
DIGEST

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HB 393 Reengrossed

2018 Regular Session

Terry Brown

Abstract: Provides for the issuance and administration of market agency and livestock dealer permits by the La. Board of Animal Health.

Present law requires market agencies, those who sell livestock on commission, to obtain a permit from the La. Board of Animal Health (board).

Proposed law requires livestock dealers to also obtain a permit from the board annually on a form prescribed by the board.

Proposed law authorizes the board to deny, revoke, or suspend any permit issued by the board for material misstatements in the permit application, allowing permit use by unpermitted persons, conviction of certain crimes, disciplinary actions by the U.S. Dept. of Agriculture (USDA), lack of qualifications, or unpaid fines or penalties issued by the board.

Proposed law specifies that the Administrative Procedure Act governs the proceedings for the denial, revocation, or suspension of a permit and authorizes the board to recover costs for disciplinary actions.

Present law requires market agencies and livestock dealers to keep certain records and provides willful failure to keep such records results in an automatic permit revocation.

Proposed law removes the automatic revocation.

Present law provides that livestock brand inspectors employed by the commissioner and the director and assistant director of the Livestock Brand Commission are commissioned as peace officers by the Dept. of Public Safety and Corrections. Proposed law removes the commission for the director and assistant director.

Proposed law adds the duty to enforce provisions and rules of the board to those peace officers so commissioned.

Present law prohibits the use of a brand not recorded with the commission. Proposed law retains present law and prohibits offering livestock for sale without providing the true owner for the purpose of livestock theft or violation of a quarantine issued by the La. Board of Animal Health. Establishes a fine of not more than \$500 or imprisonment with or without hard labor for not more than 10 years, or both.

Present law authorizes the commission to assess a civil penalty of not more than \$250 per violation. Proposed law increases the civil penalty from not more than \$250 to not more than \$1,000.

Present law specifies that the state veterinarian is the executive secretary of board.

Proposed law removes present law and instead authorizes the board to appoint the executive secretary with approval of the commissioner of agriculture.

Present law provides the board with the following powers:

- (1) To adopt rules and regulations necessary to implement and enforce powers and duties as assigned.
- (2) To hold hearings and conduct investigations.
- (3) To issue subpoenas for witness attendance or document production for any hearing.
- (4) To issue charters and determine public livestock market sale days.
- (5) To compel livestock owners to quarantine, test, or vaccinate livestock to prevent, control, or eradicate certain infectious diseases.
- (6) To institute civil proceedings seeking injunctive relief to prevent violations of law.
- (7) To impose certain civil penalties up to \$1,000 per violation of law and provides for separate offenses.
- (8) To advise the La. Dept. of Agriculture and Forestry, USDA, and the legislature with respect to all phases of the meat industry, including the slaughtering and processing of meat.
- (9) To adopt rules and regulations to monitor compliance relative to tampering with livestock at a public exhibition.
- (10) To adopt rules and regulations to establish standards governing the well-being of bovine, ovine, caprine, porcine, and poultry bred for show or profit or for selling or for producing for market.
- (11) To issue cease and desist orders upon a violation causing significant damage to animal health.

Proposed law adds the power to issue market agency and livestock dealer permits and to assess penalties in administrative hearings.

Proposed law expands the civil penalties the board can impose to include public or private letters of reprimand or concern; restitution of the department's costs; and denial, revocation, or suspension

of any permit issued by the board.

(Amends R.S. 3:563, 564, 734(A) and (B)(1), 735, 747, 748(A), 2092(B), and 2093(5) - (11); Adds R.S. 3:561(6) and 2093(12) and (13))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Agriculture, Forestry, Aquaculture, and Rural Development to the original bill:

1. Clarify the purpose of providing the true and legal name of the owner of the livestock is for livestock theft or violation of a quarantine issued by the La. Board of Animal Health.
2. Remove the provision that prohibits a person from intentionally misrepresenting the true and legal name of the buyer of livestock offered for sale.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.