

Senate BILL NO. 87  
 INTRODUCED BY *Dover Story Ferguson Graham*

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 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LIVESTOCK  
 5 AUCTION MARKET LAW TO CLARIFY THAT THE TRANSFER OF A  
 6 CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY REQUIRED TO  
 7 OPERATE A LIVESTOCK MARKET IS PERMITTED WITHOUT A  
 8 DETERMINATION AND SHOWING OF PUBLIC CONVENIENCE AND  
 9 NECESSITY; PROVIDING FOR RETROACTIVE EFFECT OF THIS ACT; AND  
 10 PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE."

11  
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 13 Section 1. There is a new R.C.M. section numbered  
 14 46-909.1 that reads as follows:  
 15 46-909.1. Transfer of certificate. The board may  
 16 approve the transfer of a certificate of public convenience  
 17 and necessity issued pursuant to this chapter without a  
 18 determination and showing of public convenience and  
 19 necessity. Such approval may be granted only after a public  
 20 hearing at which the transferee's qualifications to operate  
 21 a livestock market have been thoroughly examined and found  
 22 sufficient to properly operate a livestock market. A minimum  
 23 of 10 days' notice by mail must be given to all persons to  
 24 whom notice is sent pursuant to the provisions of 46-909 on  
 25 a hearing to consider an initial application for a

1 certificate.  
 2 Section 2. Legislative intent. The legislature  
 3 declares that the intent of the previously existing  
 4 livestock auction market law was to permit the transfer of a  
 5 certificate of public convenience and necessity without a  
 6 determination and showing of public convenience and  
 7 necessity. The provisions of section 1 of this act are  
 8 expressly declared to be retroactive in effect.  
 9 Section 3. Effective date. This act is effective upon  
 10 its passage and approval.

-End-

INTRODUCED BILL

*SB89*

Approved by Committee  
on Agriculture Livestock  
& Irrigation

*Senate* BILL NO. *87*

1  
2 INTRODUCED BY *Dover* *Stony* *Jarquon* *Spokane*

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5 AUCTION MARKET LAW TO CLARIFY THAT THE TRANSFER OF A  
6 CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY REQUIRED TO  
7 OPERATE A LIVESTOCK MARKET IS PERMITTED WITHOUT A  
8 DETERMINATION AND SHOWING OF PUBLIC CONVENIENCE AND  
9 NECESSITY; PROVIDING FOR RETROACTIVE EFFECT OF THIS ACT; AND  
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5 certificate of public convenience and necessity without a  
6 determination and showing of public convenience and  
7 necessity. The provisions of section 1 of this act are  
8 expressly declared to be retroactive in effect.

9 Section 3. Effective date. This act is effective upon  
10 its passage and approval.

-End-

*SB89*

SENATE BILL NO. 89

INTRODUCED BY DOVER, STORY, JERGESON, GRAHAM

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LIVESTOCK AUCTION MARKET LAW TO CLARIFY THAT THE TRANSFER OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY REQUIRED TO OPERATE A LIVESTOCK MARKET IS PERMITTED WITHOUT A DETERMINATION AND SHOWING OF PUBLIC CONVENIENCE AND NECESSITY; PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. There is a new R.C.M. section numbered 46-909.1 that reads as follows:

46-909.1. Transfer of certificate. The board may approve the transfer of a certificate of public convenience and necessity issued pursuant to this chapter without a determination and showing of public convenience and necessity. Such approval may be granted only after a public hearing at which the transferee's qualifications to operate a livestock market have been thoroughly examined and found sufficient to properly operate a livestock market. A minimum of 10 days' notice by mail must be given to all persons to whom notice is sent pursuant to the provisions of 46-909 on a hearing to consider an initial application for a

certificate.

Section 2. Legislative intent. The legislature declares that the intent of the previously existing livestock auction market law was to permit the transfer of a certificate of public convenience and necessity without a determination and showing of public convenience and necessity. The provisions of section 1 of this act are expressly declared to be retroactive in effect.

~~Section 3. Effective date. This act is effective upon its passage and approval.~~

-End-

House Agriculture, Livestock and Irrigation Committee  
Amendments to Senate Bill No. 89

Third reading (blue) copy be amended as follows:

1. Amend title, line 5.

Following: "TRANSFER"

Insert: "OF OWNERSHIP"

2. Amend page 1, section 1, line 16.

Following: "transfer"

Insert: "of ownership"

3. Amend page 2, section 2, line 4.

Following: "transfer"

Insert: "of ownership"

AS AMENDED BE CONCURRED IN