

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

725C0659

HOUSE BILL NO. 1233

Introduced by: Representative Weber and Senator Lange

1 FOR AN ACT ENTITLED, An Act to place certain restrictions on the ownership of livestock
2 feedlots by certain livestock processors.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. In order to preserve free and private enterprise, prevent monopoly, and protect
5 consumers, no processor of beef or pork or any entity in which a processor of beef or pork has
6 an ownership interest, whether the ownership interest is implied or imputed or in any way may
7 be attributed to a related party, may own, control, or operate a feedlot in south Dakota in which
8 hogs or cattle are fed for slaughter. In addition, no processor may directly or indirectly control
9 the manufacturing, processing, or preparation for sale of pork or beef products derived from
10 livestock if the processor contracted for the care and feeding of the livestock in this state. This
11 section does not apply to a cooperative association organized under Title 47, if the cooperative
12 association contracts for the care and feeding of livestock with a member of the cooperative
13 association who is actively engaged in farming. This section does not apply to an association
14 organized as a cooperative in which another cooperative association organized under Title 47
15 is a member, if the association contracts with a member which is a cooperative association
16 organized under Title 47, which contracts for the care and feeding of livestock with a member
17 of the cooperative who is actively engaged in farming. This section does not preclude a

1 processor from contracting for the purchase of livestock. This section does not apply to any
2 processor that generates less than ten million dollars of gross revenues per year. This section
3 does not prevent processors or educational institutions from carrying on legitimate research,
4 educational, or demonstration activities, nor does it prevent processors from owning and
5 operating facilities to provide normal care and feeding of animals for a period not to exceed ten
6 days immediately before slaughter, or for a longer period in an emergency. Any processor that
7 owns, controls, or operates a feedlot in violation of this section on July 1, 1999, has until July 1,
8 2006, to dispose of the property.

9 Section 2. A processor violating section 1 of this Act shall be assessed a civil penalty of not
10 more than twenty-five thousand dollars. The courts of this state may prevent and restrain
11 violations of this Act through the issuance of an injunction. The attorney general or a county
12 state's attorney shall institute suits on behalf of the state to prevent and restrain violations of this
13 Act.