

# State of South Dakota

EIGHTIETH SESSION  
LEGISLATIVE ASSEMBLY, 2005

381L0583

## SENATE BILL NO. 164

Introduced by: Senators McNenny, Apa, Hansen (Tom), Hundstad, Koskan, Lintz, and Napoli and Representatives Jensen, Brunner, Pederson (Gordon), and Rhoden

1 FOR AN ACT ENTITLED, An Act to repeal certain provisions related to the reporting of  
2 livestock contracts.

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

4 Section 1. That § 40-15A-1 be amended to read as follows:

5 40-15A-1. Terms used in this chapter mean:

- 6 (1) "Animal Industry Board" or "board," the Animal Industry Board of the State of South  
7 Dakota;
- 8 (2) "Licensed, accredited veterinarian," a veterinarian licensed by the state of livestock  
9 shipment origin to practice veterinary medicine within that state and accredited by  
10 the federal government for the purpose of issuing interstate certificates;
- 11 (3) "Livestock," cattle, sheep, horses, mules, swine, buffalo, and goats;
- 12 (4) ~~"Livestock contract," a contract entered into by a person who in the ordinary course  
13 of business buys livestock produced or raised in this state or who contracts with a  
14 livestock producer to produce or raise livestock in this state if the affected livestock  
15 are acquired or contracted for at least fourteen days before slaughter;~~



- 1 (5) "Livestock dealer," any person engaged in the business of buying, selling, and dealing  
2 in livestock from producers or livestock auction markets for resale or shipment  
3 within or without the state or for resale in the local market;
- 4 (6) ~~"Livestock producer," any person who produces or causes to be produced livestock  
5 in a quantity beyond the person's own family use and is able to transfer title to  
6 another or provides management, labor, machinery, facilities, or any other production  
7 input for the production of livestock;~~
- 8 (7) "Packer," any firm conducting business involved in the slaughter or processing of  
9 meat or meat products if the firm is not subject to state inspection;
- 10 (8) "Stocker and feeder livestock," any livestock used for feeding or breeding purposes,  
11 except feeder pigs.

12 Section 2. That § 40-15A-13 be repealed.

13 ~~—40-15A-13. Any packer with gross annual sales in excess of one hundred million dollars and  
14 with a livestock contract shall file annually with the Department of Agriculture a copy of the  
15 annual report form of the federal packers and stockyards regulations filed with the federal  
16 packers and stockyards administration and any additional information that may be required on  
17 a form prescribed by the Department of Agriculture. The report and any additional information  
18 required in §§ 40-15A-14 and 40-15A-15 shall be filed with the Department of Agriculture not  
19 later than April fifteenth following the end of the calendar year or, if the records are kept on a  
20 fiscal year basis, not later than ninety days after the close of the fiscal year.~~

21 Section 3. That § 40-15A-14 be repealed.

22 ~~—40-15A-14. In conjunction with the requirements of § 40-15A-13, the Department of  
23 Agriculture shall require any packer subject to § 40-15A-13 to annually report or submit a list  
24 of all livestock producers with whom the packer has entered into livestock contracts or amended~~

1 existing livestock contracts during the reporting year, copies of standard contracts used by the  
2 packer in South Dakota during the reporting year, and information by plant location on the type  
3 of livestock contracted or purchased in this state, including method of purchase, price, distance  
4 transported, weight, sex, species, other characteristics, grade and yield discounts, prices paid to  
5 producers, and other discounts or premiums.

6 Section 4. That § 40-15A-15 be repealed.

7 ~~40-15A-15. If any livestock contractor is the subsidiary of another corporation, partnership,~~  
8 ~~or association, the parent corporation, partnership, or association is liable for any violation by~~  
9 ~~the contractor of the requirements specified in §§ 40-15A-13 and 40-15A-14.~~

10 Section 5. That § 40-15A-16 be repealed.

11 ~~40-15A-16. The Department of Agriculture shall promulgate rules pursuant to chapter 1-26~~  
12 ~~specifying reporting forms and requirements in accordance with §§ 40-15A-13 to 40-15A-15,~~  
13 ~~inclusive, and rules governing the release of data to South Dakota State University for analysis~~  
14 ~~pursuant to § 40-15A-17 and protecting the privacy rights of persons and entities affected by the~~  
15 ~~release or analysis of the data.~~

16 Section 6. That § 40-15A-17 be repealed.

17 ~~40-15A-17. In accordance with rules promulgated pursuant to § 40-15A-16, South Dakota~~  
18 ~~State University shall prepare and make available to the public an annual report analyzing the~~  
19 ~~data and information reported pursuant to §§ 40-15A-13 to 40-15A-15, inclusive.~~

20 Section 7. That § 40-15A-18 be repealed.

21 ~~40-15A-18. The Department of Agriculture and South Dakota State University shall make~~  
22 ~~available to the attorney general, and the attorney general may release to state and federal law~~  
23 ~~enforcement agencies in South Dakota and in other states, any information acquired under~~  
24 ~~§§ 40-15A-1 to 40-15A-19, inclusive, if such information is used for the purpose of enforcing~~

1 ~~chapter 37-1, enforcing federal antitrust laws or enforcing antitrust laws in other states.~~  
2 ~~However, such information may not be made public or disclosed beyond the extent necessary~~  
3 ~~for law enforcement purposes in the public interest.~~

4 Section 8. That § 40-15A-19 be repealed.

5 ~~— 40-15A-19. Any person who violates the reporting requirements of § 40-15A-13, 40-15A-~~  
6 ~~14, or 40-15A-15 is subject to a civil action by the State of South Dakota in circuit court for the~~  
7 ~~recovery of a civil penalty not to exceed one thousand dollars per day of violation.~~