



House of Representatives

General Assembly

File No. 406

February Session, 2008

Substitute House Bill No. 5830

House of Representatives, April 3, 2008

The Committee on Environment reported through REP. ROY, R. of the 119th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING LIVESTOCK DEALERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22-381 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 As used in this chapter, "commissioner" means the Commissioner of
4 Agriculture; "dealer" or "broker" means any person, copartnership,
5 association, limited liability company or corporation engaged in the
6 business of buying, receiving, selling or exchanging or negotiating or
7 soliciting the sale, resale, exchange, [transportation] transporting for a
8 fee, transfer or shipment of any [cattle or swine] livestock; "agent"
9 means any person buying [or receiving] or soliciting or negotiating the
10 sale for a fee, resale or exchange of [cattle or swine] livestock for or on
11 behalf of any dealer or broker; [and "cattle" means all dairy, feeding,
12 beef or breeding animals of the bovine genus] "livestock" means any
13 camelid or hooved animal raised for domestic or commercial use; and
14 "livestock producer" means a person involved in the keeping, feeding,
15 growing, raising or breeding of livestock for domestic or commercial

16 use.

17 Sec. 2. Section 22-382 of the general statutes is repealed and the
18 following is substituted in lieu thereof (*Effective from passage*):

19 The provisions of this chapter shall not apply to (1) any [dairyman,
20 grower of swine] person, association, copartnership or corporation
21 which by dispersal sale is permanently discontinuing the activities or
22 business of [dairying, breeding or feeding cattle, or growing swine] a
23 livestock producer; (2) any person, association, copartnership or
24 corporation which sells [cattle or swine which] livestock that have
25 been raised on the premises of such person, association, copartnership
26 or corporation; (3) [any person who does not buy, receive, sell or
27 exchange or solicit or negotiate the sale, resale, exchange or shipment
28 of cattle or swine in the aggregate of more than ten head in any one
29 license year; (4) any dairyman] any livestock producer who purchases
30 or receives [cattle] livestock for the [sole] purpose of producing milk,
31 [and] meat or other animal products or improving [his] such livestock
32 producer's own herd or flock; [(5)] (4) any butcher, packer or processor
33 to whom [cattle or swine] livestock are delivered which are used
34 exclusively for immediate slaughter; [(6)] (5) any farmer who buys or
35 receives [cattle or swine] livestock for grazing and feeding and sells or
36 disposes of such [cattle or swine] livestock after a feeding or grazing
37 period of not less than sixty days; [or (7)] (6) any railroad or trucking
38 concern whose primary business is trucking animals either intrastate
39 or interstate; or (7) any youth project or organization keeping, feeding,
40 breeding, growing, showing or raising livestock.

41 Sec. 3. Section 22-383 of the general statutes is repealed and the
42 following is substituted in lieu thereof (*Effective from passage*):

43 No dealer or broker shall engage in or carry on the business of
44 buying, receiving, selling, exchanging, transporting or negotiating or
45 soliciting the sale, resale, exchange, transportation or transfer of any
46 [cattle or swine] livestock within the state unless licensed as
47 hereinafter provided. Such dealer or broker shall be responsible for
48 acts performed or contracts made in connection with buying,

49 receiving, selling, exchanging, transporting or negotiating or soliciting
50 the sale, resale, exchange, transportation or transfer of [cattle or swine]
51 livestock by any person or individual employed by such dealer or
52 broker.

53 Sec. 4. Section 22-384 of the general statutes is repealed and the
54 following is substituted in lieu thereof (*Effective from passage*):

55 Any person before engaging in the business of a dealer or broker
56 shall file an application with the commissioner on a form prescribed by
57 the commissioner and pay a license fee. The fee shall be one hundred
58 fifty dollars, provided the fee may be increased by the commissioner
59 by regulations adopted in accordance with the provisions of chapter
60 54. Such application shall state the nature of the business, the type of
61 [cattle or swine] livestock the applicant proposes to handle, the name
62 of the person applying for a license and, if the applicant is a firm,
63 association, partnership or corporation, the full name of each member
64 of such firm, association or partnership or the names of the officers of
65 the corporation, and the name of the agent or agents of the applicant,
66 the municipality and post-office address at which business is to be
67 conducted and such other facts as the commissioner may prescribe.
68 The applicant shall further satisfy the commissioner as to [his or its]
69 the applicant's character, financial responsibility and good faith in
70 seeking to engage in the business.

71 Sec. 5. Section 22-385 of the general statutes is repealed and the
72 following is substituted in lieu thereof (*Effective from passage*):

73 Upon compliance by the applicant with section 22-384, as amended
74 by this act, the commissioner shall, subject to the provisions of this
75 chapter, issue a license entitling the applicant or [his] the applicant's
76 agents to conduct the business of buying or receiving [cattle or swine]
77 livestock or receiving, selling, exchanging or soliciting or negotiating
78 the sale, resale, exchange or shipment of [cattle or swine] livestock at
79 the place named in the application until June thirtieth next following.
80 Such license shall be renewable annually, unless suspended or
81 revoked, on payment of a fee of fifty dollars.

82 Sec. 6. Section 22-386 of the general statutes is repealed and the
83 following is substituted in lieu thereof (*Effective from passage*):

84 For failure or refusal of a licensee to obey the provisions of this
85 chapter, the commissioner may suspend or revoke the license held by
86 such licensee. Whenever the commissioner is satisfied of the existence
87 of any one or more reasons for revoking a license as provided for in
88 this chapter, before revoking such license the department shall give
89 written notice of a hearing to be had thereon to the licensee affected.
90 Such notice shall be sent by registered or certified mail to the licensee
91 at least ten days prior to the date set for the hearing at the department.
92 On the day of the hearing the commissioner may hear the evidence
93 presented by the licensee and any other witnesses, and the
94 commissioner shall within a reasonable time thereafter render a
95 decision. Any licensee aggrieved by the decision of the commissioner
96 may appeal therefrom in accordance with the provisions of section 4-
97 183, except venue for such appeal shall be in the judicial district of
98 New Britain. The following actions by the applicant or licensee shall
99 constitute just cause for revoking or refusing a license: (1) The violation
100 of state laws or official regulations governing intrastate or interstate
101 movement of [cattle or swine] livestock; (2) where there have been
102 false or misleading statements with regard to the results of official
103 livestock disease diagnostic tests approved by the commissioner and
104 the [Agricultural Research Service of the] United States Department of
105 Agriculture [for the diseases of bovine brucellosis or tuberculosis,
106 vesicular exanthema of swine, foot and mouth disease, anaplasmosis
107 and anthrax,] or with regard to ownership; (3) the buying or receiving
108 of [cattle or swine] livestock, selling or exchanging, or soliciting resale,
109 exchange, transport or transfer, of animals officially branded
110 designated by the Department of Agriculture as being diseased, a
111 quarantined animal, or animals from quarantined herds [; provided
112 this subsection shall not apply to cattle which have reacted to any
113 official test used for the detection of tuberculosis or brucellosis, or to
114 cattle in a herd under quarantine for the presence of the diseases
115 tuberculosis or brucellosis when such cattle are disposed of in
116 conformity with state laws and regulations governing disposal of such

117 cattle] or flocks; (4) failure of the licensee to practice approved
118 measures of sanitation of barns, stables, premises or vehicles used for
119 stabling, holding or transporting of [cattle or swine] livestock; (5)
120 consistent or continual failure to keep records required by the
121 commissioner or by law, or refusal to produce books, accounts or
122 records of transactions in the carrying on of the business for which the
123 license is granted; (6) failure to comply with any provision of the
124 general statutes or regulations thereunder relating to [cattle or swine,]
125 livestock; and (7) where a license to deal in livestock, issued to the
126 applicant or licensee by another state, has been suspended or revoked
127 by such state within five years next preceding the date of issuance or
128 renewal of a license under the provisions of section 22-385, as
129 amended by this act.

130 Sec. 7. Section 22-387 of the general statutes is repealed and the
131 following is substituted in lieu thereof (*Effective from passage*):

132 Every dealer or broker shall keep accounts, records and memoranda
133 which shall fully and clearly disclose all transactions of [his] such
134 dealer's or broker's business, including the true ownership of the
135 business. Such records shall be made available at any time for
136 inspection by the commissioner or [his authorized] the commissioner's
137 designated agent to determine the origin and destination of any
138 livestock handled by the licensee but information relating to the
139 general business of any such person disclosed by the investigation and
140 not related to the immediate purpose thereof shall be treated as of a
141 confidential nature by the commissioner or [his agent] the
142 commissioner's designated agent.

143 Sec. 8. Section 22-388 of the general statutes is repealed and the
144 following is substituted in lieu thereof (*Effective from passage*):

145 [All cattle owned by a dealer or held by a dealer, pending sale,
146 exchange, resale or shipment on premises owned, rented, leased or
147 borrowed by such dealer may be subjected periodically to a tuberculin
148 and blood test by an authorized, full-time, salaried veterinarian of the
149 state or federal Department of Agriculture at no expense to the dealer.]

150 (a) All livestock owned by a livestock dealer or held by a livestock
151 dealer, pending sale, exchange, resale or shipment on premises owned,
152 rented, leased or borrowed by such dealer may be subjected
153 periodically to diagnostic tests for infectious diseases, including, but
154 not limited to, tuberculin and brucellosis tests. Such tests shall be
155 conducted, at no expense to the dealer, by the State Veterinarian or the
156 commissioner's designated agent, a veterinarian employed by the
157 United States Department of Agriculture, or a licensed accredited
158 veterinarian. In the case of an animal or animals that test positive to
159 such diagnostic tests, or if the commissioner has reason to believe that
160 an infectious disease is present in such animal or animals, the
161 commissioner, the commissioner's designated agent or the State
162 Veterinarian may issue a quarantine order pursuant to subsection (c)
163 of this section.

164 (b) Any reactors to the brucellosis or tuberculin test shall be
165 [branded on the left jaw and a metal tag identifying the animal as a
166 reactor affixed to the left ear] identified in a manner acceptable to the
167 commissioner or the commissioner's designated agent. Such reactors
168 shall be disposed of [by slaughter immediately] in a manner acceptable
169 to the commissioner or the commissioner's designated agent.
170 Indemnity shall be paid on all such reactors in the manner provided in
171 section 22-288, provided such reactor shall have passed at least one
172 negative test since entering the state and shall have been acquired by
173 the dealer in compliance with existing state regulations on interstate
174 and intrastate movements of cattle.

175 (c) If a quarantine, due to the presence of an infectious,
176 communicable livestock disease, is imposed on [cattle] livestock
177 owned by a livestock dealer or held by a livestock dealer pending sale,
178 exchange, resale or shipment on premises owned, rented, leased or
179 borrowed by such dealer, such dealer shall not be prohibited from
180 engaging in [his] business as a dealer, provided such dealer shall
181 comply with all quarantine restrictions and orders and any isolation,
182 bio-security and sanitation [regulations] requirements of the [state
183 Department of Agriculture] department in respect to quarantined

184 [animals] livestock, including [individual identification of each such
185 animal by numbered ear tag and so described] identifying quarantined
186 livestock in a manner acceptable to the commissioner or the
187 commissioner's designated agent as prescribed on the quarantine form,
188 [and shall establish a separate set of premises at least one hundred
189 yards distant from all quarantined premises and pastures used by such
190 quarantined animals, and provided in no instance shall the same
191 attendant attend quarantined animals and animals in the healthy
192 establishment unless disease conditions as determined by the state
193 Department of Agriculture permit such practices under such sanitary
194 requirements as are prescribed by the commissioner or his assistant] or
195 quarantine order issued by the commissioner or the commissioner's
196 designated agent.

197 Sec. 9. Section 22-389 of the general statutes is repealed and the
198 following is substituted in lieu thereof (*Effective from passage*):

199 Every person licensed under the provisions of this chapter and
200 conducting business under such license shall keep a copy thereof, to be
201 furnished by the commissioner, posted in a conspicuous place in such
202 person's motor vehicle, on their person or at [his] such person's place
203 of business and exposed to inspection by any person entitled to make
204 such inspection. [Any such licensee using a motor vehicle in the course
205 of business conducted under such license shall display in a
206 conspicuous manner a license plate issued by the commissioner on
207 each vehicle so used.] The licensee and each of [his] such licensee's
208 agents shall, at all times when buying or receiving, selling, exchanging
209 or soliciting or negotiating the sale, resale or shipment of [cattle or
210 swine] livestock, carry an identification card, issued by the
211 commissioner, stating that such licensee or the principal of such agent
212 is so licensed. The licensee or agent shall exhibit such card to persons
213 with whom [he] the licensee or agent is negotiating or from whom [he]
214 the licensee or agent is soliciting business and to the commissioner or
215 [his] the commissioner's designated assistant.

216 Sec. 10. Section 22-390 of the general statutes is repealed and the

217 following is substituted in lieu thereof (*Effective from passage*):

218 The commissioner shall enforce the provisions of this chapter and
219 [shall make such] may adopt regulations, in accordance with the
220 provisions of chapter 54, as are necessary [for the licensing of cattle or
221 swine dealers or brokers] to carry out the provisions of this chapter.

222 Sec. 11. Section 22-391 of the 2008 supplement to the general statutes
223 is repealed and the following is substituted in lieu thereof (*Effective*
224 *from passage*):

225 Any person who violates or refuses to comply with any provision of
226 this chapter [shall] may be fined not less than two hundred dollars or
227 more than five hundred dollars for a first offense and not less than five
228 hundred dollars or more than one thousand dollars for a second and
229 each subsequent offense, or assessed an administrative civil penalty in
230 accordance with section 22-7.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22-381
Sec. 2	<i>from passage</i>	22-382
Sec. 3	<i>from passage</i>	22-383
Sec. 4	<i>from passage</i>	22-384
Sec. 5	<i>from passage</i>	22-385
Sec. 6	<i>from passage</i>	22-386
Sec. 7	<i>from passage</i>	22-387
Sec. 8	<i>from passage</i>	22-388
Sec. 9	<i>from passage</i>	22-389
Sec. 10	<i>from passage</i>	22-390
Sec. 11	<i>from passage</i>	22-391

ENV Joint Favorable Subst.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Department of Agriculture	GF - Potential Revenue Gain	3,750	3,750
Department of Agriculture	GF - Potential Revenue Loss	Minimal	Minimal
Department of Agriculture	GF - Potential Cost	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill could result in increased revenues of \$3,750 in FY 09 and FY 10 to the Department of Agriculture (DOAg) since it replaces the existing swine and cattle dealer license with a broader livestock dealer license. 25 additional licenses are anticipated at a cost of \$150 each.

It could also result in a minimal revenue loss to DOAg since it authorizes, but does not require, the agency to issue civil penalties associated with violations of the bill’s provisions. The penalty is not less than \$200 or more than \$500 for the first offense, and not less than \$500 or more than \$1,000 for a second and each subsequent offense.

Lastly, DOAg could experience minimal costs since the bill enables the State Veterinarian to test livestock for infectious diseases. Few such tests are anticipated to be required, as this is not a frequent occurrence.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of licenses issued, subject to the number of civil penalties issued, and subject to the

number of tests required by the State Veterinarian.

OLR Bill Analysis

sHB 5830

AN ACT CONCERNING LIVESTOCK DEALERS.

SUMMARY:

This bill makes several changes to the agriculture statutes that affect the state's livestock dealers licensing program.

The bill expands the license program to require licenses for dealers buying, receiving, selling or exchanging, or negotiating or soliciting the sale, resale, exchange, transporting for a fee, transfer or shipment of any livestock, not just cattle and swine, and their agents. The bill makes conforming changes. The bill eliminates the exemption for dealers who deal with fewer than 10 heads of cattle per year, but adds an exemption from the license requirement for youth projects or organizations keeping, feeding, breeding, growing, showing, or raising livestock.

The bill defines livestock as any hooved or camelid animal, and a livestock producer as any person involved in feeding, keeping, growing, raising, or breeding livestock for domestic or commercial use.

The bill authorizes the Department of Agriculture (DOAG) to perform diagnostic tests for infectious diseases on livestock owned or kept by licensed livestock dealers, at no expense to the dealers. It allows the DOAG commissioner to quarantine diseased animals, or animals he suspects are diseased, and prohibits dealers from violating the quarantine.

Violations may result in license revocation, discretionary fines, or administrative civil penalties in lieu of fines. Under current law, a first violation carries an automatic \$200 fine; any subsequent violation

carries a \$500 fine.

LICENSE PROGRAM

License display

Current law allows licensees to display their license in a conspicuous place for inspection upon request. The bill specifies that these conspicuous places include motor vehicles or on one's person, as well as one's place of business.

The bill also removes the requirement that all motor vehicles used in the livestock business display a license plate issued by the commissioner.

Diagnostic Tests for Livestock Owned or Kept by Licensed Livestock Dealers

The bill allows the state veterinarian, DOAG commissioner's agent, U.S. DOAG-employed veterinarian, or licensed accredited veterinarian to perform diagnostic tests for various livestock diseases on animals owned or kept by licensed livestock dealers. As under current law, testing is performed at no expense to the dealer.

The bill allows the commissioner, his or her designee, or the state veterinarian to order quarantine in the case of any animal that tests positive to such diagnostic tests, or if the commissioner has reason to believe that disease is present, and to determine the acceptable means of disposing of such animals. The bill removes the branding requirement for such animals, instead requiring the commissioner or his or her agent to determine an acceptable manner of identification.

The bill removes the restrictions on livestock dealers that prohibit them from attending both diseased and healthy animals. It requires them to maintain separate quarters for diseased animals 100 yards away from healthy animals, unless granted permission from the commissioner. Instead, livestock dealers must follow the quarantine order issued by the commissioner. Under the bill, the commissioner may revoke a license for false or misleading statements about diagnostic tests by the livestock dealer, or the buying or receiving of

livestock, selling or exchanging, or soliciting resale, exchange, transport or transfer of animals officially designated by DOAG as diseased.

The bill allows, rather than requires, the DOAG commissioner to adopt regulations for these provisions.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 30 Nay 0 (03/14/2008)