

1 *Senate* BILL NO. 372
 2 INTRODUCED BY ~~House by Request Dept of Livestock~~
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LIVESTOCK
 5 MARKET LAWS TO PERMIT THE DEPARTMENT OF LIVESTOCK TO
 6 REGULATE CERTAIN TYPES OF NONMARKET SALES AND TO PERMIT
 7 LICENSED LIVESTOCK MARKETS TO CONDUCT OCCASIONAL OFF-PREMISE
 8 SALES; AMENDING SECTION 46-906, R.C.M. 1947."
 9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 46-906, R.C.M. 1947, is amended to
 12 read as follows:

13 "46-906. Definitions. Unless the context requires
 14 otherwise, in this act:

15 (1) "Livestock" means and includes horses, mules,
 16 cattle, swine, sheep and goats;

17 (2) "Person" means a person, copartnership, association
 18 or corporation;

19 (3) "Board" means the board of livestock provided for
 20 in section 82A-1303;

21 (4) "Certificate" means the certificate of public
 22 convenience and necessity authorized to be issued under this
 23 act;

24 (5) "Commission basis" means the compensation or charge
 25 imposed on the owner of livestock for the services rendered

1 the owner by the operator of the livestock market;

2 (6) "Livestock market" means a place where a person
 3 assembles livestock for either private or public sale by him
 4 and the service is compensated for by the owner, on a
 5 commission basis or otherwise, except: (a) A place used
 6 solely for a dispersal sale of the livestock of a farmer,
 7 dairyman, livestock breeder, or feeder who is discontinuing
 8 business and no other livestock is sold there or offered for
 9 sale; (b) A farm, ranch, or place where livestock either
 10 raised or kept thereon for the grazing season or for
 11 fattening is sold, and no other livestock is brought there
 12 for sale or offered for sale; (c) The premises of a butcher,
 13 packer, or processor who received animals exclusively for
 14 immediate slaughter; (d) The premises of a person engaged in
 15 the raising of livestock for breeding purposes only, who
 16 limits his sale to livestock of his own production; (e) A
 17 place where a breeder or an association of breeders of
 18 livestock of any class assemble and offer for sale and sell
 19 under his or their own management any livestock, when the
 20 breeder or association of breeders assumes all
 21 responsibility for the sale and the title of livestock sold.

22 (7) "Off-premise sale" means the sale of livestock by
 23 a livestock market licensed under this chapter at a place
 24 other than the one at which the licensee conducts his usual
 25 livestock market operation;

INTRODUCED BILL

-2- SB 372

1 (8) "Test station sale" means the sale of livestock
 2 from a place where livestock are taken to measure rates of
 3 gain under uniform feeding conditions, when that place is
 4 not owned by the owner of the livestock."

5 Section 2. There is a new R.C.M. section numbered
 6 46-906.1 that reads as follows:

7 46-906.1. Board regulation of certain types of
 8 nonmarket sales of livestock. (1) Any person, not a
 9 livestock market operator licensed under this chapter,
 10 conducting the sale of livestock in a breed sale, or a breed
 11 association sale, or at a test station sale, except when all
 12 of the livestock are his and are being sold from his own
 13 place, shall obtain approval from the board before
 14 conducting the sale.

15 (2) The board, as conditions to granting approval, may
 16 require:

17 (a) the names and addresses of those conducting the
 18 sale;

19 (b) the date, time, and place where the sale will be
 20 conducted;

21 (c) a detailed statement of the assets and liabilities
 22 of the persons conducting the sale;

23 (d) the establishment of a custodial account into
 24 which all moneys received as purchase for the sale of
 25 livestock must be deposited;

1 (e) the posting of reasonable bond, in an amount
 2 determined by the board;

3 (f) the commissions or charges proposed to be imposed
 4 on the owners of livestock for services rendered to them
 5 associated with the sale;

6 (g) a guarantee to pay all consignors in full within a
 7 reasonable time as set by the board;

8 (h) such other information as the board considers
 9 necessary.

10 Section 3. There is a new R.C.M. section numbered
 11 46-907.1 that reads as follows:

12 46-907.1. Occasional off-premise sales may be
 13 authorized. (1) The board may authorize occasional
 14 off-premise sales by licensed livestock markets and may
 15 establish the conditions under which approval for an
 16 off-premise sale may be granted, including any change in
 17 bonding requirements the board considers necessary.

18 (2) No livestock market licensed under this chapter
 19 may conduct an off-premise sale without obtaining prior
 20 approval of the board.

-End-

Approved by Committee
on Agriculture Livestock
& Irrigation

1 *Senate* BILL NO. *372*
2 INTRODUCED BY *motion by Request Dept of Livestock*
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LIVESTOCK
5 MARKET LAWS TO PERMIT THE DEPARTMENT OF LIVESTOCK TO
6 REGULATE CERTAIN TYPES OF NONMARKET SALES AND TO PERMIT
7 LICENSED LIVESTOCK MARKETS TO CONDUCT OCCASIONAL OFF-PREMISE
8 SALES; AMENDING SECTION 46-906, R.C.M. 1947."
9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 46-906, R.C.M. 1947, is amended to
12 read as follows:

13 "46-906. Definitions. Unless the context requires
14 otherwise, in this act:

15 (1) "Livestock" means and includes horses, mules,
16 cattle, swine, sheep and goats;

17 (2) "Person" means a person, copartnership, association
18 or corporation;

19 (3) "Board" means the board of livestock provided for
20 in section 82A-1303;

21 (4) "Certificate" means the certificate of public
22 convenience and necessity authorized to be issued under this
23 act;

24 (5) "Commission basis" means the compensation or charge
25 imposed on the owner of livestock for the services rendered

1 the owner by the operator of the livestock market;
2 (6) "Livestock market" means a place where a person
3 assembles livestock for either private or public sale by him
4 and the service is compensated for by the owner, on a
5 commission basis or otherwise, except: (a) A place used
6 solely for a dispersal sale of the livestock of a farmer,
7 dairyman, livestock breeder, or feeder who is discontinuing
8 business and no other livestock is sold there or offered for
9 sale; (b) A farm, ranch, or place where livestock either
10 raised or kept thereon for the grazing season or for
11 fattening is sold, and no other livestock is brought there
12 for sale or offered for sale; (c) The premises of a butcher,
13 packer, or processor who received animals exclusively for
14 immediate slaughter; (d) The premises of a person engaged in
15 the raising of livestock for breeding purposes only, who
16 limits his sale to livestock of his own production; (e) A
17 place where a breeder or an association of breeders of
18 livestock of any class assemble and offer for sale and sell
19 under his or their own management any livestock, when the
20 breeder or association of breeders assumes all
21 responsibility for the sale and the title of livestock sold.
22 (7) "Off-premise sale" means the sale of livestock by
23 a livestock market licensed under this chapter at a place
24 other than the one at which the licensee conducts his usual
25 livestock market operation;

1 (8) "Test station sale" means the sale of livestock
 2 from a place where livestock are taken to measure rates of
 3 gain under uniform feeding conditions, when that place is
 4 not owned by the owner of the livestock."

5 Section 2. There is a new R.C.M. section numbered
 6 46-906.1 that reads as follows:

7 46-906.1. Board regulation of certain types of
 8 nonmarket sales of livestock. (1) Any person, not a
 9 livestock market operator licensed under this chapter,
 10 conducting the sale of livestock in a breed sale, or a breed
 11 association sale, or at a test station sale, except when all
 12 of the livestock are his and are being sold from his own
 13 place, shall obtain approval from the board before
 14 conducting the sale.

15 (2) The board, as conditions to granting approval, may
 16 require:

17 (a) the names and addresses of those conducting the
 18 sale;

19 (b) the date, time, and place where the sale will be
 20 conducted;

21 (c) a detailed statement of the assets and liabilities
 22 of the persons conducting the sale;

23 (d) the establishment of a custodial account into
 24 which all moneys received as purchase for the sale of
 25 livestock must be deposited;

1 (e) the posting of reasonable bond, in an amount
 2 determined by the board;

3 (f) the commissions or charges proposed to be imposed
 4 on the owners of livestock for services rendered to them
 5 associated with the sale;

6 (g) a guarantee to pay all consignors in full within a
 7 reasonable time as set by the board;

8 (h) such other information as the board considers
 9 necessary.

10 Section 3. There is a new R.C.M. section numbered
 11 46-907.1 that reads as follows:

12 46-907.1. Occasional off-premise sales may be
 13 authorized. (1) The board may authorize occasional
 14 off-premise sales by licensed livestock markets and may
 15 establish the conditions under which approval for an
 16 off-premise sale may be granted, including any change in
 17 bonding requirements the board considers necessary.

18 (2) No livestock market licensed under this chapter
 19 may conduct an off-premise sale without obtaining prior
 20 approval of the board.

-End-

1 *Senate* BILL NO. 372
 2 INTRODUCED BY *notes by Request Dept of Livestock*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LIVESTOCK
 5 MARKET LAWS TO PERMIT THE DEPARTMENT OF LIVESTOCK TO
 6 REGULATE CERTAIN TYPES OF NONMARKET SALES AND TO PERMIT
 7 LICENSED LIVESTOCK MARKETS TO CONDUCT OCCASIONAL OFF-PREMISE
 8 SALES; AMENDING SECTION 46-906, R.C.M. 1947."
 9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 46-906, R.C.M. 1947, is amended to
 12 read as follows:

13 "46-906. Definitions. Unless the context requires
 14 otherwise, in this act:

15 (1) "Livestock" means and includes horses, mules,
 16 cattle, swine, sheep and goats;

17 (2) "Person" means a person, copartnership, association
 18 or corporation;

19 (3) "Board" means the board of livestock provided for
 20 in section 82A-1303;

21 (4) "Certificate" means the certificate of public
 22 convenience and necessity authorized to be issued under this
 23 act;

24 (5) "Commission basis" means the compensation or charge
 25 imposed on the owner of livestock for the services rendered

1 the owner by the operator of the livestock market;

2 (6) "Livestock market" means a place where a person
 3 assembles livestock for either private or public sale by him
 4 and the service is compensated for by the owner, on a
 5 commission basis or otherwise, except: (a) A place used
 6 solely for a dispersal sale of the livestock of a farmer,
 7 dairyman, livestock breeder, or feeder who is discontinuing
 8 business and no other livestock is sold there or offered for
 9 sale; (b) A farm, ranch, or place where livestock either
 10 raised or kept thereon for the grazing season or for
 11 fattening is sold, and no other livestock is brought there
 12 for sale or offered for sale; (c) The premises of a butcher,
 13 packer, or processor who received animals exclusively for
 14 immediate slaughter; (d) The premises of a person engaged in
 15 the raising of livestock for breeding purposes only, who
 16 limits his sale to livestock of his own production; (e) A
 17 place where a breeder or an association of breeders of
 18 livestock of any class assemble and offer for sale and sell
 19 under his or their own management any livestock, when the
 20 breeder or association of breeders assumes all
 21 responsibility for the sale and the title of livestock sold.

22 (7) "Off-premise sale" means the sale of livestock by
 23 a livestock market licensed under this chapter at a place
 24 other than the one at which the licensee conducts his usual
 25 livestock market operation;

-2- *SB 372*

1 (8) "Test station sale" means the sale of livestock
 2 from a place where livestock are taken to measure rates of
 3 gain under uniform feeding conditions, when that place is
 4 not owned by the owner of the livestock."

5 Section 2. There is a new R.C.M. section numbered
 6 46-906.1 that reads as follows:

7 46-906.1. Board regulation of certain types of
 8 nonmarket sales of livestock. (1) Any person, not a
 9 livestock market operator licensed under this chapter,
 10 conducting the sale of livestock in a breed sale, or a breed
 11 association sale, or at a test station sale, except when all
 12 of the livestock are his and are being sold from his own
 13 place, shall obtain approval from the board before
 14 conducting the sale.

15 (2) The board, as conditions to granting approval, may
 16 require:

17 (a) the names and addresses of those conducting the
 18 sale;

19 (b) the date, time, and place where the sale will be
 20 conducted;

21 (c) a detailed statement of the assets and liabilities
 22 of the persons conducting the sale;

23 (d) the establishment of a custodial account into
 24 which all moneys received as purchase for the sale of
 25 livestock must be deposited;

1 (e) the posting of reasonable bond, in an amount
 2 determined by the board;

3 (f) the commissions or charges proposed to be imposed
 4 on the owners of livestock for services rendered to them
 5 associated with the sale;

6 (g) a guarantee to pay all consignors in full within a
 7 reasonable time as set by the board;

8 (h) such other information as the board considers
 9 necessary.

10 Section 3. There is a new R.C.M. section numbered
 11 46-907.1 that reads as follows:

12 46-907.1. Occasional off-premise sales may be
 13 authorized. (1) The board may authorize occasional
 14 off-premise sales by licensed livestock markets and may
 15 establish the conditions under which approval for an
 16 off-premise sale may be granted, including any change in
 17 bonding requirements the board considers necessary.

18 (2) No livestock market licensed under this chapter
 19 may conduct an off-premise sale without obtaining prior
 20 approval of the board.

-End-

1 SENATE BILL NO. 372
 2 INTRODUCED BY FOSTER
 3 (BY REQUEST OF THE DEPARTMENT OF LIVESTOCK)
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LIVESTOCK
 6 MARKET LAWS TO PERMIT THE DEPARTMENT OF LIVESTOCK TO
 7 REGULATE CERTAIN TYPES OF NONMARKET SALES AND TO PERMIT
 8 LICENSED LIVESTOCK MARKETS TO CONDUCT OCCASIONAL OFF-PREMISE
 9 SALES; AMENDING SECTION 46-906, R.C.M. 1947."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 Section 1. Section 46-906, R.C.M. 1947, is amended to
 13 read as follows:

14 "46-906. Definitions. Unless the context requires
 15 otherwise, in this act:

16 (1) "Livestock" means and includes horses, mules,
 17 cattle, swine, sheep and goats;

18 (2) "Person" means a person, copartnership, association
 19 or corporation;

20 (3) "Board" means the board of livestock provided for
 21 in section 82A-1303;

22 (4) "Certificate" means the certificate of public
 23 convenience and necessity authorized to be issued under this
 24 act;

25 (5) "Commission basis" means the compensation or charge

1 imposed on the owner of livestock for the services rendered
 2 the owner by the operator of the livestock market;

3 (6) "Livestock market" means a place where a person
 4 assembles livestock for either private or public sale by him
 5 and the service is compensated for by the owner, on a
 6 commission basis or otherwise, except: (a) A place used
 7 solely for a dispersal sale of the livestock of a farmer,
 8 dairyman, livestock breeder, or feeder who is discontinuing
 9 business and no other livestock is sold there or offered for
 10 sale; (b) A farm, ranch, or place where livestock either
 11 raised or kept thereon for the grazing season or for
 12 fattening is sold, and no other livestock is brought there
 13 for sale or offered for sale; (c) The premises of a butcher,
 14 packer, or processor who received animals exclusively for
 15 immediate slaughter; (d) The premises of a person engaged in
 16 the raising of livestock for breeding purposes only, who
 17 limits his sale to livestock of his own production; (e) A
 18 place where a breeder or an association of breeders of
 19 livestock of any class assemble and offer for sale and sell
 20 under his or their own management any livestock, when the
 21 breeder or association of breeders assumes all
 22 responsibility for the sale and the title of livestock sold.

23 (7) "Off-premise sale" means the sale of livestock by
 24 a livestock market licensed under this chapter at a place
 25 other than the one at which the licensee conducts his usual

1 livestock market operation;

2 (8) "Test station sale" means the sale of livestock
 3 from a place where livestock are taken to measure rates of
 4 gain under uniform feeding conditions, when that place is
 5 not owned by the owner of the livestock."

6 Section 2. There is a new R.C.M. section numbered
 7 46-906.1 that reads as follows:

8 46-906.1. Board regulation of certain types of
 9 nonmarket sales of livestock. (1) Any person, not a
 10 livestock market operator licensed under this chapter,
 11 conducting the sale of livestock in a breed sale, or a breed
 12 association sale, or at a test station sale, except when all
 13 of the livestock are his and are being sold from his own
 14 place, shall obtain approval from the board before
 15 conducting the sale.

16 (2) The board, as conditions to granting approval, may
 17 require:

18 (a) the names and addresses of those conducting the
 19 sale;

20 (b) the date, time, and place where the sale will be
 21 conducted;

22 (c) a detailed statement of the assets and liabilities
 23 of the persons conducting the sale;

24 (d) the establishment of a custodial account into
 25 which all moneys received as purchase for the sale of

1 livestock must be deposited;

2 (e) the posting of reasonable bond, in an amount
 3 determined by the board;

4 (f) the commissions or charges proposed to be imposed
 5 on the owners of livestock for services rendered to them
 6 associated with the sale;

7 (g) a guarantee to pay all consignors in full within a
 8 reasonable time as set by the board;

9 (h) such other information as the board considers
 10 necessary.

11 Section 3. There is a new R.C.M. section numbered
 12 46-907.1 that reads as follows:

13 46-907.1. Occasional off-premise sales may be
 14 authorized. (1) The board may authorize occasional
 15 off-premise sales by licensed livestock markets and may
 16 establish the conditions under which approval for an
 17 off-premise sale may be granted, including any change in
 18 bonding requirements the board considers necessary.

19 (2) No livestock market licensed under this chapter
 20 may conduct an off-premise sale without obtaining prior
 21 approval of the board.

-End-