



General Assembly

February Session, 2008

Raised Bill No. 5830

LCO No. 2799

02799_____ENV

Referred to Committee on Environment

Introduced by:
(ENV)

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 Section 22-381 of the general statutes is repealed and the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 Section 22-382 of the general statutes is repealed and the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.

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 Section 22-383 of the general statutes is repealed and the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

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

49 the sale, resale, exchange, transportation or transfer of [cattle or swine]
50 livestock by any person or individual employed by such dealer or
51 broker.

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 Section 22-384 of the general statutes is repealed and the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

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

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

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

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

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

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

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

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

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

144 [All cattle owned by a dealer or held by a dealer, pending sale,
145 exchange, resale or shipment on premises owned, rented, leased or
146 borrowed by such dealer may be subjected periodically to a tuberculin

147 and blood test by an authorized, full-time, salaried veterinarian of the
148 state or federal Department of Agriculture at no expense to the dealer.]

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

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

174 (c) If a quarantine, due to the presence of an infectious,
175 communicable livestock disease, is imposed on [cattle] livestock
176 owned by a livestock dealer or held by a livestock dealer pending sale,
177 exchange, resale or shipment on premises owned, rented, leased or
178 borrowed by such dealer, such dealer shall not be prohibited from

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

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

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

212 with whom [he] the licensee or agent is negotiating or from whom [he]
 213 the licensee or agent is soliciting business and to the commissioner or
 214 [his] the commissioner's designated assistant.

215 Sec. 10. Section 22-390 of the general statutes is repealed and the
 216 following is substituted in lieu thereof (*Effective from passage*):

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

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

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

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| 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 |

Statement of Purpose:

To replace existing cattle and swine dealer licenses with broader livestock dealer licenses, to define the terms livestock and livestock producer, to enable a licensed accredited veterinarian to conduct authorized tests for livestock diseases and to authorize the Commissioner of Agriculture to issue quarantine orders.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]