LC 0452/01

Sengte BILL NO. 46 1 INTRODUCED BY 2 BY REQUEST OF THE DEPARTMENT OF LIVESTOCK 3 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 ID 8 REMOVE ARCHAIC OR REDUNDANT LANGUAGE; AMENDING SECTIONS 9 3-2301, 3-2303, 3-2305, AND 3-2311; REPEALING SECTIONS 3-2304, 3-2309, AND 3-2315, R.C.M. 1947." 10 11 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 3-2301, R.C.M. 1947, is amended to 13 14 read as follows: 15 "3-2301. Eqg dealer's license -- fee. A--person--who 16 buysy--sellsy--or-deals-in-aggsy-except-a-person-or-firm-who 17 dees-not-buy-and-sell-at-retail-more-than-an-average--of--25 18 cases--of--eggs-per-month-for-any-one-yeary-other-than-those 19 produced-by-fowl--owned--by--the--persony--shall--obtain No 20 person: except ong selling at retail either eags 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 edgs without first 23 obtaining a license from the department of livestock for Z4 each establishment at which business is conducted . and A 25 licenses shall send to the department the reports which are

requested by the department. The fee for the license is five L. 2 dollars--++\$5+ per year for dealers buying eqqs for sale at 3 retail. The fee for the license is fifty-dollars--(\$50) \$20 per year for dealers buying eggs for resale at wholesale. 4 5 All licenses shall be posted in a conspicuous place in each place of business. Licenses expire March 31 each year after 6 the date of issuance." 7 Section 2. Section 3-2303; R.C.M. 1947; is amended to а 9 read as follows: 10 *3-2303. Place--for--testing--and--candling-eggs-to-be 11 maintained, Candling eoos intended for human consumption____ candling_defined. Every person engaged in the business of 12 13 buying eggs intended for human consumption for resale shall maintain an adequate place for the proper candling and 14 15 handling of same the easy by an easy 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 licensed pursuant to this chapter. The term "candling" as 18 19 used in this chapter means the careful examination in a partially dark room or place, of the whole agg by means of a 20 21 strong light." Section 3. Section 3-2305, R.C.M. 1947, is amended to 22 23 read as follows: #3-2305. Certificate of candling. Every person buying 24 eggs for resale at retail, except persons or firms who do 25

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INTRODUCED BILL

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not buy and sell more than 25 cases of eggs per month, shall 1 candle all eggs offered to himy which have not been candled 2 3 by a licensed egg gradert and he shall refuse to buy eggs unfit for human food as defined in section 3-2306. "Rejects" 4 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-gradedy 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 gradedy", the name 14 of the dealers 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-t/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-(\$25x00)-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. 565-7

FISCAL NOTE

Form BD-15

In compliance with a written request received <u>February 10</u>, 19 <u>77</u>, there is hereby submitted a Fiscal Note for <u>Senate Bill 46</u> 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> </u>
Revenue under current ław	\$2,050	\$2,050
Revenue under proposed law	820	820
Net decrease in General Fund Revenue		
due to proposed law	<u>\$1,230</u>	\$1,230

Richard & Frang

BUDGET DIRECTOR Office of Budget and Program Planning Date: 2-23-77

Approved b	y Con	mittee
on Agrigul	ture	Livestock
& Irrigati		•

1	SENATE BILL NO. 46
2	INTRODUCED BY HAGER
3	BY REQUEST OF THE DEPARTMENT OF LIVESTOCK
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE EGG
6	LEALER'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 <u>, AND 3-2313;</u> REPEALING
10	SECTIONS 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. <u>(1)</u> 3 person who
16	buys, celle, or deals in eggs, except a person or firm who
17	doosnotbuy-and-soll-at-retail-more-than-an-average-of-25
18	cases-of-eggs-por-month-for-any-one-yeary-otherthanthose
19	produced - by - fowl - owned - by - the - persony - shall obtain Mo
20	person , except one colling at retail either eque produced by
21	<u>his-own-fowl_er_less-than an-average_of-25-samesa-month-for</u>
22	and one years may buy, sell, or deal in eggs without first
23	<u>obtaining</u> a license from the department of livestock for
24	each establishment at which business is conducted $_{r_{2}}$ and λ
25	licensee shall send to the department the reports which are

1 requested by the department. The fee for the license is five 2 dellars (\$5) per year for dealers buying eggs for sale at 3 retail. The fee for the license is fifty dellars (\$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 BAJOR 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.B. 1947, is amended to 13 read as follows: 14 "3-2303, Place-for-togting-and-candling-eggs-to-be 15 saistained. Candling eggs intended for human consumption ___ 16 candling defined. Every person engaged in the business of buying eggs intended for human consumption for resale shall 17 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, ip a partially dark room or place. 25 of the whole eqc by means of a strong light."

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SECOND READING

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

"3-2305. Certificate of candling <u>OB_PACKING</u>. Every 3 ù, 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 month, shall candle all eggs offered to him- which have not 6 7 been candled by UNDER SUPERVISION OF a licensed egg grader+ 8 and he shall refuse to buy equs 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-when 17 candled, and liceaso -- Anaber -- of -- liceasoe 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 cortificate -- 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

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1 read as follows:

2 "3-2311. Penalties. Byers Any person failing to comply 3 with the requirements provisions of this act chapter or any 4 previsions-of-this act rules adopted pursuant to this chapter shall-bo is guilty of a misdemeanor and upon 5 conviction for the first offense shall be punished by a fine 6 7 of not less than twenty-five-dollars (\$25-00) nor or more 8 than seventy five dollars (\$75.00). Upon conviction for the second or any subsequent violation of the foregoing 9 provisions of the act the violator shall be fined not less 10 than fifty-dellars-(\$50.00) nor or more than two-hundred 11 12 dollars-(\$200-00)." 13 SECTION 5. SECTION 3-2313, B.C.M. 1947, IS AMENDED TO 14 READ AS FOLLOWS: "3-2313. Licensed egg graders. Wholesale and retail 15 dealers who handle more than twenty five-{25} cases of eggs 16 per month supplying eggs to consumers may employ only must. 17 when selling candled eggs, sell only eggs candled by or 18 under the supervision of experienced and licensed graders. 19 The fee for a grader's license is five-dellars-{\$5} per 20 year. All candlers and graders must pass an examination 21 required by the department of livestock. The license expires 22 March 31 each year after the date of issuance." 23 Section 6. Repealer. Sections 3-2304, 3-2309, and 24 25 3-2315, R.C.M. 1947, are repealed. -End-

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SB 46

1	SENATE BILL NO. 46
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5	A BILL FOR AN ACT ENTITLED: "AN ACT BEVISING 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 <u>, AND 3-2313;</u> REPEALING
10	SECTIONS 3-2304, 3-2309, AND 3-2315, B.C.H. 1947."
11	
12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
13	Section 1. Section 3-2301, B.C.M. 1947, is amended to
14	read as follows:
15	"3-2301. Egg dealer's license fee. <u>(1)</u> 1 porson who
16	buyey-colley or doals in eggey except a person or firs. The
17	doospotbuy-and-soll-at-retail-more then an-average of 25
18	casee of eggs-per nonth-for any one yeary other-than thes e
19	produced - by - foul - ownod - by -the - persony -shall obtain No
20	<u>person, oscopt ego colling at retail either eggs produced br</u>
21	<u>his-ovs-foul-or-loss-than an avogage-of-25-sases a month for</u>
22	the set of the set of deal in eggs without first
23	<u>obtaining</u> a license from the department of livestock for
24	each establishment at which business is conducted τ_{\pm} and \underline{k}
25	licensee shall send to the department the reports which are

1 requested by the department. The fee for the license is five 2 dellars (\$5) per year for dealers buying eggs for sale at 3 retail. The fee for the license is fifty-dellars-(\$50) \$20 per year for dealers buying eqgs for resale at wholesale. 4 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 BOYING, SELLING, OR DEALING IN EGGS, A 9 BAJOR PORTION OF WHICH ARE PRODUCED BY HIS OWN POWL. OR IN 10 ANOUNTS LESS THAN AN AVERAGE OF 25 CASES PER HONTH, IS 11 EXEMPT PRON THE REQUIREMENTS OF THIS SECTION. 12 Section 2. Section 3-2303, R.C.E. 1947, is amended to 13 read as follows: 14 #3-2303. Place-for-testing-and-sandling-oggs-te-be 15 saintained. 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 UNDEB 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."

THIRD READING

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

3 "3-2305. Certificate of candling OB 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 equs 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-same-of-eges if candled-and graded, or shall be placed in or on the EVERY 13 case OF EGGS. IF CANDLED AND GRADED. in gone ether & manner 14 15 which permits its easy reading and which should shall state 16 exact grade and size, also date of candling, by when 17 sandled_ and license -number of licensee OR OTHER DATE APPROVED BY THE DEPARTMENT OF LIVESTOCK, AND NAME AND 18 19 ADDRESS OF PACKER. If not candled, or graded, the certificate should state "not candled or gradedy", the name 20 21 of the dealer, and when packed. Such certificate -shall be printod--on-card or shoets-of-paper-not-seallor-in-size then 22 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 4. Section 3-2311, R.C.H. 1947, is amended to

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1	read as follows:
2	"3-2311. Penalties. Every <u>Any</u> person failing to comply
3	with the requirements <u>provisions</u> of this and <u>chapter</u> or any
4	provisions of this act rules adopted pursuant to this
5	<u>chapter shall be is</u> 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)-nor <u>or</u> 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-dellars-(\$ 50 .00)- nor <u>or</u> more than two bundred
12	dollars (\$200 .00) . "
13	SECTION 5. SECTION 3-2313. B.C.H. 1947. IS AMENDED TO
14	BRAD AS POLLOWS:
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 dellars (\$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.H. 1947, are repealed.

-End-

SB 46