

1 *Senate* BILL NO. *46*
 2 INTRODUCED BY *Hayes*
 3 BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE EGG
 6 DEALER'S LAW TO REFLECT CURRENT MARKETING PRACTICES, TO
 7 LOWER THE COST OF A WHOLESALE EGG DEALER'S LICENSE, AND TO
 8 REMOVE ARCHAIC OR REDUNDANT LANGUAGE; AMENDING SECTIONS
 9 3-2301, 3-2303, 3-2305, AND 3-2311; REPEALING SECTIONS
 10 3-2304, 3-2309, AND 3-2315, R.C.M. 1947."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 13 Section 1. Section 3-2301, R.C.M. 1947, is amended to
 14 read as follows:

15 "3-2301. Egg dealer's license -- fee. ~~A person who~~
 16 ~~buys, sells, or deals in eggs except a person or firm who~~
 17 ~~does not buy and sell at retail more than an average of 25~~
 18 ~~cases of eggs per month for any one year other than those~~
 19 ~~produced by fowl owned by the person shall obtain~~ No
 20 ~~person, except one selling at retail either eggs produced by~~
 21 ~~his own fowl or less than an average of 25 cases a month for~~
 22 ~~any one year, may buy, sell, or deal in eggs without first~~
 23 ~~obtaining~~ a license from the department of livestock for
 24 each establishment at which business is conducted, and a
 25 ~~licensee~~ shall send to the department the reports which are

1 requested by the department. The fee for the license is five
 2 ~~dollars--(\$5)~~ per year for dealers buying eggs for sale at
 3 retail. The fee for the license is ~~fifty-dollars--(\$50)~~ \$20
 4 per year for dealers buying eggs for resale at wholesale.
 5 All licenses shall be posted in a conspicuous place in each
 6 place of business. Licenses expire March 31 each year after
 7 the date of issuance."

8 Section 2. Section 3-2303, R.C.M. 1947, is amended to
 9 read as follows:

10 "3-2303. ~~Place for testing and candling eggs to be~~
 11 ~~maintained. Candling eggs intended for human consumption --~~
 12 ~~candling defined.~~ Every person engaged in the business of
 13 buying eggs intended for human consumption for resale shall
 14 maintain an adequate place for the proper candling and
 15 handling of ~~some the eggs by an egg grader licensed pursuant~~
 16 ~~to this chapter or shall purchase only eggs which have~~
 17 ~~already been properly candled and graded by an egg grader~~
 18 ~~licensed pursuant to this chapter. The term "candling" as~~
 19 ~~used in this chapter means the careful examination in a~~
 20 ~~partially dark room or place of the whole egg by means of a~~
 21 ~~strong light."~~

22 Section 3. Section 3-2305, R.C.M. 1947, is amended to
 23 read as follows:

24 "3-2305. Certificate of candling. Every person buying
 25 eggs for resale at retail, except persons or firms who do

1 not buy and sell more than 25 cases of eggs per month, shall
 2 candle all eggs offered to him, which have not been candled
 3 by a licensed egg grader, and he shall refuse to buy eggs
 4 unfit for human food as defined in section 3-2306. "Rejects"
 5 shall be returned to the producer, if possible, or, if
 6 requested, the candling shall be done in the presence of the
 7 producer. A certificate shall be placed on the top layer of
 8 every case of eggs ~~if candled and graded, or shall be placed~~
 9 ~~in or on the case in some other manner which permits its~~
 10 ~~easy reading and which should~~ shall state exact grade and
 11 size, also date of candling, by whom candled, and license
 12 number of licensee. If not candled, or graded, the
 13 certificate should state "not candled or graded", the name
 14 of the dealer, and when packed. ~~Such certificate shall be~~
 15 ~~printed on card or sheets of paper not smaller in size than~~
 16 ~~2-3/8 by 4-1/4 inches. The certificate shall be printed in~~
 17 ~~letters large enough to be easily read."~~

18 Section 4. Section 3-2311, R.C.M. 1947, is amended to
 19 read as follows:

20 "3-2311. Penalties. Every ~~Any~~ person failing to comply
 21 with the requirements ~~provisions~~ of this act ~~chapter~~ or any
 22 ~~provisions of this act~~ rules adopted pursuant to this
 23 ~~chapter shall be~~ is guilty of a misdemeanor and upon
 24 conviction for the first offense shall be punished by a fine
 25 of not less than ~~twenty-five dollars (\$25.00)~~ nor or more

1 than ~~seventy-five dollars (\$75.00)~~. Upon conviction for the
 2 second or any subsequent violation of the foregoing
 3 provisions of the act the violator shall be fined not less
 4 than ~~fifty dollars (\$50.00)~~ nor or more than two-hundred
 5 ~~dollars (\$200.00)."~~

6 Section 5. Repealer. Sections 3-2304, 3-2309, and
 7 3-2315, R.C.M. 1947, are repealed.

-End-

STATE OF MONTANA

REQUEST NO. 565-77

FISCAL NOTE

Form BD-15

In compliance with a written request received February 10, 19 77, there is hereby submitted a Fiscal Note for Senate Bill 46 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:

Senate Bill 46 provides for the lowering of the cost of a wholesale egg dealer's license from \$50.00 per year to \$20.00 per year.

ASSUMPTION:

The number of wholesale egg dealers will remain constant at 41.

FISCAL IMPACT:

	<u>FY 78</u>	<u>FY 79</u>
Revenue under current law	\$2,050	\$2,050
Revenue under proposed law	<u>820</u>	<u>820</u>
Net decrease in General Fund Revenue due to proposed law	<u>\$1,230</u>	<u>\$1,230</u>

Richard L. Young
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-23-77

Approved by Committee
on Agriculture Livestock
& Irrigation

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10 SECTIONS 3-2304, 3-2309, AND 3-2315, R.C.M. 1947."

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

13 Section 1. Section 3-2301, R.C.M. 1947, is amended to
14 read as follows:

15 "3-2301. Egg dealer's license — fee. ~~(1) A person who~~
16 ~~buys, sells, or deals in eggs, except a person or firm who~~
17 ~~does not buy and sell at retail more than an average of 25~~
18 ~~cases of eggs per month for any one year, other than those~~
19 ~~produced by fowl owned by the person, shall obtain no~~
20 ~~person, except one selling at retail either eggs produced by~~
21 ~~his own fowl or less than an average of 25 cases a month for~~
22 ~~any one year may buy, sell, or deal in eggs without first~~
23 obtaining a license from the department of livestock for
24 each establishment at which business is conducted, ~~and a~~
25 licensee shall send to the department the reports which are

1 requested by the department. The fee for the license is ~~five~~
2 ~~dollars (\$5)~~ per year for dealers buying eggs for sale at
3 retail. The fee for the license is ~~fifty dollars (\$50)~~ \$20
4 per year for dealers buying eggs for resale at wholesale.
5 All licenses shall be posted in a conspicuous place in each
6 place of business. Licenses expire March 31 each year after
7 the date of issuance.

8 (2) A PERSON BUYING, SELLING, OR DEALING IN EGGS, A
9 MAJOR PORTION OF WHICH ARE PRODUCED BY HIS OWN FOWL, OR IN
10 AMOUNTS LESS THAN AN AVERAGE OF 25 CASES PER MONTH, IS
11 EXEMPT FROM THE REQUIREMENTS OF THIS SECTION.

12 Section 2. Section 3-2303, R.C.M. 1947, is amended to
13 read as follows:

14 "3-2303. ~~Place for testing and candling eggs to be~~
15 ~~maintained. Candling eggs intended for human consumption —~~
16 candling defined. Every person engaged in the business of
17 buying eggs intended for human consumption for resale shall
18 maintain an adequate place for the proper candling and
19 handling of ~~same~~ the eggs by an egg grader licensed pursuant
20 to this chapter or shall purchase only eggs which have
21 already been properly candled and graded by UNDER THE
22 SUPERVISION OF an egg grader licensed pursuant to this
23 chapter. The term "candling" as used in this chapter means
24 the careful examination, in a partially dark room or place,
25 of the whole egg by means of a strong light."

SECOND READING

1 Section 3. Section 3-2305, R.C.M. 1947, is amended to
2 read as follows:

3 "3-2305. Certificate of candling OR PACKING. Every
4 person buying eggs for resale at retail, except persons or
5 firms who do not buy and sell more than 25 cases of eggs per
6 month, shall candle all eggs offered to him, which have not
7 been candled by UNDER SUPERVISION OF a licensed egg grader,
8 and he shall refuse to buy eggs unfit for human food as
9 defined in ~~section~~ 3-2306. "Rejects" shall be returned to
10 the producer, if possible, or, if requested, the candling
11 shall be done in the presence of the producer. A certificate
12 ~~shall be placed on the top layer of every case of eggs if~~
13 ~~candled and graded, or shall be placed in or on the EVERY~~
14 ~~case OF EGGS, IF CANDLED AND GRADED, in some other A manner~~
15 ~~which permits its easy reading and which should shall~~ state
16 exact grade and size, ~~also~~ date of candling, ~~by whom~~
17 ~~candled, and license number of licensee OR OTHER DATE~~
18 ~~APPROVED BY THE DEPARTMENT OF LIVESTOCK, AND NAME AND~~
19 ~~ADDRESS OF PACKER~~. If not candled, or graded, the
20 certificate should state "not candled or graded", the name
21 of the dealer, and when packed. ~~Such certificate shall be~~
22 ~~printed on card or sheets of paper not smaller in size than~~
23 ~~2 3/8 by 4 1/4 inches The certificate shall be printed in~~
24 ~~letters large enough to be easily read."~~

25 Section 4. Section 3-2311, R.C.M. 1947, is amended to

1 read as follows:

2 "3-2311. Penalties. ~~Every~~ Any person failing to comply
3 with the ~~requirements~~ provisions of this ~~act~~ chapter or any
4 ~~provisions of this act~~ rules adopted pursuant to this
5 ~~chapter shall be~~ is guilty of a misdemeanor and upon
6 conviction for the first offense shall be punished by a fine
7 of not less than ~~twenty five dollars (\$25.00)~~ or or more
8 than ~~seventy five dollars (\$75.00)~~. Upon conviction for the
9 second or any subsequent violation of the foregoing
10 provisions of the act the violator shall be fined not less
11 than ~~fifty dollars (\$50.00)~~ or or more than ~~two hundred~~
12 ~~dollars (\$200.00).~~"

13 SECTION 5. SECTION 3-2313, R.C.M. 1947, IS AMENDED TO
14 READ AS FOLLOWS:

15 "3-2313. Licensed egg graders. Wholesale and retail
16 dealers who handle more than ~~twenty five (25)~~ cases of eggs
17 per month supplying eggs to consumers ~~may employ only~~ must,
18 when selling candled eggs, sell only eggs candled by or
19 under the supervision of experienced and licensed graders.
20 The fee for a grader's license is ~~five dollars (\$5)~~ per
21 year. All candlers and graders must pass an examination
22 required by the department of livestock. The license expires
23 March 31 each year after the date of issuance."

24 Section 6. Repealer. Sections 3-2304, 3-2309, and
25 3-2315, R.C.M. 1947, are repealed.

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16 exact grade and size, also date of candling, ~~by whom~~
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