

Second Regular Session  
Sixty-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 02-0638.01 John Hershey

HOUSE BILL 02-1234

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HOUSE SPONSORSHIP

Rippy

SENATE SPONSORSHIP

(None)

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House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE MAXIMUM AMOUNTS OF CHARGES THAT MAY BE  
102 IMPOSED BY THE STATE BOARD OF STOCK INSPECTION  
103 COMMISSIONERS.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Increases the maximum amounts of the following fees and other charges that may be imposed by the state board of stock inspection commissioners (board):

- Per-head brand inspection fee on bovine livestock;
- Minimum fee for brand inspection of livestock;
- Per-head brand inspection fee on equine livestock;
- Minimum fee for brand inspection of equine livestock;

**Shading denotes HOUSE amendment.** Double underlining denotes SENATE amendment.

*Capital letters indicate new material to be added to existing statute.*

*Dashes through the words indicate deletions from existing statute.*

- Fee for inspection of hides;
- Assessment on brands to provide funds for revising and disencumbering brand records, publishing brand books, and the operating costs of the division of brand inspection;
- Amount retained by the board from the net proceeds from the sale of an estray animal whose owner is subsequently found;
- Amount retained by the board from the net proceeds from the sale of an estray animal when this money is placed in the estray fund;
- Fee for permanent transportation permit for certain horses; and
- Fee for annual transportation permit for bovine and alternative livestock.

Removes the provision that the sliding scale charges for inspection of livestock shipped directly to a licensed slaughter plant take effect when the set inspection fee exceeds 34 cents.

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

2 **SECTION 1.** 35-41-104 (1), (1.5), (4), (4.5), and (7), Colorado  
 3 Revised Statutes, are amended to read:

4 **35-41-104. Board's authority to impose fees and charges.**

5 (1) **Bovine livestock.** (a) The board is hereby authorized to levy and  
 6 collect, through authorized brand inspectors, a per-head inspection fee of  
 7 not more than ~~forty~~ SEVENTY-FIVE cents on all bovine livestock inspected;  
 8 except that the charges for livestock shipped directly to a licensed  
 9 slaughter plant are as follows: For the first five hundred head per owner  
 10 per certificate, two cents below the set inspection fee, and for over five  
 11 hundred head per owner per certificate, five cents below the set  
 12 inspection fee. ~~Such sliding scale charges shall take effect at such time~~  
 13 ~~as the set inspection fee exceeds thirty-four cents.~~ The inspection fee  
 14 established pursuant to this paragraph (a) shall apply when any bovine  
 15 livestock are being consigned to a Colorado-licensed public livestock  
 16 market.

1 (b) In addition, the board is authorized to levy and collect,  
2 through authorized brand inspectors, a minimum fee of not more than ~~ten~~  
3 TWENTY dollars from each person, company, or corporation requesting  
4 the brand inspection or from whom a brand inspection is required by law;  
5 except that, when cattle which are owned by more than one person are  
6 inspected at one site, only one such minimum fee shall be collected. The  
7 minimum fee shall be due and payable to the inspector when the inspector  
8 arrives at the designated inspection point, whether or not an inspection of  
9 the livestock actually takes place.

10 (1.5) **Equine livestock.** (a) The board is hereby authorized to  
11 levy and collect, through authorized brand inspectors, a per-head  
12 inspection fee of not more than ~~one dollar~~ THREE DOLLARS on all equine  
13 livestock inspected. The inspection fee established pursuant to this  
14 paragraph (a) shall apply when any equine livestock are being consigned  
15 to a Colorado-licensed public livestock market.

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

23 (4) **Minimum fee when inspection required by law - bovine**  
24 **livestock.** A minimum fee ~~of not~~ SET AT NO more than ~~ten~~ TWENTY  
25 dollars shall be collected from each person, company, or corporation  
26 requesting the brand inspection or from whom a brand inspection is  
27 required by law; except that, when bovine livestock owned by more than

1 one person are inspected at one site, only one minimum fee shall be  
2 collected. No minimum fee shall be required when bovine livestock are  
3 consigned for sale at a Colorado-licensed public livestock market.

4 (4.5) **Minimum fee when inspection required by law - equine**  
5 **livestock.** A minimum fee ~~of not~~ SET AT NO more than ~~ten~~ TWENTY  
6 dollars shall be collected from each person, company, or corporation  
7 requesting the brand inspection or from whom a brand inspection is  
8 required by law. No minimum fee shall be required when equine  
9 livestock are consigned for sale at a Colorado-licensed public livestock  
10 market.

11 (7) An inspection fee of not more than ~~thirty~~ FIFTY cents shall be  
12 collected for each hide inspected as provided in section 35-53-115.

13 **SECTION 2.** 35-43-115 (1), Colorado Revised Statutes, is  
14 amended to read:

15 **35-43-115. Assessment of brands.** (1) To revise and  
16 disencumber the brand records of unused brands and to provide funds  
17 with which to publish new brand books and otherwise assist in the  
18 operational cost of the division of brand inspection, the state board of  
19 stock inspection commissioners has the authority to impose an  
20 assessment, not to exceed ~~thirty~~ FIFTY dollars per year or any fraction of  
21 a year and not to exceed ~~one~~ TWO hundred fifty dollars in any one  
22 assessment period, on every brand recorded in the office of the state  
23 board of stock inspection commissioners on or before January 1, 2002,  
24 to cover the five-year period beginning on January 1, 2002, and ending  
25 on December 31, 2006, and like assessments covering every five years  
26 thereafter. It is the duty of the board to notify every owner of a recorded  
27 brand of such assessment through the United States mail by letter

1 addressed to the owner at the owner's post-office address as given in the  
2 brand records. The assessment shall be due and payable within ninety  
3 days after January 1 of the assessment year. If any owner of a recorded  
4 brand fails or refuses to pay such assessment within said ninety days, the  
5 board may mail a second notice by certified mail. If, within ninety days  
6 after the second mailing, any owner of a recorded brand fails or refuses  
7 to pay such assessment, such brand shall be cancelled from the valid  
8 registry of livestock brands in the office of the state board of stock  
9 inspection commissioners and may be reissued and recorded as a new  
10 brand after the expiration of three years from the date of such  
11 cancellation. The state board of stock inspection commissioners shall  
12 give a receipt for any such payment.

13 **SECTION 3.** 35-44-106, Colorado Revised Statutes, is amended  
14 to read:

15 **35-44-106. Proceeds of sale.** The brand inspector making the  
16 sale of such estray shall return the proceeds of such sale to the state board  
17 of stock inspection commissioners, who shall pay the expenses incurred  
18 in taking into custody, holding, advertising, and selling such animal, and  
19 place the balance in the estray fund of said board, making a record of the  
20 same, showing the marks and brands and other means of identification of  
21 said animal, and giving the amount realized from the sale of same, which  
22 record shall be open to the inspection of the public. Should the owner of  
23 any estray which has been sold be found within three years after the sale  
24 of such animal, the net amount received from the sale of said estray, less  
25 a sum determined by the board, not to exceed ~~ten~~ THIRTY dollars, for each  
26 estray, to be retained by the state board of stock inspection  
27 commissioners, shall be paid to said owner upon his proving ownership

1 to the satisfaction of the state board of stock inspection commissioners.

2 **SECTION 4.** 35-44-113, Colorado Revised Statutes, is amended  
3 to read:

4 **35-44-113. Publication of notice - sale.** If the owners of any  
5 animals or livestock found abandoned or neglected, as provided for in  
6 section 35-44-112, are unknown to the state board of stock inspection  
7 commissioners, its officers or agents, the notice required by section  
8 35-44-112 shall be given by publishing the same as provided for in the  
9 case of animals or livestock taken up as estrays. If the owner is not found  
10 in ten days from the date of the first publication of said notice, said  
11 animals or livestock may be sold. The proceeds, after deducting all  
12 expenses of such care, provision, and sale, less a sum determined by the  
13 board not to exceed ~~ten dollars~~, THIRTY DOLLARS OR ACTUAL COST for  
14 each animal sold, to be retained by the state board of stock inspection  
15 commissioners, shall be turned into the stray fund of said board, subject  
16 to the provisions of the law controlling the distribution of said fund. The  
17 amount determined by the board retained for each animal sold shall be  
18 turned into the brand inspection fund of said board, subject to the  
19 provisions of the law controlling the distribution of said brand inspection  
20 fund.

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

23 **35-53-129. Permanent permit for rodeo and other horses.**

24 (1) Competition horses, other than contractor-owned bucking horses, that  
25 are used in rodeo and horse show competitions, registered breed show  
26 horses, racehorses, special drill and pleasure horses, and Colorado farm  
27 or ranch work or saddle horses shall be eligible to receive a permanent

1 transportation permit that shall be valid for both interstate and intrastate  
2 movement if positive proof of ownership is established to the state board  
3 of stock inspection commissioners or a duly authorized Colorado brand  
4 inspector. Upon completion of an application form, approved by the state  
5 board of stock inspection commissioners, which shall give a thorough  
6 physical description showing all brands, no brands, tattoos, or other  
7 characteristics carried by the horse, accompanied by a copy of the brand  
8 inspection certificate and a transportation permit fee regulated by the  
9 board of not more than ~~twenty~~ FORTY dollars made payable to the state  
10 board of stock inspection commissioners, a permanent hauling  
11 transportation permit shall be issued that shall be good for the life of the  
12 horse unless a change of ownership takes place, in which case the permit  
13 will become void. The new owner may make application for permit by  
14 the same full compliance as the prior owner. Any person fraudulently  
15 using a transportation permit issued under this section commits a class 3  
16 misdemeanor and shall be punished as provided in section 18-1-106,  
17 C.R.S.

18 **SECTION 6.** 35-53-130 (1), Colorado Revised Statutes, is  
19 amended to read:

20 **35-53-130. Annual transportation permit for cattle or**  
21 **alternative livestock.** (1) Bovine livestock, as defined in section  
22 35-41-100.3 (1.4), and alternative livestock, as defined in section  
23 35-41.5-102 (1), shall be eligible to receive an annual transportation  
24 permit that shall be valid for both interstate and intrastate movement if  
25 positive proof of ownership is established to the state board of stock  
26 inspection commissioners or a duly authorized Colorado brand inspector.  
27 Upon completion of an application form, approved by the state board of

1 stock inspection commissioners, which shall give a thorough physical  
2 description showing all brands, no brands, tattoos, or other characteristics  
3 carried by the animal, accompanied by a copy of the brand inspection  
4 certificate and a transportation permit fee regulated by the board of not  
5 more than ~~twenty~~ THIRTY dollars made payable to the state board of stock  
6 inspection commissioners, an annual hauling transportation permit shall  
7 be issued that shall be good for one year from the date of issuance unless  
8 a change of ownership takes place, in which case the permit will become  
9 void. The new owner may make application for permit by the same full  
10 compliance as the prior owner. Any person fraudulently using a  
11 transportation permit issued under this section commits a class 3  
12 misdemeanor and shall be punished as provided in section 18-1-106,  
13 C.R.S.

14 **SECTION 7. Effective date.** This act shall take effect at 12:01  
15 a.m. on the day following the expiration of the ninety-day period after  
16 final adjournment of the general assembly that is allowed for submitting  
17 a referendum petition pursuant to article V, section 1 (3) of the state  
18 constitution; except that, if a referendum petition is filed against this act  
19 or an item, section, or part of this act within such period, then the act,  
20 item, section, or part, if approved by the people, shall take effect on the  
21 date of the official declaration of the vote thereon by proclamation of the  
22 governor.