (V) Assurance, in such form as the board may require, that:

8 (A) Upon commencement of production OR WHEN SITE
9 CONDITIONS AND LIABILITIES CHANGE, the operator will establish an
10 individual reclamation fund, to be held by an independent trustee for the
11 board, upon such terms and conditions as the board may prescribe, which
12 trust fund shall be funded by periodic cash payments representing such
13 fraction of receipts as will, in the opinion of the board, provide assurance
14 that ~~funds~~ MONEY will be available for reclamation; AND

15 (C) ~~Project-related fixtures and equipment (excluding rolling~~
16 ~~stock) owned or to be owned by the financial warrantor within the permit~~
17 ~~area will have a salvage value at least equal to the amount of the financial~~
18 ~~warranty, or the appropriate portion thereof;~~

19 (D) ~~Existing liens and encumbrances applicable to said fixtures~~
20 ~~and equipment, other than liens in favor of the United States or this state,~~
21 ~~any other state, and any political subdivisions, will be subordinated to the~~
22 ~~lien described in section 34-32-118 (4)(b); and~~

23 (E) ~~Said fixtures and equipment will be maintained in good~~
24 ~~operating condition and will not be removed from the permit area without~~
25 ~~the prior consent of the board;~~

26 (4) (c) (II) ~~A~~ AN OPERATOR OR A financial warrantor shall have
27 HAS sixty days after the date of notice of ~~any such~~ AN adjustment to fulfill

1 all THE new requirements.

2 (6) (a) Financial warranties shall be maintained in good standing
3 for the entire life of any permit issued under this ~~article~~. ~~Financial~~
4 ~~warrantors~~ ARTICLE 32. AN OPERATOR OR A FINANCIAL WARRANTOR shall
5 immediately notify the board of ~~any~~ AN event ~~which~~ THAT may impair
6 ~~their~~ THE OPERATOR'S OR THE FINANCIAL WARRANTOR'S warranties.

7 (b) (I) Each OPERATOR AND financial warrantor providing proof
8 of financial responsibility in a form described in subsection ~~(3)(f)(IV);~~
9 ~~(3)(f)(V), or (8)~~ (3)(f)(IV) OR (3)(f)(V) of this section shall annually
10 cause to be filed with the board a certification by an independent auditor
11 that, as of the close of the ~~financial warrantor's~~ OPERATOR'S most recent
12 fiscal year, the OPERATOR AND THE financial warrantor continued to meet
13 all applicable requirements of the applicable subsection. ~~Financial~~
14 ~~warrantors~~ AN OPERATOR OR A FINANCIAL WARRANTOR that no longer
15 ~~meet~~ MEETS the requirements shall instead cause to be filed an alternate
16 form of financial warranty.

17 (c) Each OPERATOR AND financial warrantor providing proof of
18 financial responsibility in a form described in subsection ~~(3)(f)(IV);~~
19 ~~(3)(f)(V), or (8)~~ (3)(f)(IV) OR (3)(f)(V) of this section shall notify the
20 board within sixty days of ~~any~~ A net loss incurred in ~~any~~ A quarterly
21 period.

22 (e) Whenever the board elects to convene a hearing pursuant to
23 this subsection (6), it may hire an independent consultant to provide
24 expert advice at the hearing. The fees of ~~any such~~ THE consultant shall be
25 paid by the ~~financial warrantor~~ OPERATOR, and ~~no~~ A consultant shall NOT
26 be hired until the ~~financial warrantor~~ OPERATOR signs a written fee
27 agreement in such form as the board may prescribe. In the event that a

1 ~~financial warrantor~~ AN OPERATOR refuses to sign such an agreement, the
2 board may, without hearing, order the ~~financial warrantor~~ OPERATOR to
3 provide an alternate form of financial warranty.

4 (f) ~~At any~~ A hearing held pursuant to this subsection (6), if the
5 board finds that a financial warranty has been materially impaired, ~~it~~ THE
6 BOARD may order the OPERATOR OR THE financial warrantor to provide an
7 alternate form of financial warranty.

8 (g) ~~A~~ AN OPERATOR OR A financial warrantor ~~shall have~~ HAS
9 ninety days to provide ~~any~~ AN alternate warranty required under this
10 subsection (6).

11 (8) (a) ~~The board or office may, in its discretion, accept a first~~
12 ~~priority lien in the amount of the financial warranty prescribed pursuant~~
13 ~~to subsection (4) of this section on any project-related fixtures and~~
14 ~~equipment that must remain on-site in order for the reclamation plan to~~
15 ~~be performed in lieu of including the cost of acquiring and installing such~~
16 ~~fixtures and equipment.~~

17 (b) ~~The board or office may accept a first priority lien on any~~
18 ~~project-related fixtures and equipment that must be demolished or~~
19 ~~removed from the site under the reclamation plan. The board or office~~
20 ~~may, in its discretion, accept such a lien as a portion of the proof of~~
21 ~~financial responsibility if the amount credited for such lien does not~~
22 ~~exceed the cost of demolishing and removing the subject fixtures and~~
23 ~~equipment or the market value of such fixtures and equipment, whichever~~
24 ~~is less.~~

25 (c) ~~Any fixtures and equipment accepted pursuant to this~~
26 ~~subsection (8) shall be insured and maintained in good operating~~
27 ~~condition and shall not be removed from the permit area without the prior~~

1 consent of the board. ~~Each financial warrantor providing a lien on such~~
2 ~~equipment and fixtures shall file an annual report with the office in~~
3 ~~sufficient detail to fully describe the condition, value, and location of all~~
4 ~~pledged fixtures and equipment. Such financial warrantor shall not pledge~~
5 ~~such equipment and fixtures to secure any other obligation and shall~~
6 ~~immediately notify the office of any other interest that arises in the~~
7 ~~pledged property.~~

8 **SECTION 9.** In Colorado Revised Statutes, 34-32-118, **amend**
9 (5); and **repeal** (4)(b) as follows:

10 **34-32-118. Forfeiture of financial warranties.** (4) (b) ~~The~~
11 ~~amount of any forfeited financial warranty shall be a lien in favor of this~~
12 ~~state upon any project-related fixtures or equipment offered as proof of~~
13 ~~financial responsibility pursuant to section 34-32-117 (3)(f)(V).~~

14 (5) ~~Funds~~ MONEY recovered by the attorney general in
15 proceedings brought pursuant to subsection (4) of this section shall be
16 held in the account described in section 34-32-122 and shall be used to
17 reclaim lands covered by the forfeited warranties. ~~except that five percent~~
18 ~~of the amount of the financial warranty shall be deposited in the mined~~
19 ~~land reclamation fund, created in section 34-32-127, to cover the~~
20 ~~administrative costs incurred by the office in performing reclamation. The~~
21 ~~board shall have~~ HAS a right of entry to reclaim ~~said~~ THE lands. Upon
22 completion of ~~such~~ THE reclamation, the board shall present to the
23 financial warrantor a full accounting and ~~shall~~ refund all unspent ~~moneys~~
24 MONEY.

25 **SECTION 10.** In Colorado Revised Statutes, 34-32-122, **amend**
26 (1)(a) and (2) as follows:

27 **34-32-122. Fees, civil penalties, and forfeitures - deposit -**

1 **emergency response cash fund - created - definition.** (1) (a) All fees
2 and assessments collected pursuant to this ~~article and five percent of the~~
3 ~~proceeds of any financial warranty forfeited pursuant to section~~
4 ~~34-32-118~~ ARTICLE 32 shall be deposited in the mined land reclamation
5 fund ~~for administrative costs associated with reclaiming sites for which~~
6 ~~the financial warranty has been revoked~~ CREATED IN SECTION 34-32-127.
7 All civil penalties collected under ~~the provisions of this article~~ THIS
8 ARTICLE 32 shall be deposited in the general fund. ~~Ninety-five~~ ONE
9 HUNDRED percent of the proceeds of all financial warranties forfeited
10 under ~~the provisions of section 34-32-118~~ shall be deposited in a special
11 account in the general fund established by the board for the purposes of
12 reclaiming lands ~~which~~ THAT were obligated to be reclaimed under the
13 permits upon which ~~such~~ THE financial warranties have been forfeited.

14 (2) ~~Any~~ AN applicant that desires to utilize the self-insurance
15 provisions listed in section 34-32-117 ~~(3)(f)(IV), (3)(f)(V), or (8)~~
16 ~~(3)(f)(IV) OR (3)(f)(V)~~ shall pay an annual fee to the office sufficient to
17 defray the actual cost to the office of establishing and reviewing the
18 financial warranty of the applicant. ~~These funds are hereby~~ MONEY
19 COLLECTED AS SUCH FEES IS annually made available to the office, which
20 shall utilize outside financial and legal services for this purpose.

21 **SECTION 11.** In Colorado Revised Statutes, 34-32-124.5,
22 **amend** (1)(b) as follows:

23 **34-32-124.5. Emergencies endangering public health or**
24 **welfare or environment.** (1) Following an investigation, an emergency
25 response is justified pursuant to section 34-32-122 (3) if the board or
26 office determines that:

27 (b) Circumstances exist, regardless of whether caused by a person,

1 at a legacy mine site that create a danger to public health or welfare or the
2 environment. For purposes of this paragraph (b), "legacy mine site"
3 means a site where hard rock mining operations have been abandoned as
4 those terms are defined in section 34-34-101 (1)(b) and (4).

5 **SECTION 12.** In Colorado Revised Statutes, 34-32-127, **amend**
6 (2)(a)(I)(A) as follows:

7 **34-32-127. Mined land reclamation fund - created - fees - fee**
8 **adjustments - rules.** (2) (a) The office shall collect fees for fiscal year
9 2014-15 and for each subsequent year of operation for operations
10 according to the following schedule:

- 11 (I) Applications pursuant to:
 - 12 (A) Section 34-32-110 ~~(1)~~ (1) AND (9) \$288

13 **SECTION 13.** In Colorado Revised Statutes, 34-32.5-112,
14 **amend** (1)(b) introductory portion; and **repeal** (1)(b)(I) as follows:

15 **34-32.5-112. Application for reclamation permit - changes in**
16 **permits - fees - notice.** (1) (b) Each AN application shall consist SHALL
17 BE FILED THROUGH BOARD-APPROVED METHODS AND CONSISTS OF:

- 18 (I) ~~Five copies of the application;~~

19 **SECTION 14.** In Colorado Revised Statutes, 34-32.5-115,
20 **amend** (2) as follows:

21 **34-32.5-115. Action by board - appeals.** (2) ~~Prior to~~ BEFORE
22 holding a hearing AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION, the
23 board or the office shall provide notice to ~~any~~ A person who filed a
24 protest or petition for a hearing or statement in support of an application
25 pursuant to section 34-32.5-114. Notice of the time, date, and location of
26 the hearing shall be published ON THE DIVISION WEBSITE AND in a
27 newspaper of general circulation in the locality of the proposed mining

1 operation once a week for the two consecutive weeks immediately
2 preceding the hearing. The hearing shall be conducted pursuant to article
3 4 of title 24. ~~C.R.S.~~ A final decision on the application shall be made
4 within one hundred twenty days after the receipt of the application. In the
5 event of complex applications, serious unforeseen circumstances, or
6 significant snow cover on the affected land that prevents a necessary
7 on-site inspection, the board may reasonably extend the time in which a
8 final decision must be made by sixty days.

9 **SECTION 15.** In Colorado Revised Statutes, 34-32.5-116,
10 **amend** (4) introductory portion and (4)(f) as follows:

11 **34-32.5-116. Duties of operators - reclamation plans.**

12 (4) Reclamation plans and their implementation are required on all
13 affected lands and ~~shall~~ MUST conform to the following requirements:

14 (f) In those areas where revegetation is part of the reclamation
15 plan, land shall be revegetated so that a diverse, effective, and
16 long-lasting vegetative cover is established that is capable of
17 self-regeneration and is at least equal, with respect to the extent of cover,
18 to the natural vegetation of the surrounding area. ~~Species chosen for~~
19 NATIVE PLANT SPECIES THAT ENCOURAGE POLLINATORS SHOULD RECEIVE
20 FIRST CONSIDERATION, BUT INTRODUCED SPECIES MAY BE USED IN THE
21 REVEGETATION PROCESS WHEN FOUND DESIRABLE BY THE BOARD.
22 Revegetation ~~shall~~ MUST be compatible for the proposed post-extraction
23 land use and ~~shall~~ be of adequate diversity to establish successful
24 reclamation.

25 **SECTION 16.** In Colorado Revised Statutes, 34-32.5-117,
26 **amend** (3)(b), (3)(d)(II), (3)(f)(IV), (3)(f)(V)(A), (4)(c)(II), (6)(a), (6)(b),
27 (6)(c), (6)(e), (6)(f), and (6)(g); and **repeal** (3)(f)(V)(C), (3)(f)(V)(D),

1 (3)(f)(V)(E), (3)(f)(VI), (3)(f)(VII), and (8) as follows:

2 **34-32.5-117. Warranties of performance - warranties of**
3 **financial responsibility - release of warranties.** (3) (b) The board may
4 accept interests in real and personal property as financial warranties to
5 WHERE THE AMOUNT OF THE RECLAMATION LIABILITY EXCEEDS FIFTY
6 MILLION DOLLARS. THE BOARD MAY DETERMINE the extent of a specified
7 percentage of the ~~estimated~~ APPRAISED value of ~~such~~ THE property, NOT
8 TO EXCEED SEVENTY-FIVE PERCENT OF THE APPRAISED VALUE. A person
9 offering such a financial warranty shall submit information to show clear
10 title to and the value of ~~such~~ THE property.

11 (d) For construction materials operations:

12 (II) This subsection (3) ~~shall be~~ IS effective on January 1, 1996,
13 with respect to a:

14 (A) Financial warranty that is collateral for a deed of trust used as
15 collateral for a financial warranty in existence on July 1, 1993, and
16 subsequent amendments of ~~such~~ THE deed of trust. ~~and~~

17 (B) ~~Financial warranty completed before July 1, 1993, if the value~~
18 ~~of such financial warranty includes a construction material value or if~~
19 ~~construction material value is used to update such warranty. The value of~~
20 ~~a financial warranty described in this sub-subparagraph (B) shall include~~
21 ~~the construction material value for the life of the warranty.~~

22 (f) Proof of financial responsibility may consist of one or more of
23 the following, subject to approval by the board:

24 (IV) A deed of trust or security agreement encumbering real or
25 personal property and creating a first lien in favor of this state FOR
26 LIABILITIES EXCEEDING FIFTY MILLION DOLLARS;

27 (V) Assurance, in such form as the board may require, that:

1 (A) Upon commencement of production, OR WHEN SITE
2 CONDITIONS AND LIABILITIES CHANGE, the operator will establish an
3 individual reclamation fund to be held by an independent trustee for the
4 board, upon such terms and conditions as the board may prescribe, and
5 funded by periodic cash payments representing such fraction of receipts
6 as will, in the opinion of the board, provide assurance that funds MONEY
7 will be available for reclamation; AND

8 (C) ~~Project-related fixtures and equipment, excluding rolling~~
9 ~~stock, owned or to be owned by the financial warrantor within the permit~~
10 ~~area will have a salvage value at least equal to the amount of the financial~~
11 ~~warranty or the appropriate portion of such warranty;~~

12 (D) ~~Existing liens and encumbrances applicable to project-related~~
13 ~~fixtures and equipment shall be subordinated to the lien described in~~
14 ~~section 34-32.5-118; except that liens in favor of the United States, a~~
15 ~~state, or a political subdivision shall not be so subordinated;~~

16 (E) ~~Project-related fixtures and equipment shall be maintained in~~
17 ~~good operating condition and will not be removed from the permit area~~
18 ~~without the prior consent of the board;~~

19 (VI) ~~A certified financial statement for the financial warrantor's~~
20 ~~most recent fiscal year and a certification by an independent auditor that:~~

21 (A) ~~The financial warrantor is the issuer of one or more currently~~
22 ~~outstanding senior credit obligations that have been rated by a nationally~~
23 ~~recognized rating organization;~~

24 (B) ~~The obligations enjoy a rating by such rating organization of~~
25 ~~'A' or better;~~

26 (C) ~~The financial warrantor's net worth was at least twice the~~
27 ~~amount of all financial warranties made by such warrantor as of the close~~

1 of the most recent fiscal year;

2 (VII) ~~A certified financial statement for the financial warrantor's~~
3 ~~most recent fiscal year and a certification by an independent auditor that~~
4 ~~as of the close of such year the financial warrantor's:~~

5 (A) ~~Net worth was at least ten million dollars and was equal to or~~
6 ~~greater than twice the amount of all financial warranties;~~

7 (B) ~~Tangible fixed assets in the United States were worth at least~~
8 ~~twenty million dollars;~~

9 (C) ~~Total liabilities-to-net-worth ratio was not more than two to~~
10 ~~one;~~

11 (D) ~~Net income, excluding nonrecurring items, was positive.~~
12 ~~Nonrecurring items that affect net income shall be stated in order to~~
13 ~~determine if they materially affect self-bonding capacity.~~

14 (4) (c) (II) ~~A AN OPERATOR OR A financial warrantor shall have~~
15 ~~HAS sixty days after the date of notice of an adjustment to fulfill the new~~
16 ~~requirements.~~

17 (6) (a) A financial warranty shall be maintained in good standing
18 for the entire life of a permit issued under this ~~article. A ARTICLE 32.5. AN~~
19 ~~OPERATOR OR A financial warrantor shall immediately notify the board of~~
20 ~~an event that may impair its THE OPERATOR'S OR THE FINANCIAL~~
21 ~~WARRANTOR'S warranty.~~

22 (b) Each OPERATOR AND financial warrantor ~~who~~ THAT provides
23 proof of financial responsibility in a form described in subsection
24 ~~(3)(f)(IV) to (3)(f)(VII) or subsection (8) (3)(f)(IV) OR (3)(f)(V) of this~~
25 ~~section shall cause to be filed with the board a certification by an~~
26 ~~independent auditor. Such THE certification shall be filed annually and~~
27 ~~shall MUST provide that, as of the close of the financial warrantor's~~

1 OPERATOR'S most recent fiscal year, ~~such~~ THE OPERATOR AND THE
2 financial warrantor continued to meet all applicable requirements of ~~such~~
3 ~~subparagraphs (IV) to (VII). A~~ SUBSECTIONS (3)(f)(IV) AND (3)(f)(V) OF
4 THIS SECTION. AN OPERATOR OR A financial warrantor ~~who~~ THAT no
5 longer meets ~~such~~ THE requirements shall cause to be filed an alternate
6 form of financial warranty.

7 (c) ~~A~~ AN OPERATOR OR A financial warrantor ~~who~~ THAT provides
8 proof of financial responsibility in a form described in ~~paragraph (b) of~~
9 ~~this subsection (6)~~ SUBSECTION (6)(b) OF THIS SECTION shall notify the
10 board within sixty days after a net loss is incurred in a quarterly period.

11 (e) Whenever the board convenes a hearing pursuant to this
12 subsection (6), it may hire an independent consultant to provide expert
13 advice at the hearing. The fees of ~~any such~~ THE consultant shall be paid
14 by the ~~financial warrantor~~ OPERATOR, and ~~no~~ A consultant shall NOT be
15 hired until the ~~financial warrantor~~ OPERATOR signs a written fee
16 agreement in such form as the board may prescribe. If ~~a financial~~
17 ~~warrantor~~ AN OPERATOR refuses to sign such an agreement, the board
18 may, without hearing, order ~~such financial warrantor~~ THE OPERATOR to
19 provide an alternate form of financial warranty.

20 (f) If the board finds, at ~~any~~ A hearing held pursuant to this
21 subsection (6), that a financial warranty has been materially impaired, it
22 may order the OPERATOR OR THE financial warrantor to provide an
23 alternate form of financial warranty.

24 (g) ~~A~~ AN OPERATOR OR A financial warrantor ~~shall have~~ HAS
25 ninety days to provide ~~any~~ AN alternate warranty required under this
26 subsection (6).

27 (8) (a) ~~The board or office may accept a first-priority lien on~~

1 ~~project-related fixtures and equipment that must remain on site for the~~
2 ~~reclamation plan to be performed in lieu of including the cost of acquiring~~
3 ~~and installing such fixtures and equipment in the amount of the financial~~
4 ~~warranty prescribed pursuant to subsection (4) of this section.~~

5 ~~(b) The board or office may accept a first-priority lien on~~
6 ~~project-related fixtures and equipment that must be demolished or~~
7 ~~removed from the site under a reclamation plan and may, in its discretion,~~
8 ~~accept such a lien as a portion of the proof of financial responsibility if~~
9 ~~the amount credited does not exceed the cost of demolishing and~~
10 ~~removing such fixtures and equipment or the market value of such~~
11 ~~fixtures and equipment, whichever is less.~~

12 ~~(c) Any fixtures and equipment accepted pursuant to this~~
13 ~~subsection (8) shall be insured and maintained in good operating~~
14 ~~condition and shall not be removed from the permit area without the prior~~
15 ~~consent of the board. A financial warrantor that provides a lien on such~~
16 ~~equipment and fixtures shall file an annual report with the office in~~
17 ~~sufficient detail to fully describe the condition, value, and location of all~~
18 ~~pledged fixtures and equipment. Such financial warrantor shall not pledge~~
19 ~~such equipment and fixtures to secure any other obligation and shall~~
20 ~~immediately notify the office of any other interest that arises in the~~
21 ~~pledged property.~~

22 **SECTION 17.** In Colorado Revised Statutes, 34-32.5-118,
23 **amend** (5); and **repeal** (4)(b) as follows:

24 **34-32.5-118. Forfeiture of financial warranties.** (4) (b) The
25 amount of a forfeited financial warranty shall constitute a lien upon
26 project-related fixtures or equipment offered as proof of financial
27 responsibility pursuant to section 34-32.5-117. Such lien shall be in favor

1 of this state.

2 (5) ~~Funds~~ MONEY recovered by the attorney general in
3 proceedings brought pursuant to subsection (4) of this section shall be
4 held in the special account described in section 34-32.5-122 and shall be
5 used to reclaim lands covered by forfeited warranties. ~~except that five~~
6 ~~percent of the amount of such forfeited warranties shall be deposited in~~
7 ~~the mined land reclamation fund, created in section 34-32-127, to cover~~
8 ~~administrative costs incurred by the office in performing reclamation.~~ The
9 board ~~shall have~~ HAS a right of entry to reclaim ~~such~~ THE lands, and, upon
10 completion of ~~such~~ THE reclamation, the board shall present a full
11 accounting to the financial warrantor and ~~shall~~ refund all unspent ~~moneys~~
12 MONEY.

13 **SECTION 18.** In Colorado Revised Statutes, **amend** 34-32.5-122
14 as follows:

15 **34-32.5-122. Fees, civil penalties, and forfeitures - deposit.**
16 ~~(†)~~ All fees and assessments collected pursuant to this ~~article~~ and ~~five~~
17 ~~percent of the proceeds of any financial warranty forfeited pursuant to~~
18 ~~section 34-32.5-123 for administrative costs associated with reclaiming~~
19 ~~sites for which the financial warranty has been revoked~~ ARTICLE 32.5
20 shall be deposited in the mined land reclamation fund created in section
21 34-32-127. All civil penalties collected pursuant to this ~~article~~ ARTICLE
22 32.5 shall be deposited in the general fund. ~~Ninety-five~~ ONE HUNDRED
23 percent of the proceeds of all financial warranties forfeited under section
24 34-32.5-118 shall be deposited in a special account in the general fund
25 established by the board for the purpose of reclaiming lands that were
26 required to be reclaimed under permits upon which ~~such~~ THE financial
27 warranties had been forfeited.

1 (c) MEASURES FOR THE REDUCTION OF THE ADVERSE EFFECTS OF
2 MINING ON LAND, WATER, AND OTHER RESOURCES MAY BE COSTLY, AND
3 THE DEVISING OF MEANS TO DEAL WITH THEM ARE OF BOTH PUBLIC AND
4 PRIVATE CONCERN;

5 (d) VARIABLES INCLUDING SOIL STRUCTURE AND COMPOSITION,
6 PHYSIOGRAPHY, CLIMATIC CONDITIONS, AND THE NEEDS OF THE PUBLIC
7 MAKE IMPRACTICABLE THE APPLICATION TO ALL MINING AREAS OF A
8 SINGLE STANDARD FOR THE CONSERVATION, ADAPTATION, OR
9 RESTORATION OF MINED LAND OR THE DEVELOPMENT OF MINERAL AND
10 OTHER NATURAL RESOURCES, BUT JUSTIFIABLE REQUIREMENTS OF LAW
11 AND PRACTICE RELATING TO THE EFFECTS OF MINING ON LANDS, WATER,
12 AND OTHER RESOURCES MAY BE REDUCED IN EQUITY OR EFFECTIVENESS
13 UNLESS THEY PERTAIN SIMILARLY FROM STATE TO STATE FOR ALL MINING
14 OPERATIONS SIMILARLY SITUATED; AND

15 (e) THE STATES ARE IN A POSITION AND HAVE THE RESPONSIBILITY
16 TO ASSURE THAT MINING IS CONDUCTED IN ACCORDANCE WITH SOUND
17 CONSERVATION PRINCIPLES AND WITH DUE REGARD FOR LOCAL
18 CONDITIONS.

19 (2) **Purposes.** THE PURPOSES OF THIS COMPACT ARE TO:

20 (a) ADVANCE THE PROTECTION AND RESTORATION OF LAND,
21 WATER, AND OTHER RESOURCES AFFECTED BY MINING;

22 (b) ASSIST IN THE REDUCTION OR ELIMINATION OR
23 COUNTERACTING OF POLLUTION OR DETERIORATION OF LAND, WATER, AND
24 AIR ATTRIBUTABLE TO MINING;

25 (c) ENCOURAGE, WITH DUE RECOGNITION OF RELEVANT REGIONAL,
26 PHYSICAL, AND OTHER DIFFERENCES, PROGRAMS IN EACH OF THE PARTY
27 STATES THAT WILL ACHIEVE COMPARABLE RESULTS IN PROTECTING,

1 CONSERVING, AND IMPROVING THE USEFULNESS OF NATURAL RESOURCES,
2 TO THE END THAT THE MOST DESIRABLE CONDUCT OF MINING AND
3 RELATED OPERATIONS MAY BE UNIVERSALLY FACILITATED;

4 (d) ASSIST THE PARTY STATES IN THEIR EFFORTS TO FACILITATE
5 THE USE OF LAND AND OTHER RESOURCES AFFECTED BY MINING, SO THAT
6 THE USE MAY BE CONSISTENT WITH SOUND LAND USE, PUBLIC HEALTH,
7 AND PUBLIC SAFETY, AND TO THIS END TO STUDY AND RECOMMEND,
8 WHEREVER DESIRABLE, TECHNIQUES FOR THE IMPROVEMENT,
9 RESTORATION, OR PROTECTION OF THE LAND AND OTHER RESOURCES; AND

10 (e) ASSIST IN ACHIEVING AND MAINTAINING AN EFFICIENT AND
11 PRODUCTIVE MINING INDUSTRY AND IN INCREASING ECONOMIC AND OTHER
12 BENEFITS ATTRIBUTABLE TO MINING.

13 (3) **Definitions.** AS USED IN THIS PART 50, UNLESS THE CONTEXT
14 OTHERWISE REQUIRES:

15 (a) "COMMISSION" MEANS THE INTERSTATE MINING COMMISSION
16 ESTABLISHED IN SUBSECTION (6) OF THIS SECTION.

17 (b) "MINING" MEANS THE BREAKING OF THE SURFACE SOIL IN
18 ORDER TO FACILITATE OR ACCOMPLISH THE EXTRACTION OR REMOVAL OF
19 MINERALS, ORES, OR OTHER SOLID MATTER; ANY ACTIVITY OR PROCESS
20 CONSTITUTING ALL OR PART OF A PROCESS FOR THE EXTRACTION OR
21 REMOVAL OF MINERALS, ORES, OR OTHER SOLID MATTER FROM ITS
22 ORIGINAL LOCATION; AND THE PREPARATION, WASHING, CLEANING, OR
23 OTHER TREATMENT OF MINERALS, ORES, OR OTHER SOLID MATTER SO AS
24 TO MAKE THEM SUITABLE FOR COMMERCIAL, INDUSTRIAL, OR
25 CONSTRUCTION USE. "MINING" DOES NOT INCLUDE:

26 (I) ASPECTS OF DEEP MINING THAT DO NOT HAVE SIGNIFICANT
27 EFFECT ON THE SURFACE; OR

1 (II) EXCAVATION OF GRADING WHEN CONDUCTED SOLELY IN AID
2 OF ON-SITE FARMING OR CONSTRUCTION.

3 (c) "STATE" MEANS A STATE OF THE UNITED STATES, THE DISTRICT
4 OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO, OR A TERRITORY
5 OR POSSESSION OF THE UNITED STATES.

6 (4) **State programs.** EACH PARTY STATE AGREES THAT WITHIN A
7 REASONABLE TIME IT WILL FORMULATE AND ESTABLISH AN EFFECTIVE
8 PROGRAM FOR THE CONSERVATION AND USE OF MINED LAND BY THE
9 ESTABLISHMENT OF STANDARDS, THE ENACTMENT OF LAWS, OR THE
10 CONTINUING OF THE SAME IN FORCE, TO ACCOMPLISH:

11 (a) THE PROTECTION OF THE PUBLIC AND THE PROTECTION OF
12 ADJOINING AND OTHER LANDOWNERS FROM DAMAGE TO THEIR LANDS AND
13 THE STRUCTURES AND OTHER PROPERTY ON THAT LAND RESULTING FROM
14 THE CONDUCT OF MINING OPERATIONS OR THE ABANDONMENT OR
15 NEGLECT OF LAND AND PROPERTY FORMERLY USED IN THE CONDUCT OF
16 THOSE OPERATIONS;

17 (b) THE CONDUCT OF MINING AND THE HANDLING OF REFUSE AND
18 OTHER MINING WASTES IN WAYS THAT WILL REDUCE ADVERSE EFFECTS ON
19 THE ECONOMIC, RESIDENTIAL, RECREATIONAL, OR AESTHETIC VALUE AND
20 UTILITY OF LAND AND WATER;

21 (c) THE INSTITUTION AND MAINTENANCE OF SUITABLE PROGRAMS
22 OF ADAPTATION, RESTORATION, AND REHABILITATION OF MINED LANDS;
23 AND

24 (d) THE PREVENTION, ABATEMENT, AND CONTROL OF WATER, AIR,
25 AND SOIL POLLUTION RESULTING FROM MINING IN THE PAST, PRESENT, AND
26 FUTURE.

27 (5) **Powers.** IN ADDITION TO ANY OTHER POWERS CONFERRED

1 UPON THE INTERSTATE MINING COMMISSION ESTABLISHED BY SUBSECTION
2 (6) OF THIS SECTION, THE COMMISSION SHALL HAVE POWER TO:

3 (a) STUDY MINING OPERATIONS, PROCESSES, AND TECHNIQUES FOR
4 THE PURPOSE OF GAINING KNOWLEDGE CONCERNING THE EFFECTS OF THE
5 OPERATIONS, PROCESSES, AND TECHNIQUES ON LAND, SOIL, WATER, AIR,
6 PLANT AND ANIMAL LIFE, RECREATION, AND PATTERNS OF COMMUNITY OR
7 REGIONAL DEVELOPMENT OR CHANGE;

8 (b) STUDY THE CONSERVATION, ADAPTATION, IMPROVEMENT, AND
9 RESTORATION OF LAND AND RELATED RESOURCES AFFECTED BY MINING;

10 (c) MAKE RECOMMENDATIONS CONCERNING ANY ASPECT OR
11 ASPECTS OF LAW OR PRACTICE AND GOVERNMENTAL ADMINISTRATION
12 DEALING WITH MATTERS WITHIN THE PURVIEW OF THIS COMPACT;

13 (d) GATHER AND DISSEMINATE INFORMATION RELATING TO ANY OF
14 THE MATTERS WITHIN THE PURVIEW OF THIS COMPACT;

15 (e) COOPERATE WITH THE FEDERAL GOVERNMENT AND ANY PUBLIC
16 OR PRIVATE ENTITIES HAVING INTERESTS IN ANY SUBJECT COMING WITHIN
17 THE PURVIEW OF THIS COMPACT;

18 (f) CONSULT, UPON THE REQUEST OF A PARTY STATE AND WITHIN
19 AVAILABLE RESOURCES, WITH THE OFFICIALS OF THE STATE IN RESPECT TO
20 ANY PROBLEM WITHIN THE PURVIEW OF THIS COMPACT;

21 (g) STUDY AND MAKE RECOMMENDATIONS WITH RESPECT TO ANY
22 PRACTICE, PROCESS, TECHNIQUE, OR COURSE OF ACTION THAT MAY
23 IMPROVE THE EFFICIENCY OF MINING OR THE ECONOMIC YIELD FROM
24 MINING OPERATIONS; AND

25 (h) STUDY AND MAKE RECOMMENDATIONS RELATING TO THE
26 SAFEGUARDING OF ACCESS TO RESOURCES THAT ARE OR MAY BECOME THE
27 SUBJECT OF MINING OPERATIONS TO THE END THAT THE NEEDS OF THE

1 ECONOMY FOR THE PRODUCTS OF MINING MAY NOT BE ADVERSELY
2 AFFECTED BY UNPLANNED OR INAPPROPRIATE USE OF LAND AND OTHER
3 RESOURCES CONTAINING MINERALS OR OTHERWISE CONNECTED WITH
4 ACTUAL OR POTENTIAL MINING SITES.

5 (6) **The commission.** (a) THE INTERSTATE MINING COMMISSION
6 IS COMPOSED OF ONE COMMISSIONER FROM EACH PARTY STATE WHO IS THE
7 GOVERNOR OF THAT STATE. PURSUANT TO THE LAWS OF EACH PARTY
8 STATE, EACH GOVERNOR SHALL HAVE THE ASSISTANCE OF AN ADVISORY
9 BODY, WHICH INCLUDES MEMBERSHIP FROM MINING INDUSTRIES,
10 CONSERVATION INTERESTS, AND OTHER PUBLIC AND PRIVATE INTERESTS
11 AS MAY BE APPROPRIATE, IN CONSIDERING PROBLEMS RELATING TO MINING
12 AND IN DISCHARGING THE RESPONSIBILITIES AS A COMMISSIONER ON THE
13 COMMISSION. IN ANY INSTANCE WHERE A GOVERNOR IS UNABLE TO
14 ATTEND A MEETING OF THE COMMISSION OR PERFORM ANY OTHER
15 FUNCTION IN CONNECTION WITH THE BUSINESS OF THE COMMISSION, THE
16 GOVERNOR SHALL DESIGNATE AN ALTERNATE FROM AMONG THE MEMBERS
17 OF THE ADVISORY BODY REQUIRED BY THIS SUBSECTION (6), WHO SHALL
18 REPRESENT THE GOVERNOR AND ACT IN THE GOVERNOR'S PLACE AND
19 STEAD. THE DESIGNATION OF AN ALTERNATE SHALL BE COMMUNICATED
20 BY THE GOVERNOR TO THE COMMISSION AS PROVIDED IN ITS BYLAWS.

21 (b) EACH COMMISSIONER IS ENTITLED TO ONE VOTE. AN ACTION OF
22 THE COMMISSION MAKING A RECOMMENDATION PURSUANT TO SUBSECTION
23 (5)(c), (5)(g), OR (5)(h) OF THIS SECTION OR REQUESTING, ACCEPTING, OR
24 DISPOSING OF FUNDS, SERVICES, OR OTHER PROPERTY PURSUANT TO THIS
25 SUBSECTION (6)(b) OR SUBSECTION (6)(g), (6)(h), OR (8) OF THIS SECTION
26 SHALL NOT BE VALID UNLESS IT IS TAKEN AT A MEETING AT WHICH A
27 MAJORITY OF THE TOTAL NUMBER OF VOTES ON THE COMMISSION IS CAST

1 IN FAVOR OF THE ACTION. ALL OTHER ACTIONS SHALL BE BY A MAJORITY
2 OF THOSE PRESENT AND VOTING, PROVIDED THAT ANY ACTION OF THE
3 COMMISSION MAY OCCUR ONLY AT A MEETING AT WHICH A MAJORITY OF
4 THE COMMISSIONERS, OR THEIR ALTERNATES, IS PRESENT. THE
5 COMMISSION MAY ESTABLISH AND MAINTAIN FACILITIES AS MAY BE
6 NECESSARY FOR THE TRANSACTION OF ITS BUSINESS. THE COMMISSION
7 MAY ACQUIRE, HOLD, AND CONVEY REAL AND PERSONAL PROPERTY AND
8 ANY INTEREST IN THAT PROPERTY.

9 (c) THE COMMISSION SHALL HAVE A SEAL.

10 (d) THE COMMISSION SHALL ELECT ANNUALLY, FROM AMONG ITS
11 MEMBERS, A PRESIDING OFFICER, A VICE-PRESIDING OFFICER, AND A
12 TREASURER. THE COMMISSION SHALL APPOINT AN EXECUTIVE DIRECTOR
13 AND FIX THE EXECUTIVE DIRECTOR'S DUTIES AND COMPENSATION. THE
14 EXECUTIVE DIRECTOR SHALL SERVE AT THE PLEASURE OF THE
15 COMMISSION. THE EXECUTIVE DIRECTOR, THE TREASURER, AND OTHER
16 PERSONNEL AS THE COMMISSION DESIGNATES SHALL BE BONDED. THE
17 AMOUNTS OF THE BONDS ARE DETERMINED BY THE COMMISSION.

18 (e) NOTWITHSTANDING THE CIVIL SERVICE, PERSONNEL, OR OTHER
19 MERIT SYSTEM LAWS OF ANY OF THE PARTY STATES, THE EXECUTIVE
20 DIRECTOR, WITH THE APPROVAL OF THE COMMISSION, SHALL APPOINT,
21 REMOVE, OR DISCHARGE PERSONNEL AS MAY BE NECESSARY FOR THE
22 PERFORMANCE OF THE COMMISSION'S FUNCTIONS AND SHALL FIX THE
23 DUTIES AND COMPENSATION OF PERSONNEL.

24 (f) THE COMMISSION MAY ESTABLISH AND MAINTAIN,
25 INDEPENDENTLY OR IN CONJUNCTION WITH A PARTY STATE, A SUITABLE
26 RETIREMENT SYSTEM FOR ITS EMPLOYEES. EMPLOYEES OF THE
27 COMMISSION ARE ELIGIBLE FOR SOCIAL SECURITY COVERAGE IN RESPECT

1 OF OLD AGE AND SURVIVOR'S INSURANCE PROVIDED THAT THE
2 COMMISSION TAKES STEPS NECESSARY PURSUANT TO THE LAWS OF THE
3 UNITED STATES TO PARTICIPATE IN A PROGRAM OF INSURANCE AS A
4 GOVERNMENTAL AGENCY OR UNIT. THE COMMISSION MAY ESTABLISH AND
5 MAINTAIN OR PARTICIPATE IN ADDITIONAL PROGRAMS OF EMPLOYEE
6 BENEFITS AS IT DEEMS APPROPRIATE.

7 (g) THE COMMISSION MAY BORROW, ACCEPT, OR CONTRACT FOR
8 THE SERVICES OF PERSONNEL FROM ANY STATE, THE UNITED STATES, OR
9 ANY OTHER GOVERNMENTAL AGENCY OR FROM ANY PERSON, FIRM,
10 ASSOCIATION, OR CORPORATION.

11 (h) THE COMMISSION MAY ACCEPT FOR ANY OF ITS PURPOSES AND
12 FUNCTIONS UNDER THIS COMPACT ANY AND ALL DONATIONS, AND GRANTS
13 OF MONEY, EQUIPMENT, SUPPLIES, MATERIALS, AND SERVICES,
14 CONDITIONAL OR OTHERWISE, FROM ANY STATE, THE UNITED STATES, OR
15 ANY OTHER GOVERNMENTAL AGENCY, OR FROM ANY PERSON, FIRM,
16 ASSOCIATION, OR CORPORATION, AND MAY RECEIVE, UTILIZE, AND DISPOSE
17 OF THE SAME. ANY DONATION OR GRANT ACCEPTED BY THE COMMISSION
18 PURSUANT TO THIS SUBSECTION (6)(h) OR SERVICES BORROWED PURSUANT
19 TO SUBSECTION (6)(g) OF THIS SECTION SHALL BE REPORTED IN THE
20 ANNUAL REPORT OF THE COMMISSION. THE REPORT SHALL INCLUDE THE
21 NATURE, AMOUNT, AND CONDITIONS, IF ANY, OF THE DONATION, GRANT,
22 OR SERVICES BORROWED AND THE IDENTITY OF THE DONOR OR LENDER.

23 (i) THE COMMISSION SHALL ADOPT BYLAWS FOR THE CONDUCT OF
24 ITS BUSINESS AND HAS THE POWER TO AMEND AND RESCIND THESE
25 BYLAWS. THE COMMISSION SHALL PUBLISH ITS BYLAWS IN CONVENIENT
26 FORM AND FILE A COPY OF ITS BYLAWS AND A COPY OF ANY AMENDMENT
27 TO THE BYLAWS WITH THE APPROPRIATE AGENCY OR OFFICER IN EACH OF

1 THE PARTY STATES.

2 (j) THE COMMISSION ANNUALLY SHALL MAKE TO EACH PARTY
3 STATE'S GOVERNOR, LEGISLATURE, AND ADVISORY BODY REQUIRED BY
4 SUBSECTION (6)(a) OF THIS SECTION A REPORT COVERING THE ACTIVITIES
5 OF THE COMMISSION FOR THE PRECEDING YEAR AND EMBODYING THE
6 RECOMMENDATIONS MADE BY THE COMMISSION. THE COMMISSION MAY
7 MAKE ADDITIONAL REPORTS AS IT DEEMS DESIRABLE.

8 (7) **Advisory, technical, and regional committees.** THE
9 COMMISSION SHALL ESTABLISH ADVISORY, TECHNICAL, AND REGIONAL
10 COMMITTEES AS IT DEEMS NECESSARY, MEMBERSHIP ON WHICH INCLUDES
11 PRIVATE PERSONS AND PUBLIC OFFICIALS, AND SHALL COOPERATE WITH
12 THE USE AND SERVICES OF ANY COMMITTEES AND THE ORGANIZATIONS
13 THAT THE MEMBERS REPRESENT IN FURTHERING ANY OF ITS ACTIVITIES.
14 THE COMMITTEES MAY BE FORMED TO CONSIDER PROBLEMS OF SPECIAL
15 INTEREST TO ANY PARTY STATES, PROBLEMS DEALING WITH PARTICULAR
16 COMMODITIES OR TYPES OF MINING OPERATIONS, PROBLEMS RELATED TO
17 RECLAMATION, DEVELOPMENT, OR USE OF MINED LAND, OR ANY OTHER
18 MATTERS OF CONCERN TO THE COMMISSION.

19 (8) **Finance.** (a) THE COMMISSION SHALL SUBMIT TO THE
20 GOVERNOR OR DESIGNATED OFFICER OR OFFICERS OF EACH PARTY STATE
21 A BUDGET OF ITS ESTIMATED EXPENDITURES FOR SUCH PERIOD AS MAY BE
22 REQUIRED BY THE LAWS OF THAT PARTY STATE FOR PRESENTATION TO THE
23 LEGISLATURE.

24 (b) EACH OF THE COMMISSION'S BUDGETS OF ESTIMATED
25 EXPENDITURES SHALL CONTAIN SPECIFIC RECOMMENDATIONS OF THE
26 AMOUNT OR AMOUNTS TO BE APPROPRIATED BY EACH OF THE PARTY
27 STATES. THE TOTAL AMOUNT OF APPROPRIATIONS REQUESTED UNDER ANY

1 BUDGET SHALL BE APPORTIONED AMONG THE PARTY STATES AS FOLLOWS:
2 ONE-HALF IN EQUAL SHARES AND THE REMAINDER IN PROPORTION TO THE
3 VALUE OF MINERALS, ORES, AND OTHER SOLID MATTER MINED. IN
4 DETERMINING THE VALUES, THE COMMISSION SHALL EMPLOY AVAILABLE
5 PUBLIC SOURCES OF INFORMATION AS, IN ITS JUDGMENT, PRESENT THE
6 MOST EQUITABLE AND ACCURATE COMPARISONS AMONG THE PARTY
7 STATES. EACH OF THE COMMISSION'S BUDGETS OF ESTIMATED
8 EXPENDITURES AND REQUESTS FOR APPROPRIATIONS SHALL INDICATE THE
9 SOURCE OR SOURCES USED IN OBTAINING INFORMATION CONCERNING THE
10 VALUE OF MINERALS, ORES, AND OTHER SOLID MATTER MINED.

11 (c) THE COMMISSION SHALL NOT PLEDGE THE CREDIT OF ANY
12 PARTY STATE. THE COMMISSION MAY MEET ANY OF ITS OBLIGATIONS IN
13 WHOLE OR IN PART WITH FUNDS AVAILABLE TO IT UNDER SUBSECTION
14 (6)(h) OF THIS SECTION; PROVIDED THAT THE COMMISSION TAKES SPECIFIC
15 ACTION SETTING ASIDE THE FUNDS PRIOR TO INCURRING ANY OBLIGATION
16 TO BE MET IN WHOLE OR IN PART IN SUCH MANNER. EXCEPT WHERE THE
17 COMMISSION MAKES USE OF FUNDS AVAILABLE TO IT UNDER SUBSECTION
18 (6)(h) OF THIS SECTION, THE COMMISSION SHALL NOT INCUR ANY
19 OBLIGATION PRIOR TO THE ALLOTMENT OF FUNDS BY THE PARTY STATES
20 ADEQUATE TO MEET THE SAME.

21 (d) THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL
22 RECEIPTS AND DISBURSEMENTS. THE RECEIPTS AND DISBURSEMENTS OF
23 THE COMMISSION ARE SUBJECT TO THE AUDIT AND ACCOUNTING
24 PROCEDURES ESTABLISHED UNDER ITS BYLAWS. ALL RECEIPTS AND
25 DISBURSEMENTS OF FUNDS HANDLED BY THE COMMISSION SHALL BE
26 AUDITED YEARLY BY A QUALIFIED PUBLIC ACCOUNTANT, AND THE REPORT
27 OF THE AUDIT SHALL BE INCLUDED IN AND BECOME PART OF THE ANNUAL

1 REPORT OF THE COMMISSION.

2 (e) THE ACCOUNTS OF THE COMMISSION SHALL BE OPEN AT ANY
3 REASONABLE TIME FOR INSPECTION BY DULY CONSTITUTED OFFICERS OF
4 THE PARTY STATES AND BY ANY PERSONS AUTHORIZED BY THE
5 COMMISSION.

6 (f) THIS COMPACT SHALL NOT BE CONSTRUED TO PREVENT
7 COMMISSION COMPLIANCE WITH LAWS RELATING TO THE AUDIT OR
8 INSPECTION OF ACCOUNTS BY OR ON BEHALF OF ANY GOVERNMENT
9 CONTRIBUTING TO THE SUPPORT OF THE COMMISSION.

10 (9) **Entry into force and withdrawal.** (a) THIS COMPACT SHALL
11 ENTER INTO FORCE WHEN ENACTED INTO LAW BY ANY FOUR OR MORE
12 STATES. AFTER THAT ENACTMENT, THIS COMPACT BECOMES EFFECTIVE AS
13 TO ANY OTHER STATE UPON ITS ENACTMENT OF THE COMPACT.

14 (b) ANY PARTY STATE MAY WITHDRAW FROM THIS COMPACT BY
15 ENACTING A STATUTE REPEALING THE COMPACT, BUT WITHDRAWAL DOES
16 NOT TAKE EFFECT UNTIL ONE YEAR AFTER THE GOVERNOR OF THE
17 WITHDRAWING STATE HAS GIVEN NOTICE IN WRITING OF THE WITHDRAWAL
18 TO THE GOVERNORS OF ALL OTHER PARTY STATES. A WITHDRAWAL DOES
19 NOT AFFECT ANY LIABILITY ALREADY INCURRED BY OR CHARGEABLE TO
20 A PARTY STATE PRIOR TO THE TIME OF WITHDRAWAL.

21 (10) **Effect on other laws.** THIS COMPACT DOES NOT LIMIT,
22 REPEAL, OR SUPERSEDE ANY OTHER LAW OF ANY PARTY STATE.

23 (11) **Construction and severability.** THIS COMPACT SHALL BE
24 LIBERALLY CONSTRUED SO AS TO EFFECTUATE THE PURPOSES OF THE
25 COMPACT. THE PROVISIONS OF THIS COMPACT ARE SEVERABLE AND IF ANY
26 PHRASE, CLAUSE, SENTENCE, OR PROVISION OF THIS COMPACT IS DECLARED
27 TO BE CONTRARY TO THE CONSTITUTION OF ANY STATE OR OF THE UNITED

1 STATES, OR THE APPLICABILITY OF THE COMPACT TO ANY GOVERNMENT,
2 AGENCY, PERSON, OR CIRCUMSTANCE IS HELD INVALID, THE VALIDITY OF
3 THE REMAINDER OF THIS COMPACT AND THE APPLICABILITY OF THE
4 COMPACT TO ANY GOVERNMENT, AGENCY, PERSON, OR CIRCUMSTANCE IS
5 NOT AFFECTED. IF THIS COMPACT IS HELD CONTRARY TO THE
6 CONSTITUTION OF ANY STATE PARTICIPATING IN THE COMPACT, THE
7 COMPACT REMAINS IN FULL FORCE AND EFFECT AS TO THE REMAINING
8 PARTY STATES AND IN FULL FORCE AND EFFECT AS TO THE STATE
9 AFFECTED AS TO ALL SEVERABLE MATTERS.

10 **24-60-5004. Membership and applicability.** (1) THE GOVERNOR
11 MAY APPOINT A DESIGNEE TO SERVE AS THE GOVERNOR'S OFFICIAL
12 REPRESENTATIVE TO THE COMPACT AND TO PERFORM ALL FUNCTIONS IN
13 CONNECTION WITH THE BUSINESS OF THE COMPACT.

14 (2) PROVISIONS AND POLICIES OF THE INTERSTATE MINING
15 COMPACT MAY NOT BE CONSTRUED TO LIMIT, REPEAL, OR SUPERSEDE ANY
16 LAW OF THE STATE OF COLORADO.

17 (3) (a) THE GOVERNOR AND THE LEGISLATURE, OR AGENTS OF
18 EITHER, MAY INSPECT THE BOOKS AND ACCOUNTS OF THE COMMISSION AT
19 ANY REASONABLE TIME WHILE THE STATE IS A MEMBER.

20 (b) A COPY OF THE BYLAWS OF THE COMMISSION MUST BE PLACED
21 ON FILE WITH THE DEPARTMENT OF NATURAL RESOURCES AND BE
22 AVAILABLE FOR INSPECTION AT ANY REASONABLE TIME BY THE
23 LEGISLATURE OR ANY INTERESTED CITIZEN.

24 (4) THE STATE OF COLORADO IS NOT LIABLE FOR THE OBLIGATIONS
25 OR SOLVENCY OF:

26 (a) THE RETIREMENT SYSTEM DESCRIBED IN SECTION 24-60-5003

27 (6)(f); OR

1 (b) A PROGRAM OF EMPLOYEE BENEFITS DESCRIBED IN SECTION
2 24-60-5003 (6)(f).

3 **24-60-5005. Expenses.** THE DEPARTMENT OF NATURAL
4 RESOURCES MAY PAY ANNUALLY THE ANNUAL MEMBERSHIP DUES
5 PAYABLE TO THE COMMISSION FOR THE MEMBERSHIP OF THE STATE OF
6 COLORADO IN THAT ORGANIZATION. THE MEMBERSHIP DUES SHALL BE
7 PAID FROM MONEY COLLECTED FROM MINING FEES, ABANDONED MINE
8 LAND FEES AND FUNDS, OR NATURAL RESOURCE OPERATIONS OR FROM
9 MONEY GRANTED TO THE STATE BY THE FEDERAL OFFICE OF SURFACE
10 MINING RECLAMATION AND ENFORCEMENT.

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

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

BILL D

LLS NO. 25-0159.01 Clare Haffner x6137

SENATE BILL

SENATE SPONSORSHIP

Bridges and Pelton B., Marchman, Roberts, Simpson

HOUSE SPONSORSHIP

Martinez, McCormick

Senate Committees

House Committees

A BILL FOR AN ACT

101 **CONCERNING EXEMPTIONS FROM ENERGY USE REPORTING**
102 **REQUIREMENTS FOR OWNERS OF CERTAIN BUILDINGS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Water Resources and Agriculture Review Committee. Under current law, owners of certain large buildings (covered buildings) are required to annually collect and report each covered building's energy use to the Colorado energy office.

The bill clarifies that agricultural buildings are not covered buildings, and, therefore, owners of agricultural buildings are exempt

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

from the energy use collecting and reporting requirements. The bill defines an agricultural building as a building or structure used to house agricultural implements, hay, unprocessed grain, poultry, livestock, or other agricultural products or inputs.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-7-142, **amend**
3 (2)(j)(II)(B) and (2)(j)(II)(C); and **add** (2)(b.5) and (2)(j)(II)(D) as
4 follows:

5 **25-7-142. Energy benchmarking - data collection and access**
6 **- utility requirements - task force - rules - reports - definitions -**
7 **legislative declaration - repeal.** (2) **Definitions.** As used in this section,
8 unless the context otherwise requires:

9 (b.5) "AGRICULTURAL BUILDING" MEANS A BUILDING OR
10 STRUCTURE USED TO HOUSE AGRICULTURAL IMPLEMENTS, HAY,
11 UNPROCESSED GRAIN, POULTRY, LIVESTOCK, OR OTHER AGRICULTURAL
12 PRODUCTS OR INPUTS.

13 (j) (II) "Covered building" does not include:

14 (B) A building in which more than half of the gross floor area is
15 used for ~~manufacturing, industrial, or agricultural purposes; or~~
16 MANUFACTURING OR INDUSTRIAL PURPOSES;

17 (C) A single-family home, duplex, or triplex; OR

18 (D) AN AGRICULTURAL BUILDING.

19 **SECTION 2. Act subject to petition - effective date.** This act
20 takes effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly; except
22 that, if a referendum petition is filed pursuant to section 1 (3) of article V
23 of the state constitution against this act or an item, section, or part of this

1 act within such period, then the act, item, section, or part will not take
2 effect unless approved by the people at the general election to be held in
3 November 2026 and, in such case, will take effect on the date of the
4 official declaration of the vote thereon by the governor.

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

BILL E

LLS NO. 25-0160.01 Rebecca Bayetti x4348

SENATE BILL

SENATE SPONSORSHIP

Roberts and Pelton B., Simpson

HOUSE SPONSORSHIP

Winter T. and McCluskie, Martinez

Senate Committees

House Committees

A BILL FOR AN ACT

101 **CONCERNING CLARIFICATION OF THE DEFINITION OF "RANCH" USED**
102 **IN CONNECTION WITH THE TAXATION OF AGRICULTURAL**
103 **PROPERTY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Water Resources and Agriculture Review Committee. The bill broadens the definition of "ranch" for purposes of property taxation to include a parcel of land used for grazing or raising livestock for the primary purpose of obtaining a monetary profit rather than a parcel of land used only for grazing livestock for the primary purpose of obtaining

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

a monetary profit. The bill also eliminates the limited definition of "livestock" included in the definition of "ranch" and replaces it with the general definition of "livestock" used for property tax purposes that includes all animals.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) In Colorado, since at least 1967, the classification of property
5 as agricultural land has helped support small-scale agriculture producers
6 through reductions in property tax obligations.

7 (b) Under current law, enacted in 1983, the classification only
8 applies to land that is used for grazing livestock or producing agricultural
9 products. Grazing livestock does not include raising animals such as pigs
10 and chickens.

11 (c) Coloradans across our state raise pigs, chickens, and other
12 animals for profit to support their agricultural businesses, supply food to
13 other small businesses, and generate significant economic activity locally
14 and statewide.

15 (2) Therefore, it is in the best interest of the state and is the
16 intention of the general assembly that the property tax savings realized by
17 producers through the classification of agricultural property extend to all
18 producers not only grazing but also raising livestock for profit, including,
19 but not limited to, chickens and pigs, as a means to save these producers
20 money, encourage more agricultural activity, and benefit the economy of
21 local communities and of the state.

22 **SECTION 2.** In Colorado Revised Statutes, 39-1-102, **amend**
23 (13.5) as follows:

1 **39-1-102. Definitions.** As used in articles 1 to 13 of this title 39,
2 unless the context otherwise requires:

3 (13.5) "Ranch" means a parcel of land ~~which~~ THAT is used for
4 grazing OR RAISING livestock for the primary purpose of obtaining a
5 monetary profit. ~~For the purposes of this subsection (13.5), "livestock"~~
6 ~~means domestic animals which are used for food for human or animal~~
7 ~~consumption, breeding, draft, or profit.~~

8 **SECTION 3. Act subject to petition - effective date -**
9 **applicability.** (1) Except as provided in subsection (2) of this section,
10 this act takes effect January 1, 2026, and applies to property tax years
11 commencing on or after January 1, 2026.

12 (2) If a referendum petition is filed pursuant to section 1 (3) of
13 article V of the state constitution against this act or an item, section, or
14 part of this act within the ninety-day period after final adjournment of the
15 general assembly, then the act, item, section, or part will not take effect
16 unless approved by the people at the general election to be held in
17 November 2026 and, in such case, will take effect on the date of the
18 official declaration of the vote thereon by the governor and apply to
19 property tax years commencing on or after that date.

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

BILL F

LLS NO. 25-0162.01 Clare Haffner x6137

HOUSE BILL

HOUSE SPONSORSHIP

Lieder and Ricks,

SENATE SPONSORSHIP

Roberts,

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING REQUIREMENTS FOR INDIVIDUALS WHO WORK ON**
102 **BACKFLOW PREVENTION DEVICES, AND, IN CONNECTION**
103 **THEREWITH, REMOVING THE LICENSURE REQUIREMENT FOR**
104 **INDIVIDUALS WHO INSPECT, TEST, OR REPAIR THE DEVICES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Water Resources and Agriculture Review Committee. Backflow is the reverse flow of water, fluid, or gas caused by back pressure or back siphonage. Under current law, individuals who are

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

engaged in the business of installing, removing, inspecting, testing, or repairing backflow prevention devices are subject to the licensure requirements for plumbers, except when the individuals are installing or testing a stand-alone fire suppression sprinkler system.

The bill exempts individuals engaged in the business of inspecting, testing, or repairing backflow prevention devices from licensure requirements but retains the licensure requirements for individuals engaged in the installation or removal of the devices.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-155-118, **amend**
3 (4) as follows:

4 **12-155-118. Exemptions.** (4) ~~Persons~~ INDIVIDUALS who are
5 engaged in the business of ~~installing, removing,~~ inspecting, testing, ~~and~~
6 OR repairing backflow prevention devices are ~~not~~ exempt from licensure
7 under this article 155. ~~except when the persons are installing or testing a~~
8 ~~stand-alone fire suppression sprinkler system~~ INDIVIDUALS WHO ENGAGE
9 IN THE INSTALLATION OR REMOVAL OF BACKFLOW PREVENTION DEVICES
10 ARE NOT EXEMPT FROM LICENSURE UNDER THIS ARTICLE 155.

11 **SECTION 2. Safety clause.** The general assembly finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, or safety or for appropriations for
14 the support and maintenance of the departments of the state and state
15 institutions.

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

BILL G

LLS NO. 25-0165.01 Clare Haffner x6137

SENATE BILL

SENATE SPONSORSHIP

Roberts and Simpson, Bridges, Marchman, Pelton B.

HOUSE SPONSORSHIP

McCormick and Martinez,

Senate Committees

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE FUTURE OF SEVERANCE TAXES**
102 **AND WATER FUNDING TASK FORCE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Water Resources and Agriculture Review Committee. The bill creates the future of severance taxes and water funding task force (task force).

The department of natural resources is required to contract with a third party to conduct a study on severance taxes and water funding and develop recommendations for ways to continue funding water needs in

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

the face of decreasing severance tax revenue (study). The purpose of the task force is to work with the third party to conduct the study and develop recommendations.

No later than January 15, 2026, the third party must submit a draft report, detailing the results of the study and any recommendations, to the department of natural resources and the task force for review. The task force is required to provide input on the draft report. No later than July 15, 2026, the third party must submit a final report, which incorporates the input of the task force, to the water resources and agriculture review committee (committee). The task force must present the final report to the committee during the 2026 legislative interim.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 37-98-106 as
3 follows:

4 **37-98-106. Future of severance taxes and water funding task**
5 **force - created - membership - third party to conduct study - report**
6 **- definitions - repeal.** (1) AS USED IN THIS SECTION, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

8 (a) "COMMITTEE" MEANS THE WATER RESOURCES AND
9 AGRICULTURE REVIEW COMMITTEE CREATED IN SECTION 37-98-102
10 (1)(a)(I).

11 (b) "TASK FORCE" MEANS THE FUTURE OF SEVERANCE TAXES AND
12 WATER FUNDING TASK FORCE CREATED IN SUBSECTION (2) OF THIS
13 SECTION.

14 (c) "THIRD PARTY" MEANS THE THIRD PARTY HIRED BY THE
15 DEPARTMENT OF NATURAL RESOURCES PURSUANT TO SUBSECTION (5)(a)
16 OF THIS SECTION.

17 (2) (a) THE FUTURE OF SEVERANCE TAXES AND WATER FUNDING
18 TASK FORCE IS CREATED IN THE DEPARTMENT OF NATURAL RESOURCES.

19 (b) THE TASK FORCE CONSISTS OF THE FOLLOWING MEMBERS:

1 (I) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL
2 RESOURCES OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

3 (II) THE DIRECTOR OF THE COLORADO WATER CONSERVATION
4 BOARD CREATED IN SECTION 37-60-102 OR THE DIRECTOR'S DESIGNEE;

5 (III) THE COMMISSIONER OF AGRICULTURE OR THE
6 COMMISSIONER'S DESIGNEE;

7 (IV) A REPRESENTATIVE OF AN ENVIRONMENTAL ADVOCACY
8 ORGANIZATION, APPOINTED BY THE SPEAKER OF THE HOUSE OF
9 REPRESENTATIVES;

10 (V) A REPRESENTATIVE OF THE OIL AND GAS INDUSTRY WITH
11 EXPERIENCE IN SEVERANCE TAX ISSUES, APPOINTED BY THE MINORITY
12 LEADER OF THE SENATE;

13 (VI) A REPRESENTATIVE OF A WATER CONSERVATION DISTRICT,
14 APPOINTED BY THE PRESIDENT OF THE SENATE;

15 (VII) A REPRESENTATIVE OF THE AGRICULTURE INDUSTRY WITH
16 EXPERIENCE IN THE INTERSECTION OF AGRICULTURE, WATER PROJECTS,
17 AND THE OIL AND GAS INDUSTRY, APPOINTED BY THE MINORITY LEADER OF
18 THE HOUSE OF REPRESENTATIVES;

19 (VIII) A COUNTY COMMISSIONER FROM A COUNTY THAT CONTAINS
20 OIL AND GAS OPERATIONS, APPOINTED BY THE GOVERNOR; AND

21 (IX) AN ELECTED MUNICIPAL OFFICIAL OR CITY OR TOWN
22 MANAGER FROM A CITY, TOWN, OR CITY AND COUNTY THAT HAS
23 INTERACTIONS WITH OIL AND GAS OPERATIONS, APPOINTED BY THE
24 GOVERNOR.

25 (3) THE PURPOSE OF THE TASK FORCE IS TO CONSULT AND
26 COORDINATE WITH THE THIRD PARTY IN THE DEVELOPMENT OF A STUDY
27 REGARDING THE FUTURE OF SEVERANCE TAXES AND WATER FUNDING IN

1 THE STATE.

2 (4) (a) NO LATER THAN SEPTEMBER 1, 2025, THE APPOINTING
3 AUTHORITIES SHALL MAKE APPOINTMENTS TO THE TASK FORCE.

4 (b) THE DEPARTMENT OF NATURAL RESOURCES SHALL PROVIDE
5 STAFF AND OTHER RESOURCES TO SUPPORT THE WORK OF THE TASK FORCE.

6 (c) THE TASK FORCE SHALL CONDUCT MEETINGS AS NECESSARY TO
7 PERFORM ITS DUTIES PURSUANT TO THIS SECTION.

8 (d) THE MEMBERS OF THE TASK FORCE SERVE WITHOUT
9 COMPENSATION BUT MAY BE REIMBURSED FOR ANY REASONABLE
10 EXPENSES INCURRED IN THE PERFORMANCE OF THE DUTIES REQUIRED
11 UNDER THIS SECTION.

12 (5) (a) THE DEPARTMENT OF NATURAL RESOURCES SHALL
13 CONTRACT WITH A THIRD PARTY TO CONDUCT A FUTURE OF SEVERANCE
14 TAXES AND WATER FUNDING STUDY. THE PURPOSE OF THE STUDY IS TO
15 EXPLORE WAYS TO CONTINUE FUNDING WATER NEEDS IN THE FACE OF THE
16 DECREASING AVAILABILITY OF SEVERANCE TAX REVENUE COLLECTED
17 PURSUANT TO ARTICLE 29 OF TITLE 39 AND TO DEVELOP RELATED
18 RECOMMENDATIONS.

19 (b) NO LATER THAN JANUARY 15, 2026, THE THIRD PARTY SHALL
20 SUBMIT A DRAFT REPORT TO THE DEPARTMENT OF NATURAL RESOURCES
21 AND THE TASK FORCE DESCRIBING THE STUDY'S FINDINGS AND ANY
22 RECOMMENDATIONS. THE TASK FORCE SHALL REVIEW AND PROVIDE INPUT
23 ON THE DRAFT REPORT.

24 (c) NO LATER THAN JULY 15, 2026, THE THIRD PARTY SHALL:

25 (I) IN CONSULTATION WITH THE DEPARTMENT OF NATURAL
26 RESOURCES AND THE TASK FORCE, CREATE A FINAL REPORT THAT
27 INCORPORATES THE TASK FORCE'S INPUT REGARDING THE DRAFT REPORT;

1 AND

2 (II) SUBMIT THE FINAL REPORT TO THE COMMITTEE.

3 (d) FOLLOWING THE SUBMISSION OF THE REPORT TO THE
4 COMMITTEE, THE TASK FORCE SHALL PRESENT A SUMMARY OF THE REPORT
5 TO THE COMMITTEE DURING THE 2026 LEGISLATIVE INTERIM.

6 (6) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2026.

7 **SECTION 2. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly; except
10 that, if a referendum petition is filed pursuant to section 1 (3) of article V
11 of the state constitution against this act or an item, section, or part of this
12 act within such period, then the act, item, section, or part will not take
13 effect unless approved by the people at the general election to be held in
14 November 2026 and, in such case, will take effect on the date of the
15 official declaration of the vote thereon by the governor.

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

BILL H

LLS NO. 25-0166.01 Christopher McMichael x4775

SENATE BILL

SENATE SPONSORSHIP

Marchman and Roberts, Bridges, Pelton B., Simpson

HOUSE SPONSORSHIP

Martinez and Winter T., McCormick

Senate Committees

House Committees

A BILL FOR AN ACT

101 **CONCERNING CONTINUATION OF THE COLORADO WILDLIFE HABITAT**
102 **STAMP PROGRAM.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Water Resources and Agriculture Review Committee. Individuals applying for hunting or fishing licenses in Colorado must also purchase a Colorado wildlife habitat stamp. The division of parks and wildlife in the department of natural resources uses the money collected from the wildlife habitat stamp for the benefit of wildlife habitat or access to wildlife habitat in the state.

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

The Colorado wildlife habitat stamp program (program) is scheduled to repeal, subject to a sunset review by the department of regulatory agencies, on July 1, 2027. The bill continues the program indefinitely.

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

2 **SECTION 1.** In Colorado Revised Statutes, 33-4-102.7, **repeal**
3 (8) as follows:

4 **33-4-102.7. Colorado wildlife habitat stamp - review**
5 **committee - rules.** (8) (a) ~~This section is repealed, effective July 1, 2027.~~
6 (b) ~~Prior to such repeal, the committee created in this section shall~~
7 ~~be reviewed as provided for in section 2-3-1203, C.R.S.~~

8 **SECTION 2.** In Colorado Revised Statutes, 2-3-1203, **repeal**
9 (18)(a)(I) as follows:

10 **2-3-1203. Sunset review of advisory committees - legislative**
11 **declaration - definition - repeal.** (18) (a) The following statutory
12 authorizations for the designated advisory committees will repeal on July
13 1, 2027:

14 (I) ~~The Colorado wildlife habitat stamp committee created in~~
15 ~~section 33-4-102.7, C.R.S.;~~

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

1 November 2026 and, in such case, will take effect on the date of the
2 official declaration of the vote thereon by the governor.

