

1 H BILL NO. 172
 2 INTRODUCED BY Callard
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE LIVESTOCK
 5 AUCTION MARKET LAWS TO REMOVE THE REQUIREMENT THAT MARKETS
 6 PAY AT LEAST 75% OF THE COST OF LIVESTOCK INSPECTION
 7 SERVICES PROVIDED AT THE MARKET BY THE DEPARTMENT OF
 8 LIVESTOCK; AMENDING SECTIONS 46-909 AND 46-912, R.C.M. 1947;
 9 AND REPEALING SECTION 46-910, R.C.M. 1947."
 10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 Section 1. Section 46-909, R.C.M. 1947, is amended to
 13 read as follows:
 14 "46-909. Hearing and procedure -- limitation upon
 15 issuance of certificates. (1) Upon the filing of the
 16 application, the board shall fix a time and place for a
 17 hearing thereon, which shall not be less than ten (10) days
 18 after the filing. The board shall have a copy of the
 19 application and notice of hearing thereon served by mail
 20 upon: (a) the operators of any other livestock markets that
 21 in the opinion of the board might be affected by the
 22 granting of any such certificate; (b) the secretaries of
 23 the Montana stockgrowers association and the Montana
 24 woolgrowers association; (c) the secretary of the district
 25 livestock association, if any; and, (d) the secretary of

1 the livestock association or associations, if any, at the
 2 place or within the vicinity of the proposed livestock
 3 market, if known to the board; and, (e) upon any railroad
 4 company operating into or through any town or city in which
 5 the proposed livestock market will be located, at least ten
 6 (10) days before the date of hearing.

7 (2) If, after hearing upon the application, the board
 8 finds from the evidence that public convenience and
 9 necessity require the authorization of the proposed
 10 livestock market, a certificate therefor shall be issued to
 11 the applicant. In determining whether public convenience and
 12 necessity require the livestock market, the board shall give
 13 reasonable consideration to the service rendered by other
 14 existing livestock markets in this state and the effect upon
 15 them if the proposed livestock market is authorized, and
 16 shall give due consideration to the likelihood of the
 17 proposed service being permanent and continuous throughout
 18 twelve (12) months of the year. ~~the board may not authorize~~
 19 ~~the proposed livestock market unless it appears from the~~
 20 ~~evidence submitted at the hearing that the minimum revenue~~
 21 ~~derived by the state from inspection fees shall be equal to~~
 22 ~~seventy-five per cent (75%) of the cost to the state in~~
 23 ~~maintaining a resident livestock inspector and an office for~~
 24 ~~him at the proposed livestock market, and the cost of~~
 25 ~~maintaining at the office of a sufficient record of the~~

INTRODUCED BILL

H. B. 172

1 ~~recorded-livestock-brands-and-marks-in-the--state--however~~
 2 ~~the-board-may-authorize-the-proposed-livestock-market-if-the~~
 3 ~~operator--of--the-proposed-market-shall-by-bond-approved-by~~
 4 ~~the-board-guarantee-the-payment-of-the-minimum-revenues"~~

5 Section 2. Section 46-912, R.C.M. 1947, is amended to
 6 read as follows:

7 "46-912. Bond required -- conditions. Every person
 8 operating a livestock market in this state shall provide a
 9 bond in favor of this state, upon a form and with surety to
 10 be approved by the board, in the minimum penal sum of ten
 11 thousand dollars (\$10,000) or such greater sum as the board
 12 may determine, conditioned upon: (1) the payment
 13 immediately upon the sale of the livestock of all money
 14 received, less reasonable expenses and commissions, by the
 15 licensee and operator of the livestock market to the
 16 rightful owner of livestock so consigned and delivered to
 17 the licensee for sale; (2) ~~the-payment-of-the-minimum-fees~~
 18 ~~as-provided-by-section-46-909--and--(3)~~ a full compliance
 19 with this act, including all rules adopted under this act.
 20 When approved the bond shall be filed with the board.
 21 Actions of law may be brought in the name of the state upon
 22 the bond for the use and benefit of a person who suffers
 23 loss or damage from violations thereof, and may be brought
 24 by the person suffering loss or damage in the county of his
 25 residence."

1 Section 3. Repealer. Section 46-910, R.C.M. 1947, is
 2 repealed.

-End-

STATE OF MONTANA

REQUEST NO. 85-77

FISCAL NOTE

Form BD-15

In compliance with a written request received January 17, 19 77, there is hereby submitted a Fiscal Note for House Bill 172 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 172 removes sections of the current law that require livestock yard operators to pay 75% of the cost to the state in maintaining a resident livestock inspector.

FISCAL IMPACT:

None. Based on past practices of the Board of Livestock, House Bill 172 will not affect revenue because the laws that the bill affect have not been enforced.

Richard L. Drury
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-18-77