

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

156B0205

HOUSE BILL NO. 1089

Introduced by: Representatives Brunner, Duvall, Hammock, Marty, and Peterson (Kent) and
Senators Klumb, Langer, and Nesiba

1 FOR AN ACT ENTITLED, An Act to revise provisions regarding electronic livestock auctions.

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

3 Section 1. That § 40-15-1 be amended to read:

4 40-15-1. ~~Any person operating~~ The term, livestock auction agency, means a place of
5 business where livestock are bought and sold through public auction, ~~including livestock buying~~
6 ~~stations not buying and selling through public auction, is a livestock auction agency, except or~~
7 private sale. A livestock auction agency does not include any place or operation where future
8 farmers or 4-H groups or fair associations or private fairs conduct sales of livestock, any place
9 or operation conducted for a dispersal sale of the livestock of a farmer, dairyman, livestock
10 breeder, or feeder who is discontinuing ~~said~~ that business and no other livestock is sold or
11 offered for sale, ~~and~~ any place of operation where a breeder or an association of breeders of
12 livestock assemble and offer for sale and sell under their own management any livestock, and
13 any electronic auction operating in accordance with the federal Packers and Stockyards Act.

14 Section 2. That § 40-15-31.1 be amended to read:

15 40-15-31.1. The term, electronic auction, refers to computer-accessible auctions where



1 livestock are bought and sold through public auction. ~~The Animal Industry Board shall regulate~~
2 ~~electronic auctions. Any livestock auction agency licensed under this chapter may also be~~
3 ~~licensed to operate electronic auctions of livestock for immediate slaughter if the application~~
4 ~~and licensure procedures for the electronic auctions are in compliance with §§ 40-15-1 to 40-15-~~
5 ~~10, inclusive. The provisions of §§ 40-15-11, 40-15-12, 40-15-14, 40-15-16, 40-15-21, 40-15-26~~
6 ~~to 40-15-34, inclusive, 40-15-35.1, 40-15-36, 40-15-38, and 40-15-39 also apply to electronic~~
7 ~~auction agencies.~~

8 Section 3. That § 40-15-31.2 be repealed.

9 ~~— 40-15-31.2. Livestock sold by electronic auction not delivered directly from the farm of~~
10 ~~origin to a United States Department of Agriculture or state inspected slaughter establishment~~
11 ~~may pass only through a United States Department of Agriculture approved stockyard for all~~
12 ~~classes of livestock.~~