

AN ACT

ENTITLED, An Act to prohibit certain practices by certain livestock packers and live poultry dealers.

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

Section 1. The Legislature finds that the enforcement of the federal Packers and Stockyards Act is inadequate and that this trend has intensified in recent years. The failure to enforce the federal Packers and Stockyards Act has resulted in the vast majority of beef in the United States being concentrated in the hands of a small number of packing firms and has restricted fair competition for livestock producers. The only recourse for the State of South Dakota is to enact appropriate provisions for the regulation of packers as provided in section 2 of this Act to protect South Dakota citizens who are directly or indirectly associated with the state's agricultural economy.

Section 2. No packer, with respect to livestock, meats, meat food products, or livestock products in unmanufactured form, and no live poultry dealer with respect to live poultry, may:

- (1) Engage in or use any unfair, unjustly discriminatory, or deceptive practice or device;
- (2) Make or give any undue or unreasonable preference or advantage to any particular person or locality in any respect whatsoever, or subject any particular person or locality to any undue or unreasonable prejudice or disadvantage in any respect whatsoever;
- (3) Sell or otherwise transfer to or for any other packer or any live poultry dealer, or buy or otherwise receive from or for any other packer or any live poultry dealer, any article for the purpose or with the effect of apportioning the supply between any such persons, if the apportionment has the tendency or effect of restraining commerce or of creating a monopoly;
- (4) Sell or otherwise transfer to or for any other person, or buy or otherwise receive from or for any other person, any article for the purpose or with the effect of manipulating or controlling prices, or of creating a monopoly in the acquisition of, buying, selling, or dealing in, any article, or of restraining commerce;

- (5) Engage in any course of business or do any act for the purpose or with the effect of manipulating or controlling prices, or of creating a monopoly in the acquisition of, buying, selling, or dealing in, any article, or of restraining commerce;
- (6) Conspire, combine, agree, or arrange with any other person to apportion territory for carrying on business, or to apportion purchases or sales of any article, or to manipulate or control prices; or
- (7) Conspire, combine, agree, or arrange with any other person to do, or aid and abet the doing of, any act made unlawful by subdivisions (1) to (5), inclusive, of this section.

An Act to prohibit certain practices by certain livestock packers and live poultry dealers.

=====

I certify that the attached Act originated in the

SENATE as Bill No. 164

Secretary of the Senate

=====

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 164
File No. _____
Chapter No. _____

=====

Received at this Executive Office this ____ day of _____ ,

19__ at _____ M.

By _____
for the Governor

=====

The attached Act is hereby approved this _____ day of _____ , A.D., 19__

Governor

=====

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____ , 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State