

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. 3:571(A) and (C), 661, 662, 663, 665(B) and (C),
4 667(C), (D)(3), (4), (5), and (6), and (E), 669, 670(B), (C), and (E)(2) and (4),
5 732(B)(1)(f), and 2093(4), R.S. 14:67.1(A)(2) and (3) and (B)(1) and (2), and R.S.
6 37:3103(A)(3.1) and 3134, relative to the Louisiana Public Livestock Market Charter
7 Law; to expand the definition of livestock market to include buying stations; to
8 provide for definitions; to change certain terms; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. The heading of Part IV of Chapter 6 of Title 3 of the Louisiana Revised
11 Statutes of 1950, R.S. 3:571(A) and (C), 661, 662, 663, 665(B) and (C), 667(C), (D)(3), (4),
12 (5), and (6), and (E), 669, 670(B), (C), and (E)(2) and (4), 732(B)(1)(f), and 2093(4) are
13 hereby amended and reenacted to read as follows:

14 §571. Livestock auctioneers

15 A. Each auctioneer who engages in the auction business exclusively as an
16 employee or agent of a Louisiana ~~public~~ livestock market which is regulated by the
17 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 regulated by the board.

* * *

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

§661. Short title

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

§662. Policy of state

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

§663. Definitions

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

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

~~(2) "Livestock" means cattle, buffalo, bison, oxen, and other bovine; horses, mules, donkeys, and other equine; sheep; goats; swine; domestic rabbits; fish, turtles, and other animals identified with aquaculture that are located in artificial reservoirs or enclosures that are both on privately owned property and constructed so as to prevent, at all times, the ingress and egress of fish life from public waters; imported~~

1 ~~exotic deer and antelope, elk, farm-raised white-tailed deer, farm-raised ratites, and~~
2 ~~other farm-raised exotic animals; chickens, turkeys, and other poultry; and animals~~
3 ~~placed under the jurisdiction of the commissioner of agriculture and forestry and any~~
4 ~~hybrid, mixture, or mutation of any such animal.~~

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

10 ~~(4) "Commissioner" means the Commissioner of the Department of~~
11 ~~Agriculture.~~

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

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

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

18 **(4) "Commissioner" means the Louisiana commissioner of agriculture**
19 **and forestry.**

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

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

7 * * *

8 §665. Administration of Part

9 * * *

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

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

16 * * *

17 §667. Hearings on applications for charter

18 * * *

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

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

24 * * *

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

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

29 (5) The benefits to be derived by the livestock industry from the

1 establishment and operation of the proposed ~~public~~ livestock market.

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

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

7 * * *

8 §669. Issuance of charter; special provision

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

11 §670. Charter required

12 * * *

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

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

19 * * *

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

22 * * *

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

25 * * *

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

29 * * *

1 §732. Livestock Brand Commission

2 * * *

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

5 * * *

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

8 * * *

9 §2093. Powers

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

12 * * *

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

15 * * *

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

18 §67.1. Theft of livestock

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

20 * * *

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

25 (3) Failing or refusing to pay for livestock purchased from an agent, dealer,
26 ~~public~~ livestock market as defined in R.S. 3:663, or owner, or acquired with the
27 consent of the agent, dealer, ~~public~~ livestock market, or owner, within thirty days of
28 the date the livestock was purchased or acquired or the date payment was due,
29 whichever is longer, with the intent to permanently deprive the other of the livestock

1 or the value of the livestock.

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

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

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

13 * * *

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

16 §3103. Definitions of terms

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

19 * * *

20 (3.1) "Auction house", "auction company", and "auction business" are
21 synonymous and interchangeable terms and mean any entity, whether a sole
22 proprietorship, partnership, limited liability partnership, limited liability company,
23 corporation, or any other legal entity defined by the board, which arranges, manages,
24 sponsors, advertises, or carries out two or more auctions within any twelve-month
25 period and which regularly represents that goods are sold at auction. However, a
26 public livestock auction business which exclusively auctions livestock and which is
27 regulated as a ~~public~~ livestock market by the Louisiana Board of Animal Health
28 pursuant to R.S. 3:2091 et seq. shall not be defined as an auction business for
29 purposes of this Chapter. "Auction house," "auction company," and "auction

1 business" shall not mean an entity which sells property through an Internet-based
 2 trading platform unless such entity's activities constitute an "auction" as defined in
 3 Paragraph (3) of this Subsection.

4 * * *

5 §3134. Livestock auctioneers

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

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

The original instrument was prepared by Curry J. Lann. The following digest,
 which does not constitute a part of the legislative instrument, was prepared
 by Jeanne Johnston.

DIGEST

SB 108 Reengrossed

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.

Present law provides that a livestock market in operation on April 1, 1982, shall retain the sale day or days on which the livestock market was conducting sales prior to that date.

Proposed law instead provides that a livestock market in operation on April 1, 2019, shall retain the sale day or days on which the livestock market was conducting sales prior to that date.

Present law provides that the owner of a livestock market operated and conducted as such on July 27, 1966, shall be issued a charter for the operation of said market.

Proposed law instead provides that the owner of a livestock market operated and conducted as such on April 1, 2019, shall be issued a charter for the operation of said market.

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. 3:571(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)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Provide that livestock markets in operation on April 1, 2019 shall retain their sale days as established prior to that date.
2. Provide that the owner of a livestock market operated on April 1, 2019, shall be issued a charter to operate the market.
3. Make technical changes.