

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

903C0629

SENATE ENGROSSED NO. **SB164** - 2/22/99

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsors.

Introduced by: Senators Kloucek and Lange and Representatives Chicoine, Hanson, Kazmerzak, Lockner, Lucas, and Nachtigal

1 FOR AN ACT ENTITLED, An Act to prohibit certain practices by certain livestock packers and
2 live poultry dealers.

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

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

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

14 (1) Engage in or use any unfair, unjustly discriminatory, or deceptive practice or device;

15 (2) Make or give any undue or unreasonable preference or advantage to any particular
16 person or locality in any respect whatsoever, or subject any particular person or

1 locality to any undue or unreasonable prejudice or disadvantage in any respect
2 whatsoever;

3 (3) Sell or otherwise transfer to or for any other packer or any live poultry dealer, or buy
4 or otherwise receive from or for any other packer or any live poultry dealer, any
5 article for the purpose or with the effect of apportioning the supply between any such
6 persons, if the apportionment has the tendency or effect of restraining commerce or
7 of creating a monopoly;

8 (4) Sell or otherwise transfer to or for any other person, or buy or otherwise receive from
9 or for any other person, any article for the purpose or with the effect of manipulating
10 or controlling prices, or of creating a monopoly in the acquisition of, buying, selling,
11 or dealing in, any article, or of restraining commerce;

12 (5) Engage in any course of business or do any act for the purpose or with the effect of
13 manipulating or controlling prices, or of creating a monopoly in the acquisition of,
14 buying, selling, or dealing in, any article, or of restraining commerce;

15 (6) Conspire, combine, agree, or arrange with any other person to apportion territory for
16 carrying on business, or to apportion purchases or sales of any article, or to
17 manipulate or control prices; or

18 (7) Conspire, combine, agree, or arrange with any other person to do, or aid and abet the
19 doing of, any act made unlawful by subdivisions (1) to (5), inclusive, of this section.

1 **BILL HISTORY**

2 1/27/99 First read in Senate and referred to Appropriations. S.J. 214

3 2/3/99 Scheduled for Committee hearing on this date.

4 2/17/99 Appropriations Hog Housed.

5 2/17/99 Scheduled for Committee hearing on this date.

6 2/17/99 Appropriations Do Pass Amended, Passed, AYES 7, NAYS 3. S.J. 514

7 2/19/99 Senate Hog Housed.

8 2/19/99 Motion to Amend, Passed. S.J. 599

9 2/19/99 Senate Do Pass Amended, Passed, AYES 32, NAYS 1. S.J. 600

10 2/19/99 Senate Title Amended Passed. S.J. 601