

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

714X0270

HOUSE BILL NO. 1185

Introduced by: Representative Brunner

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding livestock satellite
2 video auction agencies and electronic auctions of livestock.

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

4 Section 1. That chapter 40-15 be amended by adding a NEW SECTION to read:

5 Satellite video auction agency is a place or establishment operated for profit where livestock
6 are sold or offered for sale at a facility within or outside the state through the use of satellite
7 video.

8 Section 2. That § 40-15-1 be amended to read:

9 40-15-1. Any person operating a place of business where livestock are bought and sold
10 through public auction or satellite video auction, including livestock buying stations not buying
11 and selling through public auction, is a livestock auction agency, except any place or operation
12 where future farmers or 4-H groups or fair associations or private fairs conduct sales of
13 livestock, any place or operation conducted for a dispersal sale of the livestock of a farmer,
14 dairyman, livestock breeder, or feeder who is discontinuing said business and no other livestock
15 is sold or offered for sale, and any place of operation where a breeder or an association of



1 breeders of livestock assemble and offer for sale and sell under their own management any
2 livestock.

3 Section 3. That § 40-15-13.2 be amended to read:

4 40-15-13.2. The board shall promulgate rules pursuant to chapter 1-26 to ensure:

5 (1) That livestock for immediate slaughter sold on a carcass basis are weighed on
6 livestock scales certified by the United States Packers and Stockyards Administration
7 for weighing livestock on a carcass basis; and

8 (2) That livestock for immediate slaughter sold on a live basis are weighed on livestock
9 scales certified by the United States Packers and Stockyards Administration for
10 weighing such livestock; ~~and~~

11 ~~(3) That a fee is assessed for all livestock sold by electronic auction on a per head basis~~
12 ~~in an amount equal to ten percent of the minimum inspection fees as provided for in~~
13 ~~§ 40-15-17.~~

14 Section 4. That § 40-15-26 be amended to read:

15 40-15-26. The livestock auction agency or satellite video auction agency shall ensure that
16 any livestock passing through a livestock auction agency for interstate or intrastate traffic, ~~are~~
17 is inspected, examined, and tested before being removed from the premises as required by the
18 state of destination. Shipment of ~~such~~ livestock shall be covered by ~~such~~ a certificate of health
19 as may be required by the state of destination before ~~such~~ livestock is removed from the
20 premises of the auction agency; but if ~~such~~ the certificate is made from physical examination
21 only, it shall be issued without charge by the veterinary inspector to the shipper.

22 Section 5. That § 40-15-31.1 be amended to read:

23 40-15-31.1. ~~The term, electronic auction, refers to computer-accessible auctions where~~
24 ~~livestock are bought and sold through public auction.~~ The Animal Industry Board shall regulate

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

7 Section 6. That § 40-15-31.2 be repealed.

8 ~~—40-15-31.2. Livestock sold by electronic auction not delivered directly from the farm of~~
9 ~~origin to a United States Department of Agriculture or state inspected slaughter establishment~~
10 ~~may pass only through a United States Department of Agriculture approved stockyard for all~~
11 ~~classes of livestock.~~