Chapter 599

1961 REPLACEMENT PART

Livestock Auction Markets; Stockyards; Auction Sales

DEFINITIONS

599.205 Definitions

LIVESTOCK AUCTION MARKETS

599.215 Prohibitions
599.225 Necessity for license to operate livestock auction market; application for license; issuance
599.235 License fee; appropriation of moneys; separate licenses for each facility; nontransferability; posting license and names of owners
599.245 Licensee's bond
599.251 Procedure on licensee's default as to condition of bond
599.255 Suspension or revocation or refusal to issue or renew licenses
599.265 Market zone; livestock entering market zone to be sold through auction facilities
599.275 Cattle in market zone to be kept in clean, disinfected and segregated pens
599.285 Floors in pens; drainage; cleaning pens, alleyways and equipment
599.295 Pens for diseased animals
599.305 Pens for testing, treating or examining livestock
599.315 Regulation by department of the testing, treating and examining of livestock
599.335 Employment of deputy state veterinarian by licensee; authority; revocation of market operator's license for failing to correct insanitary conditions
599.345 Weighing to be done by licensed weighmasters; scale tickets to be in triplicate
599.355 Records to be kept by licensee
599.385 Enforcement procedures
599.395 Joint federal-state administration of chapter

STATE-FEDERAL LIVESTOCK AUCTION MARKETS

599.405 Establishment of market as state-federal livestock auction market; withdrawal of market as state-federal market
599.415 State Department of Agriculture to furnish services of veterinarians and other employes; licensee not to employ veterinarian
599.425 Payment by licensee for labor and services furnished under ORS 599.415
599.430 Disposition of moneys collected by department

STATE BOARD OF LIVESTOCK AUCTION MARKETS

599.455 State Board of Livestock Auction Markets
599.460 Board to advise department

STOCKYARDS

599.485 Definitions for ORS 599.490 and 599.495
599.490 Department may impose stockyard requirements to prevent spread of disease or to enable Oregon or areas thereof to obtain brucellosis-free or tuberculosis-free status
599.495 Cooperative agreements with Federal Government under which state department carries out federal programs in livestock auction markets and stockyards

MISCELLANEOUS PROVISIONS RELATING TO AUCTIONS

599.510 Prevention of competitive bidding prohibited
599.520 By-bids and fraudulent bids made to deceive bidders; minimum or reserve bids
599.530 Prohibited practices in sales of purebreds
599.540 Withdrawal of purebred livestock from a sale
599.550 Milking dairy cows prior to sale
599.560 Affidavits as to time of milking

TEMPORARY HORSE SALES

599.610 Temporary horse sale license
599.620 Enforcement and regulations
599.630 Revocation, suspension or refusal to issue license
599.640 Compliance with ORS 599.610 and 599.620 required

PENALTIES

599.990 Penalties

CROSS REFERENCES

Administrative procedures and rules of state agencies, Ch. 183
Brand inspectors, powers and duties, 604.540
Brands and marks, Ch. 604
Cancellation of uncollectible debts owed to department, 561.270
Enjoining violations of law, 561.280
Fake sales, 646.210 to 646.230, 646.990(2)
Licensing auction market operators, 698.410 to 698.460
Sale by auction, 75.210
Water, storage for livestock, 537.300
599.345
Installation and use of scales, 618.780
Livestock scales, 618.770

Oregon Beef Council:
Contributions to may be made at livestock auction market, 577.510
Expansion of beef market, 577.120
Procedures for contributions, 577.520

599.455

General provisions applicable to state boards and commissions, Ch. 182

STOCKYARDS

Pollution from stockyards, 449.320
Railroad stockyards, 770.080
Scales at stockyards, 618.770, 618.780

599.495

Approval of requests and budgets to be submitted to Federal Government, 291.260

599.620

Animal disease control, Ch. 596

599.990

Jurisdiction over prosecutions, 561.290

599.010 [Amended by 1953 c.678 §3; repealed by 1955 c.542 §1]

599.020 [Repealed by 1955 c.542 §1]

599.030 [Amended by 1953 c.678 §3; repealed by 1955 c.542 §1]

599.040 [Repealed by 1955 c.542 §1]

599.050 [Repealed by 1955 c.542 §1]

599.060 [Repealed by 1955 c.542 §1]

599.070 [Repealed by 1955 c.542 §1]

599.080 [Repealed by 1955 c.542 §1]

599.090 [Repealed by 1955 c.542 §1]

599.100 [Repealed by 1955 c.542 §1]

599.110 [Repealed by 1955 c.542 §1]

599.120 [Repealed by 1955 c.542 §1]

599.130 [Repealed by 1955 c.542 §1]

599.140 to 599.200 [Reserved for expansion]

DEFINITIONS

599.205 Definitions. As used in this chapter, unless the context otherwise requires:

(1) "Dairy cattle" includes the recognized breeds of bovine animals used primarily for the production of milk, such as, but not limited to, Jersey, Guernsey, Brown Swiss, Ayrshire, Milking Shorthorn, Holstein and Red Polled, whether or not such animals are purebred or grade, and crosses of such breeds, including crosses of such breeds with beef type animals.

(2) "Department" means the State Department of Agriculture of the State of Oregon.

(3) "Director" means the director of the department.

(4) "Licensee" means any person who operates a livestock auction market, either as owner or lessee, and who holds a license to conduct such market issued by the department pursuant to ORS 599.205 to 599.495.

(5) "Livestock" includes horses, mules, asses, cattle, sheep, swine, goats and poultry, including turkeys, of any age or sex.

(6) "Livestock auction market" means a place of business to which the public may consign livestock for sale by auction open to public bidding, but, specifically, it does not include sales at auction by breed or livestock associations, Future Farmer and 4-H groups, auction sales conducted in conjunction with county, state or private fairs or auction sales conducted by or for a person at which livestock of such person's ownership are sold on his own premises.

(7) "Meat dealer" means a person licensed to slaughter meat food animals pursuant to ORS 603.010 to 603.190.

[1953 c.677 §1; 1955 c.724 §15; 1957 c.390 §1]

599.210 [Repealed by 1953 c.677 §22]

LIVESTOCK AUCTION MARKETS

599.215 Prohibitions. (1) No person shall operate a livestock auction market without a valid license to operate such market issued pursuant to ORS 599.205 to 599.495.

(2) No person shall interfere with the performance by any veterinarian of his duties and responsibilities imposed by ORS 599.205 to 599.495.

(3) No licensee, or his or its managing agent, shall operate a livestock auction market at which the sanitary practices or conditions prescribed by ORS 599.205 to 599.495 or regulations promulgated pursuant to ORS 599.205 to 599.495 have not been complied with.

(4) No licensee shall sell or offer for sale any livestock which has not been examined, tested or treated as required by ORS 599.205 to 599.495 or by the regulations promulgated under the authority of ORS 599.205 to 599.495.

(5) No person other than a meat dealer shall remove from the market zone an animal which has been sold or purchased for immediate slaughter pursuant to the provisions of ORS 599.205 to 599.495; provided, however, that a person may remove from the market zone any such animal if it is to be transported directly out of this state.

(6) No meat dealer who removes from the market zone an animal sold or purchased for immediate slaughter pursuant to the provisions of ORS 599.205 to 599.495 shall fail, refuse or neglect to slaughter such animal within eight days from the date the animal is so removed.

[1953 c.677 §17]

599.220 [Repealed by 1953 c.677 §22]

599.225 Necessity for license to operate livestock auction market; application for license; issuance. (1) No person shall operate a livestock auction market in the State of Oregon without first having obtained from the department, under the provisions of ORS 599.205 to 599.495, a license therefor. The applicant shall make application to the department upon forms to be furnished by the

department which shall include the following information:

(a) The name and address of the applicant or applicants and, if a corporation, its officers.

(b) The place where the applicant proposes to operate a livestock auction market.

(c) A legal description of the property proposed to be used in connection with such livestock auction market.

(d) Such other and further information as the department may require.

(2) A livestock auction market license shall be issued when the department finds:

(a) That the application is in due form.

(b) That the applicant has filed with the director a bond as hereinafter provided.

(c) That the license fee prescribed by ORS 599.235 has been paid.

(d) That the requirements of ORS 599.205 to 599.495 and the regulations promulgated hereunder are complied with. [1953 c.677 §4]

599.230 [Repealed by 1953 c.677 §22]

599.235 License fee; appropriation of moneys; separate licenses for each facility; nontransferability; posting license and names of owners. (1) Subject to the provisions of subsection (2) of this section, every person operating a livestock auction market in this state shall be required to pay on or before June 30, annually, a fee of $100 to the department for a license to operate such market for the year beginning July 1 next following. If a person operates a livestock auction market facility in more than one location, a separate license must be obtained for each such facility. All fees provided for under ORS 599.205 to 599.495 shall be paid into the State Treasury and shall be placed by the State Treasurer to the credit of the Department of Agriculture Account and hereby are appropriated for use only in the administration of ORS 599.205 to 599.495.

(2) In the case of an application for a license made after September 30 of a license year, and only in such cases, the license fee submitted with the application shall be prorated on the basis of the number of quarters of three months each or portions of a quarter remaining in the license year. The fee accompanying such applications shall be $25 for each such quarter or portion thereof. For the purposes of this section, the license year shall be the period July 1 to June 30 next following. Nothing in this section shall be construed to authorize a refund of license fees in any case.

(3) All licenses to operate a livestock auction market are personal to the holder and are not transferable, but the holder of any such license may change locations subject to the approval of the department of the new market facility.

(4) The licensee shall at all times have posted in a conspicuous place in the main business office of such market the full names and addresses of the legal owners of the market. The livestock auction market operator's license shall also be posted conspicuously in the main business office of the market.

[1953 c.677 §5]

599.240 [Repealed by 1953 c.677 §22]

599.245 Licensee's bond. (1) Each person licensed to operate a livestock auction market shall maintain a bond approved by the department to secure the performance of his statutory duties and private obligations incurred as the operator of such market. The bond shall be filed with the department and shall be renewed whenever the license is renewed. The bond shall be conditioned that:

(a) The licensee shall pay all legal claims of the State of Oregon which may accrue from the conduct of the licensee as a livestock auction operator, including those arising from the requirements of ORS 599.425, 604.010 to 604.050, 604.310 to 604.430, 604.510 to 604.531, 604.540 and 604.550 and any moneys payable to the department on behalf of any livestock commission established pursuant to ORS 576.051 to 576.575 or the Oregon Beef Council created by ORS 577.210.

(b) The licensee shall pay all legal claims which may accrue against him and in favor of any seller or buyer of livestock, arising from the conduct of the licensee's market.

(2) The surety on each bond shall be a corporate surety licensed to do business as a surety within the State of Oregon.

(3) The surety shall not cancel the bond until 60 days after its written notice of such cancellation is received by the department, which notice shall be sent to the department and to the principal by registered or certified mail.

(4) (a) The amount of the bond for a licensee whose average gross sales do not exceed $4,000 per month shall be in the amount of $2,000. A licensee whose gross sales exceed $4,000 per month shall provide a bond with the penal sum equal to $2,000 for the first $4,000 of gross sales and $1,000

for each additional $4,000 of gross sales per month. The maximum bond shall not exceed $10,000.

(b) Any livestock auction market licensee or applicant for license who presents to the department satisfactory evidence of his compliance with the bonding provisions of the federal Packers and Stockyards Act of 1921, 7 U. S. C. §§181 to 231, 42 Stat. 159, c.64 (August 15, 1921), as amended, shall be deemed in compliance with the bonding requirements of this section as to his obligations to buyers and sellers of livestock, during such time as he complies with the bonding provisions of such federal statute. To secure payment of all legal claims of the State of Oregon and the department as required by paragraph (a) of subsection (1) of this section, the licensee shall furnish to the state and file with the department a bond in an amount to be determined by the department, but not less than $500 and not more than the largest sum payable to the department for charges incurred by the licensee during any three consecutive months of his operation as such licensee.

(5) If two or more persons have claims, either fixed or contingent, against a licensee's bond, they shall share pro rata in the proceeds of the bond to the extent of their actual damages except that the claims of the State of Oregon and the department referred to in paragraph (a) of subsection (1) of this section shall have priority over, and shall be paid to the department prior to, all other claims or creditors.

[1953 c.677 §6; 1957 c.390 §2; 1959 c.596 §70; 1959 c.685 §31; 1961 c.283 §1]

599.250 [Repealed by 1953 c.677 §22]

599.251 Procedure on licensee's default as to condition of bond. (1) Upon default of a licensee as to any condition of his bond as required by ORS 599.245, the department shall:

(a) Give reasonable notice to persons to file claims with the department.

(b) Fix a reasonable time within which such filing shall be done.

(c) Investigate each claim so filed and reasonably verify the circumstances under which the claims accrued and the good faith of the claimants.

(2) With the approval of the claimants who filed claims, the department may settle such claims with the surety, without filing legal action. Such settlement unless appealed to the circuit court within 30 days as provided by law, is final between the surety and all claimants covered by the bond.

(3) If any claimant, or the surety, does not agree with the findings of the department, the department shall file a declaratory judgment action in equity in the circuit court in the name of the State of Oregon for the benefit of the claimants as authorized by ORS chapter 28. Unless appealed to the Supreme Court as prescribed by law, the order of the court shall be final between the surety and all claimants covered by the bond.

[1961 c.283 §3]

599.255 Suspension or revocation or refusal to issue or renew licenses. The department may revoke or suspend, or refuse to issue or renew the license of any person who does not or has not complied with the provisions of ORS 599.205 to 599.495 or any authorized regulations promulgated under the authority of ORS 599.205 to 599.495.

[1953 c.677 §18; 1961 c.425 §8]

599.260 [Repealed by 1953 c.677 §22]

599.265 Market zone; livestock entering market zone to be sold through auction facilities. (1) All property owned or controlled by a person licensed to operate a livestock auction market which is contiguous to, and used in conjunction with the operation of, the market shall be the market zone of such market.

(2) All livestock entering the market zone must be handled and sold through the facilities of the market and must comply with the requirements of ORS 599.205 to 599.495 and the rules and regulations under which the market is operating.

[1953 c.677 §7]

599.270 [Repealed by 1953 c.677 §22]

599.275 Cattle in market zone to be kept in clean, disinfected and segregated pens. All dairy cattle over six months of age, except steers, spayed females and dairy cattle which by reason of age, disease or other conditions will be purchased for slaughter purposes, and all hogs entering the market zone of a state-federal approved livestock auction market shall be placed and retained, before and after sale, in clean, disinfected and segregated pens kept solely for that purpose.

[1953 c.677 §8; 1957 c.390 §14]

599.280 [Repealed by 1953 c.677 §22]

599.285 Floors in pens; drainage; cleaning pens, alleyways and equipment. All pens used in livestock auction markets for holding

dairy cattle and hogs and all alleyways between such pens shall be floored with concrete or some other impervious material. All such pens and alleys shall be sloped or otherwise constructed to permit adequate drainage. Such pens and alleyways and also fences, food racks and watering troughs shall be constructed so as to allow proper cleaning and sanitation. All such pens, alleyways, fences, food racks and watering troughs or other equipment shall be cleaned and disinfected after each sale or, in the case of a continuous sale, as often as may be prescribed by the department.
[1953 c.677 §9]

599.290 [Repealed by 1953 c.677 §22]

599.295 Pens for diseased animals. (1) The licensee shall provide separate pens of suitable size which shall be designated as quarantine pens which shall be floored with concrete or some other impervious material and constructed so as to allow for efficient drainage and cleaning. These pens shall be used for all animals coming into the market zone which are found to be infected with brucellosis or other contagious, infectious or communicable diseases. These pens shall be used only for the detention of diseased animals and shall be constructed and maintained in accordance with the regulations of the department.

(2) The fact that an animal is placed in a quarantine pen under subsection (1) of this section does not entitle the owner to be paid indemnity for the animal; but this subsection is not intended to affect the payment of indemnity where the owner is entitled to indemnity payments as otherwise provided by law.
[1953 c.677 §10; 1957 c.390 §3]

599.300 [Repealed by 1953 c.677 §22]

599.305 Pens for testing, treating or examining livestock. Each licensee shall provide pens with suitable catching chutes for testing, treating or examining livestock in accordance with the regulations of the department.
[1953 c.677 §11]

599.310 [Repealed by 1953 c.677 §22]

599.315 Regulation by department of the testing, treating and examining of livestock. The department may require such testing, treating and examining of livestock sold, traded, exchanged or handled at or through livestock auction markets as in its judgment may be necessary to prevent the spread of brucellosis, tuberculosis or paratuberculosis, hog cholera and other infectious, contagious or communicable diseases among the livestock of this state.
[1953 c.677 §12; 1957 c.390 §4; 1959 c.63 §6]

599.320 [Repealed by 1953 c.677 §22]

599.325 [1953 c.677 §14; repealed by 1957 c.390 §23]

599.330 [Repealed by 1953 c.677 §22]

599.335 Employment of deputy state veterinarian by licensee; authority; revocation of market operator's license for failing to correct insanitary conditions. (1) The licensee must employ a veterinarian who shall be a deputy state veterinarian appointed under authority of ORS 596.210 to 596.250, to perform all tests and make all examinations required to be performed, carried out or made by ORS 599.205 to 599.495 or the rules and regulations promulgated by the department in compliance with the provisions of ORS 599.205 to 599.495.

(2) Each such veterinarian shall have authority and responsibility for the direction and control of the sanitary practices and examination of animals at such livestock auction market. The veterinarian shall notify in writing the licensee or his managing agent of insanitary conditions or practices. If the improper conditions or practices are not corrected in the time specified, the market veterinarian shall notify the department who shall investigate and upon finding the report correct shall take appropriate steps to revoke the market operator's license.

(3) In the event any licensee is unable to procure the services of a veterinarian, he or it may apply to the department for such service, and the department may furnish such services so far as its personnel permit; provided, the licensee so applying shall reimburse the department for the actual expenses incurred in furnishing the required and requested services.

(4) If upon investigation the department finds that any veterinarian so employed is not discharging his duties and responsibilities in compliance with the provisions of ORS 599.205 to 599.495 and the lawful rules and regulations promulgated thereunder, the department may, after notice and opportunity for hearing, disqualify such veterinarian from performing any further official functions in connection with such market.
[1953 c.677 §13]

599.340 [Repealed by 1953 c.677 §22]

599.345 Weighing to be done by licensed weighmasters; scale tickets to be in triplicate. (1) Each licensee maintaining and operating any weighing facilities for the weighing of livestock at the livestock auction market operated by him shall provide for the weighing to be done by a weighmaster licensed pursuant to the provisions of ORS 618.770.

(2) Scale tickets shall be executed in triplicate for all livestock weighed at the auction market and a copy of such ticket shall be issued to the buyer and seller of the livestock weighed.
[1953 c.677 §15]

599.350 [Repealed by 1953 c.677 §22]

599.355 Records to be kept by licensee. The licensee shall keep on file an accurate record of:

(1) The date on which each consignment of animals was received and sold.

(2) The name and address of the buyer and seller of such animals.

(3) The number and species of the animals received and sold.

(4) The marks and brands on each such animals as furnished by an Oregon brand inspector.

(5) Such records containing any and all statements of warranty or representations of title material to, or upon which, any such sale is consummated, together with the gross selling price, commission and other proper care, handling and sales charges on each consignment of livestock shall be available for inspection by the department or other persons having a legitimate interest therein. A copy thereof and the net proceeds shall be delivered to the buyer and the seller of such livestock or his duly authorized agent. All records of sales during the preceding 12 months shall be kept accessible during business hours for examination by the department or other persons having a legitimate interest in them.
[1953 c.677 §16]

599.360 [Repealed by 1953 c.677 §22]

599.365 [1953 c.677 §2; 1957 c.390 §15; renumbered 599.455]

599.370 [Repealed by 1953 c.677 §22]

599.375 [1953 c.677 §3; 1957 c.390 §17; renumbered 599.460]

599.380 [Repealed by 1953 c.677 §22]

599.385 Enforcement procedures. If the operator of a livestock auction market violates any of the provisions of this chapter, or regulations promulgated by the department under this chapter, the department may:

(1) Summarily quarantine the livestock or the premises, or both, as provided in ORS 596.361 to 596.402.

(2) Apply to the circuit court of the county in which the livestock auction market is located for a court order as provided in ORS 596.416.
[1957 c.390 §13]

599.390 [Repealed by 1953 c.677 §22]

599.395 Joint federal-state administration of chapter. (1) In the discretion of the State Department of Agriculture, a federal department or agency may be authorized by the State Department of Agriculture to act as its agent in carrying out all or part of the provisions of this chapter and regulations promulgated under this chapter without further requirement if it appears to the State Department of Agriculture that this chapter may be more effectively administered by joint federal and state action.

(2) When a federal department or agency is engaged in carrying out all or part of the provisions of this chapter and the regulations promulgated under this chapter pursuant to subsection (1) of this section:

(a) The authorized veterinary officers of the federal department or agency have the same power and authority as a deputy state veterinarian.

(b) The agents and other employes of the federal department or agency have the same power and authority as employes of the State Department of Agriculture engaged in a similar capacity or type of work.
[1957 c.390 §22]

599.400 [Repealed by 1953 c 677 §22]

STATE-FEDERAL LIVESTOCK AUCTION MARKETS

599.405 Establishment of market as state-federal livestock auction market; withdrawal of market as state-federal market. (1) If a licensee desires the livestock auction market to be approved as a state-federal livestock auction market as shall be prescribed by the department and the United States Department of Agriculture, the licensee may make application to both agencies. If the application is approved by both agencies, for the purposes of the state-federal livestock auction market, ORS 599.415 to 599.430 shall apply to the licensee and the

market and ORS 599.335 shall not apply to such licensee and market.

(2) A licensee desiring to withdraw from the provisions of subsection (1) of this section relating to state-federal approved livestock auction markets shall forward to the department a notice by registered or certified mail at least 30 days in advance of such withdrawal date. The department shall approve such withdrawal request. Thereafter, ORS 599.415 to 599.430 shall not apply to the licensee for the purposes of such market, the livestock auction market shall not be a state-federal approved livestock auction market as provided by subsection (1) of this section and ORS 599.335 shall apply to such licensee and market.
[1957 c.390 §6]

599.410 [Repealed by 1953 c.677 §22]

599.415 State Department of Agriculture to furnish services of veterinarians and other employes; licensee not to employ veterinarian. (1) The department shall furnish the services of veterinarians and necessary employes of the department to direct and control the sanitary practices, examinations, testing and inspection of animals required to be performed, carried out or made by ORS 599.205 to 599.495, or the rules and regulations promulgated thereunder, in state-federal approved livestock auction markets provided by ORS 599.405. The person operating such market shall not employ a veterinarian as provided by ORS 599.335.

(2) The department may appoint deputy state veterinarians as provided by ORS 596.210 to 596.250 to assist the department in carrying out its duties and responsibilities in a state-federal approved livestock auction market required by this chapter, or the rules and regulations promulgated thereunder.

(3) Deputy state veterinarians appointed pursuant to subsection (2) of this section, while working for and under the supervision of the department shall be members of the unclassified state civil service as provided by ORS 240.205.

(4) The department is authorized to pay deputy state veterinarians for labor, services and materials on any basis that is fair and reasonable, but in no case shall the department pay a veterinarian more than a total of $10 per hour for such labor, services and materials.
[1957 c.390 §§7, 8, 9]

599.425 Payment by licensee for labor and services furnished under ORS 599.415. (1) The department may fix, assess and collect fees or charges from a licensee for labor and services performed by and materials used by deputy state veterinarians and employes of the department in state-federal approved livestock auction markets as provided by ORS 599.415.

(2) The fees or charges shall be in an amount necessary to cover the cost of such labor, services and materials. The department shall adjust the fees or charges to be collected under this section to meet the expenses necessary to approve sanitation practices and to enforce and carry out the provisions of ORS 599.415 to 599.430. The department may prescribe a different scale of fees or charges for different localities, or for different state-federal approved livestock auction markets.

(3) Payment to the department for such labor, services and material shall be made by a licensee at a time and in a manner as prescribed by the department.

(4) If a licensee fails to forward payment to the department as required by subsections (1) to (3) of this section, the department may:

(a) Refer the matter to the bonding company for payment.

(b) File a suit against the licensee for collection of the amount due.

(c) Refuse to provide services as required under or as authorized by ORS 599.415 to 599.430.
[1957 c.390 §§10, 11]

599.430 Disposition of moneys collected by department. (1) All amounts collected from licensees by the department as provided by subsections (1) to (3) of ORS 599.425 shall be deposited by the department in the General Fund of the State Treasury and credited to the Department of Agriculture Account. Such moneys are not subject to the provisions of ORS 291.368 to 291.372.

(2) Such funds shall be appropriated continuously for and shall be expended by the department in carrying out the provisions of ORS 599.415 to 599.430.
[1957 c.390 §12]

599.435 to 599.450 [Reserved for expansion]

STATE BOARD OF LIVESTOCK AUCTION MARKETS

599.455 State Board of Livestock Auction Markets. (1) There is created hereby a

State Board of Livestock Auction Markets consisting of seven regular members appointed by the Governor. The board members shall be appointed one each from the Oregon Dairymen's Association, the Oregon Cattlemen's Association and the Western Oregon Livestock Association; two members from the Oregon Veterinary Medical Association; and two members from the Oregon Auction Yard Owner's Association. One of the members appointed from the Oregon Auction Yard Owner's Association shall be from association members doing business east of the Cascade Mountains and the other from association members doing business west of the Cascade Mountains. One of the members appointed from the Oregon Veterinary Medical Association shall be performing livestock auction market services east of the Cascade Mountains and the other from association members performing such services west of the Cascade Mountains. The director shall be an ex officio member of the board, provided that he may designate an employe of the department as his representative.

(2) The term of office of board members shall be five years.

(3) The board shall meet at least once every 12 months, or more frequently upon notice from the chairman of the board or the director. The board shall elect a chairman from its membership.

(4) The members of the board shall be paid $10 per diem while actually engaged in the business of the board, including necessary travel time, and their subsistence and actual traveling expenses from funds collected under ORS 599.205 to 599.495.

(5) A majority of the members of the board constitutes a quorum and, a quorum being present at any meeting, a majority vote of those present at the meeting shall constitute an official act of the board. At any meeting the member from the Oregon Dairymen's Association, the member from the Oregon Cattlemen's Association and the member from the Western Oregon Livestock Association shall each have one vote. At any meeting each of the members from the Oregon Auction Yard Owner's Association shall have one-half vote, except that at any meeting where there is only one member present from such association he shall have one vote. At any meeting each of the members from the Oregon Veterinary Medical Association shall have one-half vote, except that at any meeting where there is only one member present from such association he shall have one vote. At any meeting where there is a tie vote the director or his representative shall cast the deciding vote.

[Formerly 599.365]

599.460 Board to advise department. The powers and duties of the board are to advise and counsel with the department in the administration of this chapter.

[Formerly 599.375]

599.465 to 599.480 [Reserved for expansion]

STOCKYARDS

599.485 Definitions for ORS 599.490 and 599.495. As used in ORS 599.490 and 599.495, "stockyards" means any place, establishment or facility commonly known as stockyards, conducted or operated for compensation or profit as a public market, consisting of pens, or other enclosures, and their appurtenances, in which live livestock are received, held or kept for sale or shipment.

[1957 c.390 §19]

599.490 Department may impose stockyard requirements to prevent spread of disease or to enable Oregon or areas thereof to obtain brucellosis-free or tuberculosis-free status. In order to carry out the provisions of ORS 596.020, the department may require such testing, treating and examining of livestock sold, traded, exchanged or handled at or through any stockyard as in its judgment may be necessary to prevent the spread of brucellosis, tuberculosis or paratuberculosis, hog cholera and other infectious, contagious or communicable diseases among the livestock of this state.

[1957 c.390 §20; 1959 c.63 §7]

599.495 Cooperative agreements with Federal Government under which state department carries out federal programs in livestock auction markets and stockyards. (1) The State Department of Agriculture may enter into cooperative agreements or contracts with any agency or department of the Federal Government whereby the State Department of Agriculture may:

(a) Assume authority and administrative responsibility over the operations of livestock auction markets or stockyards, including but not limited to federal posted yards which are under the authority and responsibility of the Federal Government.

(b) Assume and carry out the program, procedures, services and work being done or to be done by the federal agency or federal department in Oregon to eradicate and to prevent the spread of brucellosis, tuberculosis, paratuberculosis or other infectious, contagious, communicable or dangerous diseases in livestock auction markets or stockyards or the animals handled by such markets or yards.

(2) The State Department of Agriculture may contract with or enter into agreements with the agencies or departments of the Federal Government referred to in subsection (1) of this section to receive funds which shall be deposited with the State Treasurer to be paid out and used by the State Department of Agriculture in carrying out the provisions of any Oregon law and of the Act of Congress under which the money is paid in accordance with the terms of the contract or agreement. Such funds are not subject to the provisions of ORS 291.368 to 291.372 and are continuously appropriated for the purpose of carrying out the provisions of this chapter in accordance with the terms of the contract or agreement.

[1957 c.390 §21]

599.500 and 599.505 [Reserved for expansion]

MISCELLANEOUS PROVISIONS RELATING TO AUCTIONS

599.510 Prevention of competitive bidding prohibited. No person shall enter or offer or attempt to enter into any agreement or arrangement with another person for the purpose of preventing competitive bidding upon any horses, mules, cattle, sheep, swine or other livestock shipped to a wholesale or central stockyards market for sale.

599.520 By-bids and fraudulent bids made to deceive bidders; minimum or reserve bids. (1) No person shall make any by-bids or other false or fraudulent bids designed to stimulate bona fide bidding at any auction sale of livestock.

(2) No person shall conspire with any other person for the purpose of making such a bid or make any false statement relative to any such livestock being sold, with intent to deceive any bidder or with intent to influence any bid therefor. Any false statement relative to such livestock, made by the owner thereof or his agent, shall prima facie be presumed to have been made with intent to deceive any such bidder.

(3) However, this section does not prohibit the owner or consignor of livestock offered at public auction from announcing a minimum or reserve bid, which shall either be noted in the catalog of such auction or announced by the auctioneer.

599.530 Prohibited practices in sales of purebreds. No person shall include in any public auction or sale of purebred livestock any animal which is not offered for bona fide sale, or which is placed in the sale for the purpose, or with the intent, of creating, or attempting to create, any fictitious value for any other animal offered at such sale by by-bidding, offering fictitious bids, making fictitious sales or otherwise.

599.540 Withdrawal of purebred livestock from a sale. (1) In cases where there is an animal listed in the printed catalogue or other advertisements of any auction sale of purebred livestock and is withdrawn prior to the sale, the reason for such withdrawal shall be publicly stated by the owner or consignor or his agents, or by the auctioneer, prior to the commencement of such sale.

(2) As used in ORS 599.530 and 599.540, the term "purebred livestock" includes all animals registered or eligible to registration in the various breed associations organized and maintained for the registration of cattle, horses, swine, sheep or goats, and having jurisdiction over the registration of such animals in the United States.

599.550 Milking dairy cows prior to sale. No person shall sell or offer for sale for dairy purposes at public auction, any cows giving milk and intended to be used for dairy purposes, that have not been milked out entirely dry within not more than 12 hours preceding the opening of the sale at which such cows are offered for sale or sold.

599.560 Affidavits as to time of milking. Any person selling or offering for sale any cows in milk at public auction, intended to be used for dairy purposes, shall file with the auctioneer of the sale the affidavits of two freeholders to the effect that they have knowledge that such cows have been milked entirely dry within the time specified by ORS 599.550.

599.570 to 599.600 [Reserved for expansion]

TEMPORARY HORSE SALES

599.610 Temporary horse sale license. (1) Notwithstanding other laws to the contrary, any person desiring to conduct a temporary horse sale to which the public may consign horses for sale by auction open to public bidding and where such sale shall not exceed one calendar day may make application to the department for a temporary horse sale license.

(2) A temporary horse sale license shall be issued when the department finds:

(a) That an application as approved by the department has been received.

(b) That the applicant has filed with the department a bond as required by ORS 599.245, except that such bond may be limited to the period of operation of the temporary horse sale as approved by the department.

(c) That a license fee of $10 has been paid.

(d) That the requirements of ORS 599.610 to 599.640 and the regulations promulgated thereunder are complied with.

(3) An additional application, license fee and adequate bond, as required by subsection (2) of this section, is necessary for each additional day upon which horses are sold.

(4) A license shall not be required for the sale of horses by nonprofit breed or livestock associations or clubs, Future Farmer and 4-H groups, auction sales conducted in conjunction with county, state or private fairs or auction sales conducted by or for a person at which horses of such person's ownership are sold on his own premises or by a person licensed pursuant to the provisions of ORS 599.225 and 599.235.

[1959 c.63 §2]

599.620 Enforcement and regulations. Except as provided by ORS 599.245, the provisions of this chapter shall not apply to a person licensed pursuant to ORS 599.610. In lieu thereof, the department shall promulgate regulations relating to the time, place, manner and method of the temporary sale of horses as authorized by ORS 599.610. In the enforcement of such provisions or the promulgation of regulations thereunder, the department shall take into consideration the following factors:

(1) The measures necessary to establish and maintain the same standards and purposes as are contained in the laws and regulations relating to livestock auction markets and stockyards licensed under and subject to the provisions of this chapter and ORS chapter 596 and yet at the same time to provide a practical and reasonable procedure to permit the holding of such temporary sale of horses.

(2) Those measures necessary to control or eradicate contagious or infectious diseases of horses.

(3) The employment of a veterinarian by the licensee as provided by ORS 599.335.

(4) The economic consequences to the citizens of this state which may result from the spread of all diseases of horses.

(5) The extent to which certain diseases of horses are endemic or epidemic through neighboring states, the United States or this state.

(6) The extent to which livestock other than horses which are infected with or are carriers of the diseases may be adversely affected by reason thereof.

(7) The laws and regulations of the United States and other states.

(8) The laws relating to brands, as provided by this chapter.

[1959 c.63 §3]

599.630 Revocation, suspension or refusal to issue license. The department may revoke or suspend or refuse to issue the temporary horse sale license of any person who does not or has not complied with the provisions of ORS 599.610, 599.620 and 599.640 or regulations promulgated thereunder.

[1959 c.63 §4]

599.640 Compliance with ORS 599.610 and 599.620 required. No person shall violate the provisions of ORS 599.610 and 599.620 or the regulations promulgated thereunder. No person other than a licensee of a livestock auction market or stockyard as provided by ORS 599.225 and 599.235 shall operate an establishment, place of business, or conduct a sale to which the public may consign or permit horses to be sold by auction open to public bidding, without first obtaining a temporary horse sale license as authorized by ORS 599.610.

[1959 c.63 §5]

599.650 to 599.980 [Reserved for expansion]

PENALTIES

599.990 Penalties. (1) Any violation of the provisions of ORS 599.205 to 599.245 and 599.255 to 599.495 including, but not limited

to, the provisions of ORS 599.215 shall be punished upon conviction by a fine of not more than $500 or by imprisonment in the county jail for not more than six months, or both. Justice courts and district courts shall have concurrent jurisdiction with circuit courts of criminal proceedings instituted for violations of ORS 599.205 to 599.245 and 599.255 to 599.495.

(2) Violation of ORS 599.510 is punishable, upon conviction, by a fine not exceeding $5,000.

(3) Violation of ORS 599.520 is punishable, upon conviction, by a fine not exceeding $1,000 or by imprisonment in the county jail not exceeding one year, or both.

(4) Violation of ORS 599.530 or 599.540 is punishable, upon conviction, by a fine of not less than $500 nor exceeding $1,000 or by imprisonment in the county jail for not less than six months nor exceeding one year, or both.

(5) Violation of ORS 599.550, 599.560, 599.610, 599.620 or 599.640 is punishable, upon conviction, by a fine not exceeding $500.

[Amended by 1953 c.677 §22; subsection (2) enacted as 1953 c.677 §§19, 20; 1955 c.542 §2; subsection (6) of 1959 Replacement Part enacted as 1959 c.63 §8; 1961 c.283 §4]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on December 1, 1961.

Sam R. Haley
Legislative Counsel