

DEPARTMENT OF AGRICULTURE

State Board of Stock Inspection Commissioners

STATE BOARD OF STOCK INSPECTION FEES

8 CCR 1205-6

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

1. Applicability

The provisions of this rule shall apply to all inspection services as allowed by Statute and conducted by the authorized inspectors of the State Board of Stock Inspection and for the assessment of all recorded brands in the State of Colorado.

2. Definitions

- 2.1 "Brand assessment" means a fee for every brand recorded in the office of the board of stock inspection to cover a five-year period.
- 2.2 "Cancelled brand" means any recorded brand that assessment fees have not been paid for in a three and one-half year period.
- 2.3 "Feedlot" means a lot, pen enclosure or building where cattle are fed for warm-up or fattening purposes and which is secured by gates to prevent the livestock from movement to adjoining areas outside of the feedlot.
- 2.4 "Hide" or "fallen hide" means the skin from livestock.
- 2.5 "Livestock" means all cattle, calves, horses, mules and burros, or sheep may be treated as livestock for purpose of this rule at the request of the owner thereof.
- 2.6 "Public livestock market" or "licensed market" means any place, establishment or facility commonly known as a livestock market, conducted or operated for compensation or profit licensed in the state of Colorado, where brand inspection is normally maintained.
- 2.7 "Recorded brand" is property which shall be subject to sale, assignment, transfer, devise, and descent, as personal property.

3. Inspection Services and License Fees

The provisions of this section shall be applicable for inspection services rendered by authorized brand inspectors of the State Board of Stock Inspection Commissioners (Board) effective February 1, 2005 and thereafter.

- 3.1 The base inspection fee for cattle shall be \$0.55.
- 3.2 The minimum charge on equine, ovine and bovine inspections from feedyards for livestock to be shipped direct to slaughter shall be \$15.00.
- 3.3 The fee per stop shall be \$10.00 plus the per-head inspection fee on all bovine inspections not for direct shipment to slaughter.

- 3.4 Assessment for a permanent horse travel card shall be \$25.00.
- 3.5 Inspection fee for sheep (upon request only) shall be \$.40 per head or the minimum of \$15.00, whichever is greater.
- 3.6 The inspection fee for fallen hides shall be \$0.25.
- 3.7 The application fee for brand inspection waivers shall be \$50.00 for a two-year inspection waiver.
- 3.8 The application fee for a brand registration shall be \$50.00.
- 3.9 The lost document research fee shall be \$40.00 per hour.
- 3.10 The brand transfer and brand lease fees shall be \$50.00.
- 3.11 The estray administration fee shall be \$20.00 per head.
- 3.12 The per-head inspection fee for horses consigned to licensed markets shall be \$2.00.
- 3.13 The estray advertisement fee shall be \$20.00.
- 3.14 The per-head inspection fee for horses in the country (not consigned to licensed markets) shall be \$1.00 or the \$15.00 minimum charge, whichever is greater.
- 3.15 The fees for annual travel permits on cattle issued under Section 35-53-130, C.R.S. (2004) shall be:
 - 3.15.1 Show cattle: \$10.00 per head plus the inspection fee of \$.55 per head plus the \$10.00 service charge;
 - 3.15.2 Rodeo cattle: \$1.00 per head plus the inspection fee of \$.55 per head plus the \$10.00 service charge.
- 3.16 The annual fee for a certified feedlot license issued under 35-53.5-101 et seq., C.R.S. (2004) shall be \$1,000.00.
- 3.17 The annual license fee for livestock markets shall be \$100.00.

4. Brand Registration Assessment Fees

The provisions of this section shall be applicable for brand assessment fees to cover the five-year brand registration period from January 1, 2012 to December 31, 2016 and every 5-year period thereafter. The assessment fees shall be deposited into the brand assessment account.

- 4.1 The five-year brand assessment fee shall be \$275.00 per brand.
 - 4.1.1 The five-year assessment fee is due and payable in full by January 1 of the beginning of the five-year period for any brand recorded by such date.
- 4.2 Any new brand recorded after January 1 of the first year of a five-year brand registration period is prorated to \$55 per year for the remainder of the five-year assessment period for each brand.
 - 4.2.1 The prorated fee is due and payable in full when the brand is recorded.
- 4.3 Late fees shall be assessed according to the following schedule. All late fees shall be credited to the brand inspection fund.

- 4.3.1 The late fee for any brand assessment paid six months after the assessment is due shall be \$25.00.
- 4.3.2 The late fee for any brand assessment paid one year after the assessment is due shall be \$50.00.
- 4.3.3 The late fee for any brand assessment paid two years after the assessment is due shall be \$75.00.
- 4.3.4 The late fee for any brand assessment paid three years after the assessment is due shall be \$100.00.
- 4.4 Any cancelled brand that is reinstated shall be charged the \$100 late fee in addition to the delinquent assessments due at the time of reinstatement and a \$50 application fee. The late fee portion of this assessment shall be credited to the brand inspection fund.

Sections 5 through 20 are reserved

21. Statement of Basis, Specific Statutory Authority and Purpose

21.1 Adopted December 9, 2004 - Effective February 1, 2005

- 21.1.1 **Basis:** This rule is proposed by the State Board of Stock Inspection Commissioners (the Board), division of the Colorado Department of Agriculture and an enterprise for purposes of Section 20 of Article X of the State Constitution, to maintain the essential services provided by the Board and authorized brand inspectors. The fee increases are reasonably related to the goal of providing essential services.
- 21.1.2 **Specific Statutory Authority:** This regulation is adopted pursuant to the Board's fee-setting authority set forth in Sections 35-41-104, 35-43-115, 35-53-129, 35-53-115, 35-53-101, 35-43-105, 24-72-203(1)(a), 35-43-109, 35-44-106, 35-53-130, 35-53-103, 35-53-5-106, 35-55-103, and 38-20-207, C.R.S. (2004) and is intended to be consistent with the requirements of the State Administrative Procedures Act, Section 24-4-101 et seq. (the "APA"), C.R.S. (2004).
- 21.1.3 **Purpose:** The purpose of this regulation proposed by the Board is to adopt by rule the schedule of fees to be assessed for service rendered by the Board and its authorized brand inspectors beginning February 1, 2005 and thereafter.

House Bill 04-1351, enacted by the General Assembly, gives the Board authority to set fees for its services by rule. The law specifies timeframes that the board must allow when considering fee changes, in order to give as much notice as possible to affected parties. In this vein, the board and/or its representatives met with constituents within the livestock community on July 1, 2004, when the Board met to discuss current and anticipated financial issues. The Board met again July 19, 2004, with the livestock industry and presented its draft fee proposal. On August 23, 2004, the Board announced that it would proceed with a formal fee proposal at its next regular meeting. Having duly provided public notice of its intent to do so, the Board approved the proposed fee increase schedule on September 22, 2004. At that public meeting, the Board then authorized staff to proceed with filing notice of its intent to pursue rulemaking on the fee schedule under the APA.

By February 1, 2005, the Board will have complied with all public notice requirements by:

- (1) Having publicly noticed its intent to approve the fee schedule in its regularly scheduled meeting on September 22, 2004, pursuant to Section 35-41-104(a-c); and
- (2) Having issued public notice of the rulemaking hearing pursuant to the APA during which additional public testimony will be taken on the Board's intent to adopt the fee schedule by rule.

The Board thoroughly examined its anticipated funding needs and considered a variety of options to meet the needs. This is the first significant fee increase since approximately 1998. Department staff gathered extensive financial data on the Board's costs and revenues and utilized linear regression analysis to determine options. A copy of the linear regression analysis is available to the public by contacting the Colorado Department of Agriculture at 303.239.4100. The Board decided to propose a fee schedule that increases most fees it charges while leaving others at the rate that existed prior to Board approval of the proposed fee schedule.

21.2 Adopted August 9, 2006 – Effective October 2, 2006

- 21.2.1 Basis: These revisions are proposed by the State Board of Stock Inspection Commissioners (the Board) to change the fee structure intended to revise and disencumber the brand records of unused brands and to provide revenues to publish new brand books and otherwise assist in the operational cost of the division of brand inspection.
- 21.2.2 Specific Statutory Authority: These revisions are adopted pursuant to the State Board of Stock Commissioner's authority to set brand assessment fees set forth in 35-43-115 C.R.S. (2005).
- 21.2.3 Purpose: The purpose of these rule revisions is to increase the current fee for the assessment of brands, to adopt a schedule for late fees related to unpaid assessments, and to set fees for the reinstatement of cancelled brands.

21.3 Adopted September 14, 2011 – Effective October 30, 2011

- 21.3.1 Basis: These revisions are proposed by the State Board of Stock Inspection Commissioners (the Board) to change the fee structure for brand assessments, which fee is used to revise and disencumber the brand records of unused brands, to provide revenues to publish new brand books, and otherwise to assist with the operational cost of the Division of Brand Inspection. Additionally, the rules introduce an application fee for anyone who is seeking to reinstate a canceled brand. Finally, the revisions remove out-dated language from the rules.
- 21.3.2 Specific Statutory Authority: These revisions are adopted pursuant to the State Board of Stock Inspection Commissioner's authority to set brand assessment fees set forth at § 35-43-115, C.R.S.
- 21.3.3 Purpose: The purpose of these rule revisions is to increase the current fee for the assessment of brands, to strike out-dated language from the rules, and to harmonize the application fee for new brands with those for canceled brands seeking reinstatement.

Editor's Notes

History

Entire rule eff. 10/30/2011.