

2020 Regular Session

SENATE BILL NO. 108

BY SENATORS CATHEY AND CORTEZ

AGRICULTURE/FOREST DEPT. Provides relative to the expansion of the Louisiana Public Livestock Market Charter Law. (gov sig)

1 AN ACT

2 To amend and reenact the heading of Part IV of Chapter 6 of Title 3 of the Louisiana
3 Revised Statutes of 1950, R.S. 3:661, 662, 663, 665(B) and (C), 667(C), (D)(3), (4),
4 (5), and (6), and (E), 669, 670(B), (C), and (E)(2) and (4), relative to the Louisiana
5 Public Livestock Market Charter Law; to expand the definition of livestock market
6 to include buying stations; to provide for definitions; to change certain terms; and to
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. The heading of Part IV of Chapter 6 of Title 3 of the Louisiana Revised
10 Statutes of 1950, R.S. 3:661, 662, 663, 665(B) and (C), 667(C), (D)(3), (4), (5), and (6), and
11 (E), 669, 670(B), (C), and (E)(2) and (4) are hereby amended and reenacted to read as
12 follows:

13 PART IV. LOUISIANA ~~PUBLIC~~ LIVESTOCK MARKET CHARTER LAW

14 §661. Short title

15 This Part shall be known and cited as the Louisiana ~~Public~~ Livestock Market
16 Charter Law.

17 §662. Policy of state

1 It is hereby declared to be the policy of the State of Louisiana, and the
2 purpose of this Part, to encourage, stimulate and stabilize the agricultural economy
3 of the state in general, and the livestock economy in particular, by encouraging the
4 construction, development and productive operation of ~~public~~ livestock markets as
5 a key industry of the state with all benefits of fully open, free, competitive factors,
6 in respect to sales and purchases of livestock. No person shall conduct the business
7 of a ~~public~~ livestock market without a valid charter to conduct such market.

8 §663. Definitions

9 The following words and phrases as used in this Part, unless the context
10 otherwise requires, shall have the meaning respectively ascribed to them in this
11 Section.

12 (1) "Board" means the Louisiana Board of Animal Health augmented by the
13 persons named in R.S. 3:665.

14 ~~(2) "Livestock" means cattle, buffalo, bison, oxen, and other bovine; horses,~~
15 ~~mules, donkeys, and other equine; sheep; goats; swine; domestic rabbits; fish, turtles,~~
16 ~~and other animals identified with aquaculture that are located in artificial reservoirs~~
17 ~~or enclosures that are both on privately owned property and constructed so as to~~
18 ~~prevent, at all times, the ingress and egress of fish life from public waters; imported~~
19 ~~exotic deer and antelope, elk, farm-raised white-tailed deer, farm-raised ratites, and~~
20 ~~other farm-raised exotic animals; chickens, turkeys, and other poultry; and animals~~
21 ~~placed under the jurisdiction of the commissioner of agriculture and forestry and any~~
22 ~~hybrid, mixture, or mutation of any such animal.~~

23 ~~(3) "Public livestock market" means any place, establishment or facility~~
24 ~~commonly known as a "livestock market," "livestock auction market," "sales ring,"~~
25 ~~"stockyard," or the like, operated for compensation or profit as a public market for~~
26 ~~livestock, consisting of pens, or other enclosures, and their appurtenances, in which~~
27 ~~livestock are received, held, sold, or kept for sale or shipment.~~

28 ~~(4) "Commissioner" means the Commissioner of the Department of~~
29 ~~Agriculture.~~

1 conduct sales.

2 C. Each ~~public~~ livestock market in operation on April 1, 1982, shall retain the
3 sale day or days on which the public livestock market was conducting sales prior to
4 April 1, 1982.

5 * * *

6 §667. Hearings on applications for charter

7 * * *

8 C. The commissioner shall publish a notice of the hearing on two separate
9 days in the official journal of the state and in the official journal of the municipality
10 or parish in which the proposed ~~public~~ livestock market will be located.

11 D. The board shall consider the following factors in determining whether or
12 not a charter should be granted:

13 * * *

14 (3) The present market services elsewhere available to the trade area to be
15 served by the proposed ~~public~~ livestock market.

16 (4) Whether the proposed ~~public~~ livestock market would be permanent and
17 continuous.

18 (5) The benefits to be derived by the livestock industry from the
19 establishment and operation of the proposed ~~public~~ livestock market.

20 (6) The economic feasibility of the proposed ~~public~~ livestock market.

21 E. If the board finds the applicant to be qualified to operate a ~~public~~ livestock
22 market, the board shall grant the charter. If the board finds that the applicant is not
23 qualified to operate a ~~public~~ livestock market or has failed to comply with the
24 requirements of this Part, the board shall deny the charter.

25 * * *

26 §669. Issuance of charter; special provision

27 The owner of any ~~public~~ livestock market operated and conducted as such on
28 July 27, 1966 shall be issued a charter for the operation of said market.

29 §670. Charter required

* * *

B. Each ~~public~~ livestock market shall be chartered separately.

C. When the owner of a facility has leased the facility to another person who is operating a ~~public~~ livestock market at the facility, and the lessee loses his charter for any reason, the owner of the facility shall have the right to apply for a charter to operate the facility as a ~~public~~ livestock market prior to any other person. If the owner of the facility qualifies for the charter, the charter shall be issued to him.

* * *

E. The board may cancel a charter for any one or more of the following actions:

* * *

(2) The holder is unable to meet the bond or financial requirements for operating a ~~public~~ livestock market.

* * *

(4) The holder has violated the provisions of this Part, the provisions of the rules or regulations adopted under the provisions of this Part, or any applicable federal law or rule or regulation governing the operation of a ~~public~~ livestock market.

* * *

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Curry Lann.

DIGEST

SB 108 Engrossed

2020 Regular Session

Cathey

Present law (R.S. 3:661 et seq.) creates the Louisiana Public Livestock Market Charter Law and provides for the administration of present law, including definitions, charter requirements, fees, and exemptions.

Proposed law changes the name of the Louisiana Public Livestock Market Charter Law to

the Louisiana Livestock Market Charter Law, changes all references from public livestock market to livestock market in present law, and otherwise essentially retains present law.

Present law defines "public livestock market" as any place, establishment or facility commonly known as a "livestock market", "livestock auction market", "sales ring", "stockyard", or the like, operated for compensation or profit as a market for livestock, consisting of pens, or other enclosures, and their appurtenances, in which livestock are received, held, sold, or kept for sale or shipment.

Proposed law removes the term "public" and expands the definition of "livestock market" as any place, establishment or facility commonly known as a "buying station", "livestock market", "livestock auction market", "sales ring", "stockyard", or the like, operated for compensation or profit as a market for livestock, consisting of pens, or other enclosures, and their appurtenances, in which livestock are received, held, sold, or kept for sale or shipment.

Proposed law recodifies definitions and additionally defines "buying station" as a facility that is conducted, operated, or managed as a private livestock market that offers stockyard services.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends the heading of Part IV of Chapter 6 of Title 3 of the Louisiana Revised Statutes of 1950, R.S. 3:661, 662, 663, 665(B) and (C), 667(C), (D)(3), (4), (5), and (6), and (E), 669, 670(B), (C), and (E)(2) and (4))