

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 19-0352.01 Jery Payne x2157

SENATE BILL 19-150

SENATE SPONSORSHIP

Donovan and Sonnenberg, Coram

HOUSE SPONSORSHIP

Buentello,

Senate Committees

Agriculture & Natural Resources
Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE REGULATION OF PUBLIC**
102 **LIVESTOCK MARKETS, AND, IN CONNECTION THEREWITH,**
103 **IMPLEMENTING THE RECOMMENDATIONS CONTAINED IN THE**
104 **2018 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY**
105 **AGENCIES.**

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/>.)

Sunset Process - Senate Agriculture and Natural Resources Committee. Sections 1 and 2 of the bill continue the regulation of public

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

SENATE
Amended 2nd Reading
April 12, 2019

livestock markets until 2034.

Current law requires an applicant for a license to operate a public livestock market to prove financial stability, business integrity, and fiduciary responsibility and to provide a statement of assets and liability. **Section 3** repeals these provisions.

Current law requires a licensed livestock market to meet several size and premises standards. **Section 4** replaces this with a requirement that a premises have adequate facilities necessary to operate a public livestock market.

Sections 5 and 6 repeal provisions that imply that the state board of stock inspection commissioners regulate the sanitation of public livestock markets.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-34-104, **repeal**
3 (16)(a)(II); and **add** (35) as follows:

4 **24-34-104. General assembly review of regulatory agencies**
5 **and functions for repeal, continuation, or reestablishment - legislative**
6 **declaration - repeal.** (16) (a) The following agencies, functions, or both,
7 will repeal on July 1, 2019:

8 (II) ~~The licensing of public livestock markets in accordance with~~
9 ~~article 55 of title 35, C.R.S.;~~

10 (35) (a) THE FOLLOWING AGENCIES, FUNCTIONS, OR BOTH, ARE
11 SCHEDULED FOR REPEAL ON SEPTEMBER 1, 2034:

12 (I) THE LICENSING OF PUBLIC LIVESTOCK MARKETS IN
13 ACCORDANCE WITH ARTICLE 55 OF TITLE 35.

14 (b) THIS SUBSECTION (35) IS REPEALED, EFFECTIVE SEPTEMBER 1,
15 2036.

16 **SECTION 2.** In Colorado Revised Statutes, **amend** 35-55-119 as
17 follows:

18 **35-55-119. Termination of functions - repeal of article.** This
19 ~~article~~ ARTICLE 55 is repealed, effective ~~July 1, 2019.~~ Prior to the

1 SEPTEMBER 1, 2034. BEFORE THE repeal, the licensing functions shall be
2 reviewed as provided for in OF PUBLIC LIVESTOCK MARKETS IS
3 SCHEDULED FOR REVIEW IN ACCORDANCE WITH section 24-34-104. C.R.S.

4 **SECTION 3.** In Colorado Revised Statutes, 35-55-102, **amend**
5 (1) introductory portion and (1)(b); and **repeal** (1)(f) as follows:

6 **35-55-102. License requirements.** (1) Any person, partnership,
7 or corporation may procure a license to establish and operate, for a term
8 of one year, a public livestock market within the state of Colorado by
9 making written application to the state board of stock inspection
10 commissioners. ~~which~~ THE application shall MUST provide the following:

11 (b) PROOF OF financial responsibility of the applicant in the form
12 ~~of a statement of all assets and liabilities~~ AND AMOUNT REQUIRED BY THE
13 STATE BOARD OF STOCK INSPECTION COMMISSIONERS IN ACCORDANCE
14 WITH SECTION 35-55-104 OR AS SET FORTH IN THE FEDERAL "PACKERS
15 AND STOCKYARDS ACT, 1921", 7 U.S.C. SEC. 181 ET SEQ., AS AMENDED;

16 (f) ~~Proof of the financial stability, business integrity, and fiduciary~~
17 ~~responsibility of the applicant.~~

18 **SECTION 4.** In Colorado Revised Statutes, 35-55-102, **amend**
19 (3) as follows:

20 **35-55-102. License requirements.** (3) ~~Before an application for~~
21 ~~license is approved~~ TO QUALIFY FOR A LICENSE, the applicant shall MUST
22 prove ownership OF or control by lease of ~~not less than six thousand~~
23 ~~square feet of holding pens including ample sorting and handling alleys,~~
24 ~~not less than ten feet wide with at least three gates in each alley that will~~
25 ~~fasten across the alley; ample pens and sheds for holding and handling~~
26 ~~sheep and hogs; and at least two adequate-sized pens with connecting~~
27 ~~alley and usable chute for use by state and federal livestock sanitary~~

1 ~~inspectors~~ A FACILITY THAT IS ADEQUATE AS DETERMINED BY AN
2 AUTHORIZED BRAND INSPECTOR TO HOLD, HANDLE, SORT, AND INSPECT
3 LIVESTOCK.

4 **SECTION 5.** In Colorado Revised Statutes, 35-55-107, **amend**
5 (1) introductory portion and (1)(d) as follows:

6 **35-55-107. Discipline of licensees.** (1) Any violation of the
7 provisions of this ~~article~~ ARTICLE 55 or of any rule adopted and published
8 by the state board of stock inspection commissioners ~~shall be~~ IS deemed
9 sufficient cause for the state board of stock inspection commissioners to
10 revoke or suspend the license of the offending operator of ~~such~~ THE
11 public livestock market or to place on probation ~~such~~ THE licensee, and
12 the following ~~shall also be~~ ARE specific grounds for the imposition of any
13 of the disciplinary actions specified in this introductory portion:

14 (d) ~~If the state board of stock inspection commissioners finds that~~
15 ~~the licensee has failed or refused to practice measures of sanitation and~~
16 ~~inspection as are required by this article or by rule or regulation of the~~
17 ~~state board of stock inspection commissioners made pursuant thereto~~
18 REQUIRED BY LAW concerning premises or vehicles used for the stabling,
19 yarding, housing, holding, or transporting of animals in the operation of
20 ~~his~~ THE LICENSEE'S public livestock market;

21 **SECTION 6.** In Colorado Revised Statutes, **amend** 35-55-109 as
22 follows:

23 **35-55-109. Sanitary conditions.** Every public livestock market
24 shall be maintained in a sanitary condition. ~~and cleaned and disinfected~~
25 ~~under the supervision of a veterinarian authorized by the state board of~~
26 ~~stock inspection commissioners when necessary.~~

27 **SECTION 7.** In Colorado Revised Statutes, 35-55-113, **amend**

1 (1), (2)(a), (3), and (5) as follows:

2 **35-55-113. Veterinary inspection - rules.** (1) (a) AN
3 ACCREDITED AND LICENSED VETERINARIAN SHALL INSPECT all livestock
4 consigned and delivered on the premises of any licensed public livestock
5 market before ~~being~~ THE LIVESTOCK ARE offered for sale. ~~shall be~~
6 ~~inspected by an authorized veterinarian of the department of agriculture.~~
7 The veterinarian shall ~~examine~~ INSPECT or test, as indicated or required,
8 animals consigned to the public livestock market for the purpose of
9 determining their condition of health and freedom from infectious or
10 contagious animal diseases. If, in the opinion of the ~~examining~~
11 ~~INSPECTING~~ veterinarian, ~~said~~ THE animals are free of ~~symptoms~~ CLINICAL
12 SIGNS of infectious or contagious disease and have not, to the best of ~~his~~
13 THE VETERINARIAN'S knowledge, been exposed to any infectious or
14 contagious diseases, ~~he~~ THE VETERINARIAN shall issue a ~~health~~ SIGNED
15 certificate ~~signed by him~~, OF VETERINARY INSPECTION to any purchaser
16 who so requests. ~~Said health~~ THE VETERINARIAN SHALL DELIVER THE
17 certificate ~~shall be delivered~~ OF VETERINARY INSPECTION to the purchaser
18 at the time of rendering the account of sale or bill of sale.

19 (b) In addition to the requirements of this subsection (1) for all
20 interstate movements, livestock must meet federal interstate and state of
21 destination requirements. THE VETERINARIAN AND THE PUBLIC LIVESTOCK
22 MARKET SHALL IMMEDIATELY ISOLATE AND HOLD all animals ~~found to be~~
23 affected with any recognized infectious or contagious diseases ~~shall be~~
24 ~~immediately isolated, quarantined, and held~~ in conformity with the health
25 requirements of Colorado law and the rules ~~and regulations~~ of the
26 department of agriculture. All fees or taxes for veterinary services, prior
27 to the sale of the livestock, shall be paid by The operator of the public

1 livestock market All livestock intended for interstate shipment, on which
2 SHALL PAY ALL FEES OR TAXES FOR VETERINARY SERVICES. THE BUYER OR
3 THE PERSON WHO INTENDS TO SHIP THROUGH INTERSTATE COMMERCE
4 SHALL PAY THE EXPENSES FOR INSPECTIONS OR TESTS THAT ARE REQUIRED
5 BY the United States department of agriculture requires specific
6 inspections or tests AND that can only be made by an approved and
7 licensed veterinarian. shall be made at the expense of the buyer or the
8 party who intends to move them interstate.

9 (2) (a) Swine may be moved from a public livestock market if,
10 upon inspection, the swine are found free from symptoms CLINICAL SIGNS
11 of cholera or other contagious, infectious, or communicable diseases and
12 in a thriving condition OF HEALTH.

13 (3) Feeding swine and breeding swine going THAT ARE BEING
14 MOVED from a market to a farm shall MUST be identified by an approved
15 ear tag, individual tattoo, or ear notch AS EACH IS REQUIRED BY 9 CFR
16 71.19. Sows and boars going THAT ARE BEING SENT to slaughter shall
17 MUST be identified in accordance with the market swine identification
18 program as prescribed in the SWINE BRUCELLOSIS CONTROL/ERADICATION
19 STATE-FEDERAL-INDUSTRY uniform methods and rules for brucellosis
20 eradication published by the U.S.D.A. animal plant health inspection
21 service agency in effect July 1, 1981, and as amended from time to time
22 thereafter (APHIS 91-55-042).

23 (5) If, in the judgment of an authorized ACCREDITED AND
24 LICENSED veterinarian, of the department, an animal presented at a public
25 livestock market is injured, disabled, or diseased beyond recovery, the
26 veterinarian shall humanely euthanize the animal or direct the consignor
27 to immediately remove the animal from the premises of the public

1 livestock market. THE CONSIGNOR IS RESPONSIBLE FOR all expenses
2 incurred for euthanasia and disposal of an animal under the provisions of
3 this subsection (5). are the responsibility of the consignor. THE
4 CONSIGNEE IS NOT RESPONSIBLE FOR collection of expenses. shall not be
5 the responsibility of the consignee.

6 **SECTION 8. Safety clause.** The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, and safety.