

SENATE BILL NO. 108

BY SENATORS CATHEY AND CORTEZ

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AN ACT

To amend and reenact the heading of Part IV of Chapter 6 of Title 3 of the Louisiana Revised Statutes of 1950, R.S. 3:571(A) and (C), 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), 732(B)(1)(f), and 2093(4), R.S. 14:67.1(A)(2) and (3) and (B)(1) and (2), and R.S. 37:3103(A)(3.1) and 3134, relative to the Louisiana Public Livestock Market Charter Law; to expand the definition of livestock market to include buying stations; to provide for definitions; to change certain terms; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The heading of Part IV of Chapter 6 of Title 3 of the Louisiana Revised Statutes of 1950, R.S. 3:571(A) and (C), 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), 732(B)(1)(f), and 2093(4) are hereby amended and reenacted to read as follows:

§571. Livestock auctioneers

A. Each auctioneer who engages in the auction business exclusively as an employee or agent of a Louisiana ~~public~~ livestock market which is regulated by the Louisiana Board of Animal Health shall register annually with the board.

* * *

C. Each auctioneer who registers with the board shall submit to the board an affidavit stating that the applicant is engaged in the auction business exclusively as an employee or agent of one or more Louisiana ~~public~~ livestock markets which are

1 regulated by the board.

2 * * *

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

4 §661. Short title

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

7 §662. Policy of state

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

15 §663. Definitions

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

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

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

30 (3) ~~"Public livestock market" means any place, establishment or facility~~

1 commonly known as a "livestock market," "livestock auction market," "sales ring,"
2 "stockyard," or the like, operated for compensation or profit as a public market for
3 livestock, consisting of pens, or other enclosures, and their appurtenances, in which
4 livestock are received, held, sold, or kept for sale or shipment.

5 (4) "~~Commissioner~~" means the ~~Commissioner of the Department of~~
6 ~~Agriculture.~~

7 (5) "~~Charter~~" means the ~~charter for public livestock market operation~~
8 ~~authorized to be issued under this Part.~~

9 **(2) "Buying station" means a facility that is conducted, operated, or**
10 **managed as a private livestock market that offers stockyard services.**

11 **(3) "Charter" means the charter for livestock market operations**
12 **authorized under this Part.**

13 **(4) "Commissioner" means the Louisiana commissioner of agriculture**
14 **and forestry.**

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

25 **(6) "Livestock market" means any place, establishment or facility**
26 **commonly known as a "buying station", "livestock market", "livestock auction**
27 **market", "sales ring", "stockyard", or the like, operated for compensation or**
28 **profit as a market for livestock, consisting of pens, or other enclosures, and**
29 **their appurtenances, in which livestock are received, held, sold, or kept for sale**
30 **or shipment.**

1 * * *

2 §665. Administration of Part

3 * * *

4 B. The Louisiana Board of Animal Health shall determine the day or days on
5 which each ~~public~~ livestock market chartered under the provisions of this Part may
6 conduct sales.

7 C. Each ~~public~~ livestock market in operation on ~~April 1, 1982~~ **April 1, 2019**,
8 shall retain the sale day or ~~days~~ **contiguous day** on which the ~~public~~ livestock
9 market was conducting sales prior to ~~April 1, 1982~~ **April 1, 2019**.

10 * * *

11 §667. Hearings on applications for charter

12 * * *

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

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

18 * * *

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

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

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

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

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

30 * * *

1 §669. Issuance of charter; special provision

2 The owner of any ~~public~~ livestock market operated and conducted as such on
3 ~~July 27, 1966~~ **April 1, 2019** shall be issued a charter for the operation of said market.

4 §670. Charter required

5 * * *

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

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

12 * * *

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

15 * * *

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

18 * * *

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

22 * * *

23 §732. Livestock Brand Commission

24 * * *

25 B.(1) The commission shall be comprised of nine members appointed by the
26 commissioner as follows:

27 * * *

28 (f) One member appointed from the state at large, who shall be an operator
29 of a Louisiana ~~public~~ livestock market.

30 * * *

1 §2093. Powers

2 The Louisiana Board of Animal Health shall have the following powers and
3 duties:

4 * * *

5 (4) To issue charters and determine sale days for ~~public~~ livestock markets in
6 accordance with R.S. 3:665.

7 * * *

8 Section 2. R.S. 14:67.1(A)(2) and (3) and (B)(1) and (2) are hereby amended and
9 reenacted to read as follows:

10 §67.1. Theft of livestock

11 A. Any of the following acts shall constitute theft of livestock:

12 * * *

13 (2) Transporting or causing the transportation of livestock to a slaughterhouse
14 or a ~~public~~ livestock market as defined in R.S. 3:663, for purposes of selling or
15 keeping the livestock or meat with the intent to deprive the owner permanently of the
16 livestock or meat or proceeds derived from the sale of the livestock or meat.

17 (3) Failing or refusing to pay for livestock purchased from an agent, dealer,
18 ~~public~~ livestock market as defined in R.S. 3:663, or owner, or acquired with the
19 consent of the agent, dealer, ~~public~~ livestock market, or owner, within thirty days of
20 the date the livestock was purchased or acquired or the date payment was due,
21 whichever is longer, with the intent to permanently deprive the other of the livestock
22 or the value of the livestock.

23 B. Either of the following acts shall constitute presumptive evidence of the
24 intent to permanently deprive the other of the livestock or meat, or proceeds derived
25 from sale of the livestock or meat:

26 (1) Assignment of the livestock in a record book maintained by a
27 slaughterhouse or ~~public~~ livestock market as defined in R.S. 3:663, in a name other
28 than that of the owner.

29 (2) Failing to pay for the livestock within ten days after notice of a request
30 for payment or return of the livestock or meat has been sent by the agent, dealer,

1 public livestock market as defined in R.S. 3:663, or owner, to the offender's last
2 known address by either registered or certified mail, return receipt requested, or by
3 actual delivery by a commercial courier.

4 * * *

5 Section 3. R.S. 37:3103(A)(3.1) and 3134 are hereby amended and reenacted to read
6 as follows:

7 §3103. Definitions of terms

8 A. As used in this Chapter, these terms shall have the definitions ascribed to
9 them, unless the context indicates otherwise:

10 * * *

11 (3.1) "Auction house", "auction company", and "auction business" are
12 synonymous and interchangeable terms and mean any entity, whether a sole
13 proprietorship, partnership, limited liability partnership, limited liability company,
14 corporation, or any other legal entity defined by the board, which arranges, manages,
15 sponsors, advertises, or carries out two or more auctions within any twelve-month
16 period and which regularly represents that goods are sold at auction. However, a
17 public livestock auction business which exclusively auctions livestock and which is
18 regulated as a public livestock market by the Louisiana Board of Animal Health
19 pursuant to R.S. 3:2091 et seq. shall not be defined as an auction business for
20 purposes of this Chapter. "Auction house," "auction company," and "auction
21 business" shall not mean an entity which sells property through an Internet-based
22 trading platform unless such entity's activities constitute an "auction" as defined in
23 Paragraph (3) of this Subsection.

24 * * *

25 §3134. Livestock auctioneers

26 The provisions of this Chapter shall not apply to and the board shall not have
27 jurisdiction over auctioneers who are engaged in the auction business exclusively as
28 an employee or agent of a Louisiana public livestock market which is regulated by
29 the Louisiana Board of Animal Health and who are registered with that board as
30 required by ~~R.S. 3:2100~~ **R.S. 3:571**.

1 Section 4. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____