DEPARTMENT OF AGRICULTURE

State Board of Stock Inspection Commissioners

PUBLIC LIVESTOCK MARKETS

8 CCR 1205-1

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

The following regulations to do with the recording and transfer of brands were passed by the State Board of Stock Inspection December 1, 1967, and are hereby presented to the Attorney General's Office for approval:

1. Transfer of brand cannot be completed without notarized signature of the recorded owner, administrator of the estate, or other court approved authorities, together with the notarized signature of the new owner.

2. Any change in name of recorded owner of brand, while all parties involved are alive and competent, must be made by regular notaried transfer of title.

3. If a brand has been recorded to two or more individuals as partners or joint owners, in case of proven death of one or more owners, the brand can be carried in the survivor's name after proof of estate being settled is furnished.

4. All delinquent and current brand tax assessments must be paid before a brand can be reinstated as an active brand. Brand tax prior to the current assessment shall not be accepted in cases where the recorded owner is deceased.

5. Before any delinquent brand can be reinstated or reissued, the brand must be checked against conflicting brands the same as if it was a new issue and shall not be reissued or reinstated if it is found to conflict with any recorded brand.

6. A brand may not be recorded to a family name without showing the surnames of owners. The same shall apply to brands recorded to companies and corporations. In this case, the signature of the secretary-treasurer, and/or the officer in charge must be shown on the recorded brand certificate.

7. Applicants desiring to record new brands may apply by mail or in person at this office to request and discuss characters desired. Action will be taken on requests within ten days. Only in justifiable emergencies, may brand issue be completed at the time of application.

These rules and regulations have been approved by the State Board of Stock Inspection Commissioners.

STATE BOARD OF STOCK INSPECTION COMMISSIONERS

Earl Brown, Brand Commissioner

The following regulations to govern the operation of all licensed public livestock markets in Colorado were passed by the State Board of Stock Inspection December 1, 1967 and are hereby presented to the Attorney General's office for correction or approval.
1. Consignment Cards. The long form that lists more than one sale lot is favored and highly recommended. The use of the short form or scale ticket type which lists only one sale lot will be permitted only when completed by the market operator and left attached to the gate of the pen that contains the cattle that are listed for sale on said consignment card.

2. Cattle must be sorted as they are to be sold and each sale lot to be identified by either individual lot pen number or by tag number before being inspected for brands. After being brand inspected each lot must be left intact for sale unless change is approved by brand inspector.

3. An account of purchase or bill of sale furnished to the buyer of livestock by a public livestock market licensed by the State Board of Stock Inspection Commissioners shall contain the following information: 1. Name or bonded trade name of the purchaser of livestock. 2. Name or bonded trade name of the seller of livestock or an imprinted consignment card number that identifies the seller of livestock. 3. Date of purchase. 4. Description of the livestock sold, listing weight, cost, tag numbers which the public livestock market applies, and the brands or nobrands listed by the brand inspector. 5. Original copy of the purchase invoice, to be identified with the word “original” in red, furnished by the public livestock market to the purchaser of livestock as a bill of sale.

4. Shall not yard more than twenty-five cattle belonging to more than five consignors in any one pen. Bulls must be inspected before they are put in individual stalls.

5. All livestock that are yarded and prepared to go through auction shall be inspected for brands and the fee collected regardless of whether or not the livestock are sold. Also livestock inspected for brands and for any reason not sold and remain at the market until a later auction, must be inspected when offered for sale again and the brand inspection fee shall be collected.

STATE BOARD OF STOCK INSPECTION COMMISSIONERS

Earl Brown, Brand Commissioner

The Rules pertaining to the Administration and Enforcement of the Colorado Public Livestock Markets Act, § 35-55-101 – 119, C.R.S. are hereby amended on a permanent basis by the State Board of Stock Inspection Commissioners on November 8, 2006.

Each individual or sole proprietor who applies for a license to operate a public livestock market must provide all documentation required by the Commissioner to verify lawful presence in the United States in accordance with Section 24-76.5-103, C.R.S. Failure to provide such documentation in the manner specified by the Commissioner shall be grounds for denial of an application for such license or for renewal thereof.


Statutory Authority:

This emergency amendment to the rules pertaining to the administration of the Colorado Public Livestock Markets Act, § § 35-55-101 - 119, C.R.S., is proposed for adoption by the State Board of Stock Inspection Commissioners pursuant to its authority in section 35-60-106, C.R.S.

Purpose:

The purposes of this emergency rule are as follows:
1. To specify in rule that all individuals and sole proprietors who apply for a Public Livestock Markets license must satisfy the verification documentation requirements of section 24-76.5-103, C.R.S., as enacted in House Bill 06S-1023.

2. To notify applicants of the legal consequences of failure to comply with the verification documentation requirements of section 24-76.5-103, C.R.S.

Factual Basis:

1. On August 1, 2006, section 24-76.5-103, C.R.S., took effect following its enactment in House Bill 06S-1023 by the General Assembly in the July, 2006, special legislative session.

2. Currently, neither the Public Livestock Markets Act nor its associate rules specify that individuals and sole proprietors who apply for registrations must comply with the verification documentation requirements of section 24-76.5-103, C.R.S.

3. This emergency rule is necessary to provide the State Board of Stock Inspection Commissioners with specific legal authority to deny applications for registration or renewal of existing registrations from individuals and sole proprietors who do not provide sufficient documentation to comply with section 24-76.5-103, C.R.S.

4. This emergency rule is necessary to fulfill the purposes described above prior to the adoption of permanent rules to that effect.


Statutory Authority:

This permanent amendment to the rules pertaining to the administration of the Colorado Public Livestock Markets Act, § § 35-55-101 - 119, C.R.S., is proposed for adoption by the State Board of Stock Inspection Commissioners pursuant to its authority in section 35-60-106, C.R.S.

Purpose:

1. To specify in a permanent rule that all individuals and sole proprietors who apply for a Public Livestock Markets license must satisfy the verification documentation requirements of section 24-76.5-103, C.R.S., as enacted in House Bill 06S-1023.

2. To notify applicants of the legal consequences of failure to comply with the verification documentation requirements of section 24-76.5-103, C.R.S.

Factual Basis:

1. This permanent rule is necessary to provide the State Board of Stock Inspection Commissioners with specific legal authority, following the expiration of the emergency rule adopted on October 11, 2006, to deny applications for registration or renewal of existing registrations from individuals and sole proprietors who do not provide sufficient documentation to comply with section 24-76.5-103, C.R.S.

2. This permanent rule is necessary to make permanent the provisions of the emergency rules adopted by the State Board of Stock Inspection Commissioners on October 11, 2006.

These regulations were passed by the State Board of Stock Inspection on March 15, 1966 and are hereby presented to the Attorney General's Office for approval:
TO ALL EMPLOYEES:

SUBJECT: Departmental Rules & Procedures Governing Outside Employment of State Board of Stock Inspection Employees.

The following rules and procedures governing compatible employment of employees of the State Board of Stock Inspection Commissioners have been approved by the Civil Service Commission as of March 7, 1966:

Employees of the State Board of Stock Inspection - - -

1. Shall not buy and sell cattle, horses, mules or burros for trading or speculating purposes, but they may maintain a breeding herd or own steers or heifers for seasonal grazing or feeding purposes.

2. Shall not inspect cattle, horses, mules or burros that they own or have a financial interest in when a change of ownership or removal from the state is involved.

3. Shall not be employed by or have a financial interest in a public livestock market, a livestock brokerage business, meat processing plant, meat storage locker or butcher and slaughterer's business, nor lend their name or solicit business without compensation for the above described establishments. Ownership of packing company stock listed with a recognized stock exchange or a brokerage company excepted.

4. Any Department employee who engages in employment which is contrary to State Board of Stock Inspection, Civil Service approved rules or regulations, or who persists in pursuing employment which has been disapproved, shall be subject to suspension or dismissal from the State Service.

STATE BOARD OF STOCK INSPECTION COMMISSIONERS

Earl Brown, Brand Commissioner

Regulations 1, 2 and 3, to do with office procedure and No. 4, to do with brand inspection, were passed by the State Board of Stock Inspection October 17, 1967, and are hereby presented to the Attorney General's Office for approval:

1. No inspector's mileage expense accounts be approved for payment before it could be checked against the report that covers the mileage expense involved.

2. Brand inspector's reports and the fees due according to the report, be in this office not later than the fifteenth of the following month.

3. A bank account under the name of the State Board of Stock Inspection Commissioners be established in all full time brand inspector districts for deposit of brand inspection fees and net proceeds of sale for estrays sold. Any check drawn against these accounts must be made payable only to the State Board of Stock Inspection Commissioners. Special brand inspectors whose average yearly fees amount to $20.00 per month shall follow the same procedure. Special brand inspectors whose average yearly fees amount to less than $240.00 or $20.00 per month shall remit periodically by money order or other suitable method as prescribed by the Board.

4. The following procedure to do with brand inspection and the collection of brand inspection fees:

Cattle purchased by an established slaughterer or meat packer at a Colorado licensed public livestock market and taken directly to the packing house for slaughter shall not under ordinary circumstances be subject to a reinspection for brands nor collection of the brand inspection fee. The same applies to cattle purchased by the packer direct from the cattle feeder that are
inspected at point of origin by a duly authorized brand inspector who has issued an official brand certificate and collected the prescribed brand inspection fee. Cattle purchased under the above described conditions that are stopped within Colorado while in transit and exposed to other cattle shall be subject to inspection for brands by a Colorado brand inspector who shall collect the prescribed Colorado brand inspection fee.