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CHAPTER 65

AGRICULTURE III—LIVESTOCK

PUBLIC LIVESTOCK MARKET

(Senate Bill No. 254. By Senator Braiden; also Representatives Compton, Baer, and Schubert.)

AN ACT

AMENDING ARTICLE 11 OF CHAPTER 8, COLORADO REVISED STATUTES 1963, CONCERNING PUBLIC LIVESTOCK MARKETS.

Re It Enacted by the General Assembly of the State of Colorado:

Section 1. 8-11-1, Colorado Revised Statutes 1963, is hereby REPEALED AND RE-ENACTED, WITH AMENDMENTS, to read:

8-11-1.—**License requirements.**—(1) (a) Any person, partnership, or corporation may procure a license to establish, and operate, for a term of one year, a public livestock market within the state of Colorado by making a sworn written application to the state board of stock inspection commissioners containing the following:

(b) The name and address of the applicant, and the names and addresses of all persons having any financial interest in the business.

(c) Financial responsibility of the applicant in the form of a statement of all assets and liabilities.

(d) A legal description of the property and its exact location, with a complete description of the facilities proposed to be used in connection with such public livestock market.

(e) A detailed statement of the facts upon which the applicant relies, showing the general confines of the

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

trade area proposed to be served by such public livestock market, the benefits to be derived by the livestock industry, and the services proposed to be rendered.

(2) Each such application shall be accompanied by the annual fee as prescribed in section 8-11-3.

(3) Before an application for license is approved, the applicant shall prove ownership or control by lease of not less than six thousand square feet of holding pens including ample sorting and handling alleys, not less than ten feet wide with at least three gates in each alley that will fasten across the alley; ample pens and sheds for holding and handling sheep and hogs; and at least two adequate sized pens with connecting alley and usable chute for use by state and federal livestock sanitary inspectors.

(4) Public livestock markets licensed on the effective date of this act shall meet the qualifications prescribed in subsection (3) before they shall be eligible for a license to operate for the year beginning May 1, 1967.

(5) Every licensed public livestock market shall use forms approved by the state board of stock inspection commissioners for consignment cards, consignors accounts on sale, buyers settlement sheets, and bills of sale to the purchaser.

(6) A public livestock market shall operate on the day of the week designated by the state board of stock inspection commissioners. The operation of a public livestock market in this state without a license is a misdemeanor punishable as provided in section 8-11-17.

Section 2. 8-11-2 (2), Colorado Revised Statutes 1963, is hereby amended to read:

8-11-2.—**Definitions.**—(2) The term "~~livestock sales ring~~" "**PUBLIC LIVESTOCK MARKET**" shall mean any place, establishment, or facility commonly known as a livestock ~~sales ring~~ **MARKET**, conducted or operated for compensation or profit as a ~~livestock sales ring~~ **PUBLIC LIVESTOCK MARKET**, consisting of pens, or other enclosures, and their appurtenances, in which live horses, mules, cattle, burros, swine, sheep, goats, and poultry are received, held, or assembled for either public or private sale. The person, partnership, or corporation owning or controlling premises defined as a ~~livestock sales ring~~ **PUBLIC LIVESTOCK MARKET** shall be compensated for the use of the premises and the services performed in handling the livestock in connection with the sale.

Section 3. 8-11-3, Colorado Revised Statutes 1963, is hereby amended to read:

8-11-3.—**License fee.**—No person, partnership, or corporation shall engage in the operation of a ~~livestock sales ring~~ PUBLIC LIVESTOCK MARKET within the state of Colorado without first procuring a license from the state board of stock inspection commissioners, and paying therefor a fee or tax of twenty-five dollars. Said license ~~may~~ SHALL be renewed by eligible applicants prior to May first in each calendar year thereafter, upon like application and payment of a like fee. An application for a license to establish and operate ~~livestock sales ring~~ PUBLIC LIVESTOCK MARKETS shall be in writing upon a blank form to be furnished by the state board of stock inspection commissioners, and shall be accompanied by the fee above prescribed. If the board does not issue a license, or renewal, the fee or tax must be returned to the applicant.

Section 4. 8-11-4 (1) and (3), Colorado Revised Statutes 1963, are hereby amended.

8-11-4.—**Bond.**—(1) No license, or renewal of license, to establish and operate a ~~livestock sales ring~~ PUBLIC LIVESTOCK MARKET within the state of Colorado shall be issued until the applicant shall have executed to the state of Colorado, a surety bond in the penal sum of ~~ten~~ NOT LESS THAN TWENTY-FIVE thousand dollars, AND THE AMOUNT TO BE DETERMINED BY THE STATE BOARD OF STOCK INSPECTION COMMISSIONERS ON THE DOLLAR VOLUME OF BUSINESS, upon a form prescribed by said board, by a surety company and to be approved by the state board of stock inspection commissioners, conditioned on the payment of all money received, less reasonable expenses and agreed commissions by the licensee and operator of such ~~livestock sales ring~~ PUBLIC LIVESTOCK MARKET, to the rightful owner of the livestock so consigned and delivered to said licensee for sale, forthwith upon the sale of such livestock and also a full compliance with all of the terms and requirements of this article, and the acceptance and approval of said bond by the state board of stock inspection commissioners. When so approved, said bond shall be filed with the state board of stock inspection commissioners.

(3) Any such ~~livestock sales ring~~ PUBLIC LIVESTOCK MARKET which is registered under the provisions of the "Packers and Stockyards Act, 1921", as amended, and has executed a bond as provided for therein and as is required by the rules and regulations prescribed by the secretary of agriculture, is not required to execute

the bond provided for in this article, PROVIDED SUCH BOND ALSO GUARANTEES PAYMENT OF ALL BRAND AND SANITARY INSPECTION FEES DUE THE STATE OF COLORADO. Copies of any such license and bond certified by the executive officer of such board may be procured upon payment of a fee or tax of one dollar each, and shall be received as competent evidence in any court in the state of Colorado.

Section 5. 8-11-5, Colorado Revised Statutes 1963, is hereby amended to read:

8-11-5.—**Posting licenses.**—A certified copy of an issued license may be procured by the holder of the original upon payment of a fee or tax of one dollar therefor, and the original or certified copy of said license shall be posted during sale periods in a conspicuous place on the premises where the ~~livestock sales~~ **PUBLIC LIVESTOCK MARKET** is conducted.

Section 6. 8-11-7 (1) and (5), Colorado Revised Statutes 1963, are hereby amended to read:

8-11-7.—**Cancellation of licenses.**—(1) Any violation of the provisions of this article or of any rule or regulation adopted and published by the state board of stock inspection commissioners, shall be deemed sufficient cause for the cancellation of the license of the offending operator of such ~~livestock sales~~ **PUBLIC LIVESTOCK MARKET**, and the following shall also be specific grounds for the cancellation of such license:

(5) If the state board of stock inspection commissioners finds that the licensee has failed or refused to practice measures of sanitation and inspection as are required by this article or by rule or regulation of the state board of stock inspection commissioners made pursuant thereto concerning premises or vehicles used for the stabling, yarding, housing, holding, or transporting of animals in the operation of his or its ~~livestock sales~~ **PUBLIC LIVESTOCK MARKET**.

Section 7. 8-11-8, Colorado Revised Statutes 1963, is hereby amended to read:

8-11-8.—**Investigation and hearing.**—Whenever the executive officer of the state board of stock inspection commissioners shall deem it necessary, he shall make or have an investigation made of the sales and transactions of any ~~livestock sales~~ **PUBLIC LIVESTOCK MARKET** and the conditions under which its business is conducted, and if he finds it proper to do so, he shall file charges against the licensee and operator thereof with the state board of stock inspection commissioners, and

said charges shall be set down for hearing before said board upon ten days notice served upon such licensee prior to such hearing.

Section 8. 8-11-9, Colorado Revised Statutes 1963, is hereby amended to read:

8-11-9.—**Sanitary conditions.**—Every livestock sales ~~ring~~ PUBLIC LIVESTOCK MARKET shall be maintained in a sanitary condition and cleaned and disinfected under the supervision of a veterinarian authorized by said board when necessary.

Section 9. 8-11-10, Colorado Revised Statutes 1963, is hereby amended to read:

8-11-10.—**Scales.**—All scales used in the operation of livestock sales ~~rings~~ PUBLIC LIVESTOCK MARKETS shall come under and be controlled by Colorado's weights and measures laws.

Section 10. 8-11-11, Colorado Revised Statutes 1963, is hereby amended to read:

8-11-11.—**Records.**—Operators of all livestock sales ~~rings~~ PUBLIC LIVESTOCK MARKETS shall keep on file an accurate record of the date on which consignment of animals was received and sold, together with the name and address of the buyer and seller, the number and species of the animals received and sold and the marks and brands on each animal. Said records together with the gross selling prices, commission, and other proper care, handling, and sale charges on each consignment shall be available for inspection by the executive officer of the state board of stock inspection commissioners, his deputy, or authorized inspector. All records of sales during preceding months shall be kept readily accessible for immediate examination.

Section 11. 8-11-12, Colorado Revised Statutes 1963, is hereby amended to read:

8-11-12.—**Brand inspection.**—(1) All cattle, horses, mules, burros, ~~and~~ sheep upon entering a livestock sales ~~ring~~ PUBLIC LIVESTOCK MARKET shall be inspected for iron brands, ~~paint marks;~~ and ear marks AND OTHER IDENTIFYING CHARACTERISTICS before being offered for sale. A bill of sale signed by the recorded owner of the brands or no brands; or an account of sale showing the brands or no brands on the livestock consigned shall be produced by the consignor before any such livestock are offered for sale. After any livestock are consigned to any sales ~~ring~~ PUBLIC LIVESTOCK MARKET they shall be held for and treated as other estrays until a proper bill of sale or account of sale is produced by the

consignor. Such inspections shall be made by authorized brand inspectors who have been approved by the state board of stock inspection commissioners, and a fee or tax not to exceed ~~ten~~ FIFTEEN cents per head shall be paid by the consignor to the Colorado state board of stock inspection commissioners WITHHELD FROM THE CONSIGNOR'S PROCEEDS OF SALE BY THE MARKET OPERATOR, TO BE PAID TO THE STATE BOARD OF STOCK INSPECTION COMMISSIONERS, for brand inspection on all cattle, horses, mules, and burros. A fee or tax of two cents per head for inspection of sheep and goats for print or ear marks or both shall be paid by the consignor to the Colorado state board of stock inspection commissioners.

(2) The authorized brand inspector making the inspection and collecting the fees or taxes prescribed shall issue an official brand inspection certificate in duplicate, one copy to be the property of the owner or operator of the auction sales ring, MARKET, and will be their authority FOR THE PUBLIC LIVESTOCK MARKET to issue a bill of sale guaranteeing clear title to the purchaser of any livestock sold or disposed of through a licensed livestock auction ring, MARKET, the original to be delivered to the office of the state board of stock inspection commissioners.

Section 12. 8-11-13 (1) and (2) (a), Colorado Revised Statutes 1963, are hereby amended to read:

8-11-13.—**Veterinary inspection.**—(1) All livestock consigned and delivered on the premises of any licensed PUBLIC livestock sales ring MARKET, before being offered for sale, shall be inspected by an authorized veterinarian of the department of agriculture, who shall execute and deliver to the said board a bond with good and sufficient surety in the penal sum of one thousand dollars, to be approved by such board, conditioned that he shall faithfully perform his duties as such authorized veterinarian. Such bond shall be upon a form prescribed by the said board who shall examine or test each and every animal consigned to the livestock sales ring PUBLIC LIVESTOCK MARKET for the purpose of determining their condition of health and freedom from infectious or contagious animal diseases. If, in the opinion of the examining veterinarian, said animals are free, and have not been exposed to any infectious or contagious diseases, he shall issue and sign a health certificate, to be delivered to the purchaser at the time of rendering the account of sale or bill of sale. All animals found to be affected with any one of the recognized infectious or contagious diseases or to have a temperature of one hundred four Fahrenheit or

more as a symptom of a recognized infectious or contagious disease, shall be immediately isolated, quarantined, and held in conformity with the health requirements of our state laws and the rules and regulations of the department of agriculture. All fees or taxes for veterinary services, prior to the sale of the livestock shall be paid by the operator of the ~~livestock sales ring~~ PUBLIC LIVESTOCK MARKET. All livestock intended for interstate shipment on which United States bureau of animal industry requires specific inspections or tests that can only be made by an approved and licensed veterinarian, shall be made at the expense of the buyer or the party who intends to move them interstate.

(2) (a) All swine to be slaughtered within seven days after arrival at sales yards may be moved without vaccination, if found of normal temperature on inspection by an authorized veterinarian. All other swine may be moved from said ~~livestock sales rings~~ PUBLIC LIVESTOCK MARKET providing, upon inspection, the swine are found free from symptoms of cholera or other contagious, infectious, or communicable diseases, and in a thriving condition, and providing also, before they are moved, that they are first treated by an authorized veterinarian in a portion of the PUBLIC ~~livestock sales ring~~ MARKET yards set aside for that purpose in accordance with ~~one or other of the methods~~ THE METHOD set forth hereafter in paragraphs (b) and (c) PARAGRAPH (b) of this subsection, ~~provided also, that the temperature of each animal shall be taken before treatment and that only those which exhibit a temperature of less than one hundred four degrees Fahrenheit, shall be permitted to be moved from said livestock sales ring premises. The alternative methods of treatment to be used by such authorized veterinarians as to such swine not to be slaughtered within seven days are as follows:~~

Section 13. 8-11-14, Colorado Revised Statutes 1963, is hereby amended to read:

8-11-14.—**Title.**—The operator of each ~~livestock sales ring~~ PUBLIC LIVESTOCK MARKET in this state shall warrant to the purchaser thereof the title of all livestock sold through his ~~sales ring~~ PUBLIC LIVESTOCK MARKET and shall be liable to the rightful owner thereof for the net proceeds in cash received for such livestock so sold. It shall be the further duty of such operator, when notified by the authorized brand inspector, that there is a question as to whether any designated livestock sold through said ~~ring~~ MARKET is lawfully owned by the consignor thereof to hold the proceeds received from the sale of said livestock for a reasonable time, not to exceed

thirty days, to permit the consignor to establish ownership and if at expiration of that time, the consignor fails to establish his lawful ownership of such livestock, said proceeds shall be released by such operator to the state board of stock inspection commissioners, which board shall have authority to dispose of said proceeds in accordance with Colorado's estray laws relating to the distribution of estray money, and the board's receipt therefor shall relieve said operator from further responsibility for said proceeds; proof of ownership and an account of all sales of livestock shall be transmitted by the authorized brand inspector to the state board of stock inspection commissioners.

Section 14. 8-11-15, Colorado Revised Statutes 1963, is hereby amended to read:

8-11-15.—**Disposition of fees or taxes.**—All license fees or taxes collected from ~~livestock sales rings~~ PUBLIC LIVESTOCK MARKETS shall be deposited with the state treasurer and shall be placed in the brand inspection fund by the state treasurer for use of the board in paying ordinary expenses of the department of the state board of stock inspection commissioners.

Section 15. 8-11-16, Colorado Revised Statutes 1963, is hereby amended to read:

8-11-16.—**Dispersal sales.**—All dispersal sales made at ~~livestock sales rings~~ PUBLIC LIVESTOCK MARKETS shall meet the requirements prescribed for other livestock passing through such ~~rings~~ MARKETS.

Section 16. Article 11 of chapter 8, Colorado Revised Statutes 1963, is hereby amended BY THE ADDITION OF A NEW SECTION 18 to read:

8-11-18.—**Hearing on application.**—(1) (a) Should reasonable grounds for controversy over the board's action in issuing or refusing to issue a license develop, a hearing may be conducted by three members of the board, one of whom shall be the brand commissioner. If, after a hearing upon such application, at which interested persons may formally appear in support or opposition thereto, the board finds from the evidence presented that such public livestock market for which a public livestock market license is sought would beneficially serve the livestock economy, such market license shall be issued to the applicant. In determining whether or not the application should be granted or denied, the board shall give reasonable consideration to:

(b) The ability of the applicant to comply with the federal Packers and Stockyards Act, as amended (7 USC 181, et seq.).

(c) The financial stability, business integrity, and fiduciary responsibility of the applicant.

(d) The adequacy of the facilities set forth in the application, to permit the performance of market services proposed in the application.

Section 17.—**Safety clause.**—The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 7, 1965.