LC 0926/01

INTRODUCED BY L. 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE LIVESTOCK 4 AUCTION MARKET LAW TO REMOVE THE REQUIREMENT THAT MARKETS 5 PAY AT LEAST 75% OF THE COST OF LIVESTOCK INSPECTION 6 SERVICES PROVIDED AT THE MARKET BY THE DEPARTMENT OF 7 LIVESTOCK; AMENDING SECTIONS 46-909 AND 46-912, R.C.M. 1947; В 9 AND REPEALING SECTION 46-910, R.C.M. 1947." 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 Section 1. Section 46-909, R.C.M. 1947, is amended to 12 read as follows: 13 #46-909. Hearing and procedure -- limitation upon 14 issuance of certificates. (1) Upon the filing of the 15 application, the board shall fix a time and place for a 16 hearing thereon, which shall not be less than ten-(10) days 17 after the filing. The board shall have a copy of the 18 application and notice of hearing thereon served by mail 19 upon: (a) the operators of any other livestock markets that 20 in the opinion of the board might be effected by the 21 granting of any such certificate; (b) the secretaries of the 22 Montana stockgrowers association and the Montana woolgrowers 23 24 association; (c) the secretary of the district livestock 25 association, if any; and, (d) the secretary of the livestock

INTRODUCED BILL

LC 0926/01

1 association or associations, if any, at the place or within 2 the vicinity of the proposed livestock market, if known to 3 the board; and, (e) upon any railroad company operating into 4 or through any town or city in which the proposed livestock 5 market will be located, at least ten-(10) days before the a 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 tweive-f12; months of the year. The board-may-not--suthorize 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--markety--and--the-cost-of maintaining-at-the-office-of--a--sufficient--record--of--the 25

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HB. 240

recorded--livestock--brands-and-marks-in-the-statet-howevery
the-board-may-authorize-the-proposed-livestock-market-if-the
operator-of-the-proposed-market-shally-by-bond--approved--by
the-board-guarantee-the-payment-of-the-minimum-revenue**
Section 2. Section 46-912, R.C.M. 1947, is amended to
read as follows:

7 "46-912. Bond required -- conditions. Every person 8 operating a livestock market in this state shall provide a bond in favor of this state, upon a form and with surety to 9 10 be approved by the board, in the minimum penal sum of ten thousand-dollars-(\$10,000) or such greater sum as the board 11 12 may determine, conditioned upon: (1) the payment immediately 13 upon the sale of the livestock of all money received, less 14 reasonable expenses and commissions, by the licensee and 15 operator of the livestock market to the rightful owner of 16 livestock so consigned and delivered to the licensee for 17 sale; and (2) the poyment of the minimum fees as provided by 18 section--46-989;--andy--(3) a full compliance with this act, 19 including all rules adopted under this act. When approved 20 the word shall be filed with the board. Actions of law may 21 be brought in the name of the state upon the bond for the 22 use and benefit of a person who suffers loss or damage from violations thereof, and may be brought by the person 23 24 suffering loss or damage in the county of his residence." 25 Section 3. Repealer. Section 46-910, R.C.M. 1947, is

1 repealed.

-End-

45th Legislature

LC 0926/01

Approved by Committee

on Agriculture Livestock & Irrigation 0 H BILL NO. 240 3 2 INTRODUCED BY 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE LIVESTOCK 4

5 AUCTION MARKET LAW 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+ 1947.⁴

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
Section 1. Section 46-909, R.C.M. 1947, is amended to
read as follows:

"46-909. Hearing and procedure -- limitation upon 14 issuance of certificates. (1) Upon the filing of the 15 16 application, the board shall fix a time and place for a hearing thereon, which shall not be less than ten-t10; days 17 after the filing. The board shall have a copy of the 18 application and notice of hearing thereon served by mail 19 20 upon: (a) the operators of any other livestock markets that 21 in the opinion of the board might be effected by the granting of any such certificate; (b) the secretaries of the 22 Montana stockgrowers association and the Montana woolgrowers 23 association; (c) the secretary of the district livestock 24 25 association, if any; and, (d) the secretary of the livestock

SECOND READING

1 association or associations, if any, at the place or within 2 the vicinity of the proposed livestock market, if known to 3 the board; and, (e) upon any railroad company operating into 4 or through any town or city in which the proposed livestock 5 market will be located, at least ten-(10) days before the 6 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 livestock market, a certificate therefor shall be issued to 10 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-fl2t months of the year. The board-may-not--suthorize 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 maintaining-a-resident-livestock-inspector-and-an-office-for 23 24 him-wat--the-worosed--livestock--markety--and--the-cost-of 25 maintaining-at-the-office-of--a--sufficient--record--of--the

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HB. 240

recorded--livestock--brands-and-marks-in-the-state;-howevery
the-board-may-authorize-the-proposed-livestock-market-if-the
operator-of-the-proposed-market-shally-by-band--approved--by
the-board-guarantee-the-payment-of-the-minimum-revenues"
Section 2. Section 46-912, R.C.M. 1947, is amended to

read as follows:

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7 *46-912. Bond required -- conditions. Every person operating a livestock market in this state shall provide a 8 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 immediately 13 upon the sale of the livestock of all money received, less 14 reasonable expenses and commissions, by the licensee and 15 operator of the livestock market to the rightful owner of 16 livestock so consigned and delivered to the licensee for 17 sale; and (2) the-payment-of-the-minimum-fees-as-provided-by 18 section--46-989t--andv--(3) a full complicace with this act, 19 including all rules adopted under this act. When approved 20 the bond shall be filed with the board. Actions of law may 21 be brought in the name of the state upon the bond for the 22 use and benefit of a person who suffers loss or lamage from 23 violations thereof, and may be brought by the person 24 suffering loss or damage in the county of his residence." 25 Section 3. Repealer. Section 46-910, R.C.M. 1947, is

-3-

l repealed.

-End-

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LC 0926/01

INTRODUCED BY 1 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE LIVESTOCK 4 AUCTION MARKET LAW TO REMOVE THE REQUIREMENT THAT MARKETS. 5 PAY AT LEAST 75% OF THE COST OF LIVESTOCK INSPECTION 6 SERVICES PROVIDED AT THE MARKET BY THE DEPARTMENT OF 7 LIVESTOCK; AMENDING SECTIONS 46-909 AND 46-912, R.C.M. 1947; 8 AND REPEALING SECTION 46-910. R.C.N. 1947." 9

10

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

12 Section 1. Section 46-909, R.C.N. 1947, is amended to 13 read as follows:

"46-909. Hearing and procedure -- limitation upon 14 issuance of certificates. (1) Upon the filing of the 15 16 application, the board shall fix a time and place for a hearing thereon, which shall not be less than ten-(10) days 17 after the filing. The board shall have a copy of the 18 19 application and notice of hearing thereon served by mail upon: (a) the operators of any other livestock markets that 20 in the opinion of the board might be affected by the 21 granting of any such certificate; (b) the secretaries of the 22 Montana stockgrowers association and the Montana woolgrowers 23 association; (c) the secretary of the district livestock 24 association, if any; and, (d) the secretary of the livestock 25

THIRD READING

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

7 (2) If, after hearing upon the application, the board finds from the evidence that public convenience and 8 q necessity require the authorization of the proposed livestock market, a certificate therefor shall be issued to 10 the applicant. In determining whether public convenience and 11 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 tweive-f12t months of the year. The board-may-not--suthorize 18 19 the--proposed--livestock--market--unless-it-appears-from-the evidence-submitted-at-the-hearing-that-the--minimum--revenue 20 21 derived--by-the-state-from-inspection-fees-shall-be-equal-to 22 seventy-five-per-cent-f75%}-of-the--cost--to--the--state--in maintaining-a-resident-livestock-inspector-and-an-office-for 23 him--at--the--proposed--livestock--markety--and--the-cost-of 24 maintaining-at-the-office-of--a--sufficient--record--of--the 25

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HB. 240

1 recorded--livestock--brands-and-marks-in-the-state;-howevery z the-board-may-authorize-the-proposed-livestock-market-if-the operator-of-the-proposed-market-shally-by-bond--approved--by 3 the-beard-quarantee-the-payment-of-the-minimum-revenues" 4 5 Section 2. Section 46-912, R.C.M. 1947; is amended to 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 thousand-dollars-(\$10,000) or such greater sum as the board 11 12 may determine, conditioned upon: (1) the payment immediately upon the sale of the livestock of all money received, less 13 14 reasonable expenses and commissions, by the licensee and operator of the livestock market to the rightful owner of 15 livestock so consigned and delivered to the licensee for 16 17 sale; and (2) the payment of the minimum fees as provided by 18 section--46-909;--and,--(3) a full compliance with this act, 19 including all rules adopted under this act. When approved the bond shall be filed with the board. Actions of law may 20 21 be brought in the name of the state upon the bond for the 22 use and benefit of a person who suffers loss or damage from 23 violations thereof, and may be brought by the person suffering loss or damage in the county of his residence.* 24 25 Section 3. Repealer. Section 46-910, R.C.M. 1947, is

-3-

1 repealed.

-End-

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HB 0240/02

HOUSE BILL NO. 240 L INTRODUCED BY ELLERD 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE LIVESTOCK 4 AUCTION MARKET LAW TO REMOVE THE REQUIREMENT THAT MARKETS. 5 PAY AT LEAST 75% OF THE COST OF LIVESTOCK INSPECTION 5 SERVICES PROVIDED AT THE MARKET BY THE DEPARTMENT OF 7 LIVESTOCK; AMENDING SECTIONS 46-909 AND 46-912, R.C.M. 1947; 8 AND REPEALING SECTION 46-910+ R.C.M. 1947." 9 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 Section 1. Section 46-909, R.C.M. 1947, is amended to 12 read as follows: 13 #46-909. Hearing and procedure -- limitation upon 14 issuance of certificates. (1) Upon the filing of the 15 application, the board shall fix a time and place for a 16 hearing thereon, which shall not be less than ten-(10) days 17 after the tiling. The board shall have a copy of the 18 application and notice of hearing thereon served by mail 19 upon: (a) the operators of any other livestock markets that 20 in the opinion of the board might be affected by the 21 mranting of any such certificate; (b) the secretaries of the 42 Montana stockgrowers association and the Montana woolgrowers 23 association; (c) the secretary of the district livestock 24 association, if any; and, (d) the secretary of the livestock 22

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

7 (2) If, after hearing upon the application, the board finds from the evidence that public convenience and 8 9 necessity require the authorization of the proposed livestock market, a certificate therefor shall be issued to 10 the applicant. In determining whether public convenience and 11 necessity require the livestock market, the board shall give 12 13 reasonable consideration to the service rendered by other existing livestock markets in this state and the effect upon 14 15 them if the proposed livestock market is authorized, and shall give due consideration to the likelihood of the 16 17 proposed service being permanent and continuous throughout tweive-fl2; months of the year. The-board-may-not--suthorize 13 the--proposed--livestock--market--phiess-it-appears-from-the 19 20 evidence-submitted-st-the-hearing-that-the--minimum--revenue 21 derived--by-the-state-from-inspection-fees-shall-be-equal-to seventy-five-ner-cent-t75%}-of-the--cost--to--the--state--in 22 maintaining-a-resident-livestock-inspector-and-an-office-for 23 24 him--st--the--proposed--livestock--markety--ond--the-cost-of 25 maintaind-at-the-office-of--d--sufficient--record--sf--th:

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REFERENCE BILL

H3 240

HB 0240/02

recorded-livestock-hrands-and-marks-in-the-statet-howevery
the-board-may-authorize-the-proposed-livestock-market-if-the
operator-of-the-proposed-market-shally-by-bond--anproved--by
the-board-guarantee-the-payment-of-the-minimum-revenues*
Section 2. Section 46-912, R.C.H. 1947, is amended to

6 read as follows:

7 #46-912. Bond required -- conditions. Every person operating a livestock market in this state shall provide a 8 9 boad 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 thousend-dollars-(\$10,000) or such greater sum as the board 11 12 may determine, conditioned upon: (1) the payment immediately upon the sale of the livestock of all money received, less 13 reasonable expenses and commissions, by the licensee and 14 15 operator of the livestock market to the rightful owner of 16 livestock so consigned and delivered to the licensee for 17 sale; and (2) the payment of the minimum fees - as provided by 18 section--46-9091--ondy--(3) a full compliance with this act, 19 including all rules adopted under this act. When approved the bond shall be filed with the board. Actions of law may 20 21 be brought in the name of the state upon the bond for the 22 use and benefit of a person who suffers loss or damage from 23 violations thereof, and way be brought by the person 24 suffering loss or damage in the county of his residence.ⁿ 25 Section 3. Repealer. Section 46-910, R.C.M. 1947, is

H8 0240/02

i repealed∎

-End-

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