

*Editing comments: Changes to this rule are indicated in ~~bold strikethrough~~ for removal and **BOLD, SMALL CAP, DOUBLE UNDERLINE** for additions. If you are able to view this document in color the changes are also indicated in red. Changes as a result of the rulemaking hearing are indicated in blue.*

# DEPARTMENT OF AGRICULTURE

## State Board of Stock Inspection Commissioners

### RULES PERTAINING TO THE FEEDLOT CERTIFICATION ACT

#### 8 CCR 1205-4

#### Part 3. Fees

3.1. The fee for application and annual renewal of certification shall be \$1000.00 per year, or such lesser sum as the Board may direct.

~~3.2. The per head direct to slaughter fee for certified feedlots shall be \$0.15 less than the usual direct to slaughter fee established pursuant to § 35-53.5-107, C.R.S.~~

~~3.3. All per head fees and direct to slaughter movement permits must be received by the Board not later than the 5th day of the month following the month in which the permits are written. Any payment received after the 15th day of the month shall be subject to a late fee in the amount of 10% of the amount originally due (inspection fee plus Beef Council Fee), not to exceed \$50.00 plus interest, pursuant to § 35-53.5-107(2), C.R.S. The late fee must be paid with the subsequent month's payment.~~

#### Part 10. Statement of Basis, Specific Statutory Authority and Purpose

##### 10.1. Adopted July 8, 1998 – Effective August 30, 1998

These rules are adopted pursuant to § 35-53.5-103(1), HB 98-1101.

The purposes of these rules are to: establish definitions for relevant terminology; define requirements for certification; set fees to fund all direct and indirect costs of the administration and enforcement; define methods for separation of cattle; set standards for inspections; establish recordkeeping requirements; define standards for movement of cattle from a certified feedlot; and establish standards and procedures for renewal of certifications and disciplinary actions.

##### 10.2. Adopted December 13, 2016- Effective January 30, 2017

###### Statutory Authority

The statutory authority for the changes to this rule is found at § 35-53.5-103(1)(a) through (f), C.R.S.

###### Purpose of These Rules

The purposes of the changes to this rule are to clarify terminology; remove redundant or unnecessary language and terminology; make the rule more readable and user-friendly where any confusion previously existed; move the statement of basis, specific statutory authority and purpose to Part 10; and to update the rule to reflect changes to Board policies and practices related to the Feedlot Certification Act in conformity with the Departments Regulatory Review Process.

###### Factual Basis and Policy Issues

During its review the Board encountered the following factual issues. First, between the date of the last rule-making and the date of this rule-making, the Board has moved its physical office to Broomfield to be part of the Colorado Department of Agriculture's main campus. As such, the Board changed references where the previous rule had used "Denver Office" to "Broomfield Office." In making those changes, the Board recognized that the term "Denver Office" had formerly been used in a way that made it appear as though the office itself was the regulatory authority. In those places, the Board changed "Denver Office" to "the Board," rather than "Broomfield Office."

Second, throughout the rule, the Board cleaned up statutory citations, removed or changed mis-leading uses of "must" and "shall," and brought clarity to the variety of terms used throughout the rule when referencing movement certifications, condensing them all into one phrase, "Direct to Slaughter Movement Permits," which term the Board then defined. The Board also added language to Part 5 to specify that audits and inspections will occur quarterly rather than "on a routine basis," providing further clarity for those holding feedlot certifications.

Finally, where sentences or ideas lacked clarity, the Board re-worked the sentences to make them more clear and precise.

### 10.3. ADOPTED NOVEMBER 16, 2017 – EFFECTIVE DECEMBER 30, 2017

#### STATUTORY AUTHORITY

THESE RULES ARE ADOPTED PURSUANT TO § 35-53.5-103(1)(A)

#### PURPOSE OF THESE RULES

THE PURPOSE OF THIS RULE CHANGE IS TO REMOVE LANGUAGE FROM THE RULE REGARDING PER-HEAD, DIRECT-TO-SLAUGHTER FEES. THE CURRENT LANGUAGE CONFLICTS WITH STATUTORY PROVISIONS THAT ARE CODIFIED WITHIN THE ACT ITSELF.

#### FACTUAL AND POLICY ISSUES

THE OFFICE OF LEGISLATIVE LEGAL SERVICES ALERTED THE STATE BOARD OF STOCK INSPECTION COMMISSIONERS OF A POTENTIAL CONFLICT BETWEEN LANGUAGE WITHIN THE RULE REGARDING THE DIRECT-TO-SLAUGHTER FEES AND LANGUAGE THAT IS CODIFIED WITHIN THE FEEDLOT CERTIFICATION ACT. UPON REVIEW OF THE RULE, THE BOARD DETERMINED THAT LANGUAGE ADOPTED DURING THE INITIAL FORMATION OF THIS RULE SET HAD MIS-QUOTED THE STATUTE AND WAS CONFUSING TO THE REGULATED COMMUNITY. THE BOARD FURTHER DETERMINED THAT SETTING THESE FEES IN RULE WAS REDUNDANT TO THE STATUTE AND, THEREFORE, UNNECESSARY. THE BOARD DECIDED TO REMOVE THE LANGUAGE THAT WAS DISSIMILAR TO THE STATUTE AND TO RELY INSTEAD UPON THE STATUTE ITSELF WHILE MAINTAINING RULE 3.1 REGARDING THE APPLICATION AND ANNUAL RENEWAL FEES FOR CERTIFICATION.