

1 J. H. BILL NO. 240
2 INTRODUCED BY Ellard

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE LIVESTOCK
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."

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 the
23 Montana stockgrowers association and the Montana woolgrowers
24 association; (c) the secretary of the district livestock
25 association, if any; and, (d) the secretary of the livestock

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
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~~

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 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--46-909;--and;--(3)~~ a full compliance 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 damage 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

1 repealed.

-End-

Approved by Committee
on Agriculture Livestock
& Irrigation

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H.B. 240

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 16 livestock so consigned and delivered to the licensee for
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 18 ~~section 46-989; and (3)~~ a full compliance with this act,
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