

SENATE FLOOR AMENDMENTS

2020 Regular Session

Amendments proposed by Senator Cathey to Engrossed Senate Bill No. 108 by Senator Cathey

1 AMENDMENT NO. 1

2 On page 1, line 3, change "R.S. 3:661" to "R.S. 3:571(A) and (C), 661"

3 AMENDMENT NO. 2

4 On page 1, line 4, between "(4)" and ", relative" insert ", 732(B)(1)(f), and 2093(4), R.S.
5 14:67.1(A)(2) and (3) and (B)(1) and (2), and R.S. 37:3103(A)(3.1) and 3134"

6 AMENDMENT NO. 3

7 On page 1, line 10, change "R.S. 3:661" to "R.S. 3:571(A) and (C), 661"

8 AMENDMENT NO. 4

9 On page 1, line 11, after "and (4)" insert ", 732(B)(1)(f), and 2093(4)"

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11 AMENDMENT NO. 5

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On page 1, between lines 12 and 13, insert the following:

13

"§571. Livestock auctioneers

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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.

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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 regulated by the board.

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AMENDMENT NO. 6

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On page 5, between lines 18 and 19, insert the following:

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"§732. Livestock Brand Commission

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

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

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§2093. Powers

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

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

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

3 §67.1. Theft of livestock

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

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

10 (3) Failing or refusing to pay for livestock purchased from an agent, dealer,
11 public livestock market as defined in R.S. 3:663, or owner, or acquired with the
12 consent of the agent, dealer, public livestock market, or owner, within thirty days of
13 the date the livestock was purchased or acquired or the date payment was due,
14 whichever is longer, with the intent to permanently deprive the other of the livestock
15 or the value of the livestock.

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

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

22 (2) Failing to pay for the livestock within ten days after notice of a request
23 for payment or return of the livestock or meat has been sent by the agent, dealer,
24 public livestock market as defined in R.S. 3:663, or owner, to the offender's last
25 known address by either registered or certified mail, return receipt requested, or by
26 actual delivery by a commercial courier.

27 * * *

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

30 §3103. Definitions of terms

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

33 * * *

34 (3.1) "Auction house", "auction company", and "auction business" are
35 synonymous and interchangeable terms and mean any entity, whether a sole
36 proprietorship, partnership, limited liability partnership, limited liability company,
37 corporation, or any other legal entity defined by the board, which arranges, manages,
38 sponsors, advertises, or carries out two or more auctions within any twelve-month
39 period and which regularly represents that goods are sold at auction. However, a
40 public livestock auction business which exclusively auctions livestock and which is
41 regulated as a public livestock market by the Louisiana Board of Animal Health
42 pursuant to R.S. 3:2091 et seq. shall not be defined as an auction business for
43 purposes of this Chapter. "Auction house," "auction company," and "auction
44 business" shall not mean an entity which sells property through an Internet-based
45 trading platform unless such entity's activities constitute an "auction" as defined in
46 Paragraph (3) of this Subsection.

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48 §3134. Livestock auctioneers

49 The provisions of this Chapter shall not apply to and the board shall not have
50 jurisdiction over auctioneers who are engaged in the auction business exclusively as
51 an employee or agent of a Louisiana public livestock market which is regulated by
52 the Louisiana Board of Animal Health and who are registered with that board as
53 required by R.S. 3:2100."

- 1 AMENDMENT NO. 7
- 2 On page 5, line 19, change "Section 2." to "Section 4."