

NORTH CAROLINA GENERAL ASSEMBLY
1971 SESSION

CHAPTER 739
SENATE BILL 761

AN ACT AMENDING ARTICLE 35 OF CHAPTER 106 RELATING TO PUBLIC
LIVESTOCK MARKETS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 106-406 is amended by rewriting the second sentence of the last paragraph thereof as follows:

"If, after the hearing, at which any person may appear in support or opposition thereto, the North Carolina Public Livestock Market Advisory Board finds that the public livestock market for which a permit or license is sought fulfills the requirements of all applicable laws, it shall issue a nontransferable permit to the applicant."

Sec. 2. G.S. 106-408 is amended by striking the words "last no longer than one hour" in line 5 of the second paragraph thereof, and substituting in lieu thereof the words "last no later than 5:00 PM".

Sec. 3. Article 35 of Chapter 136 is amended by inserting between G.S. 106-408 and G.S. 106-409, a section to be designated G.S. 106-408.1 as follows:

"**§ 106-408.1. Market Operation Fees.** — A fee of twenty-five dollars (\$25.00) shall be paid by the market operator to the North Carolina Department of Agriculture for each day, or fraction thereof, a sale is held, provided that an additional maximum fee of ten dollars (\$10.00) per one-half hour, or fraction thereof, shall be paid to the North Carolina Department of Agriculture for operation after 6:00 PM. Provided further, that the Board of Agriculture may at its discretion adjust both fees for market operation within the limits set in this section. A fee to be set by the Board of Agriculture may be charged to the buyer of cattle and swine required to be tested under G.S. 106-409 and G.S. 106-410, and the amount collected used to offset the twenty-five dollar (\$25.00) market operation fee. All test fees charged in excess of twenty-five dollars (\$25.00) shall revert to the North Carolina Department of Agriculture and be payable within 24 hours following the close of a sale day. The starting and finishing time of each sale shall be recorded by the livestock inspector on his report of the sale. A copy of the report shall be given to the market operator or his representative following the sale. Failure to make the required payment within 24 hours following close of a sale day shall be cause for the Commissioner of Agriculture to prohibit, on 72 hours notice, further sales at the market until the account is paid in full. The operation fee shall be waived when a livestock market operator employs a licensed, accredited veterinarian approved by the State Veterinarian to be present at the market from the starting time of the sale until all livestock to be admitted to the sales barn on that sale day have entered and such work in inspection, testing and vaccination as designated by the State Veterinarian has been completed."

Sec. 4. G.S. 106-416 is amended by adding at the end thereof the following:

"This power shall include, but not be confined to, the authority to designate a time after which livestock shall not be allowed to enter a sales barn on the day of a sale."

Sec. 5. G.S. 106-410 is amended by striking the words "without vaccination and" in line 2 of the last paragraph thereof.

Sec. 6. This act shall become effective August 1, 1971.

In the General Assembly read three times and ratified, this the 2nd day of July, 1971.