



## 2021 South Dakota Legislature

# House Bill 1226

Introduced by: **Representative Hoffman**

1 **An Act to permit 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.

4 **40-15-1. Livestock auction agency—Definition--Exceptions.**

5 ~~Any person operating~~The term, livestock auction agency, as used in this chapter,  
6 means a place of business ~~where at which~~ livestock are ~~is~~ bought and sold through public  
7 auction, ~~including livestock buying stations not buying and selling through public auction,~~  
8 ~~is a livestock auction agency, except any.~~ It does not include:

9 (1) Any place or operation where at which future farmers ~~or~~ 4-H groups ~~or~~ fair  
10 associations, ~~or~~ private fairs conduct sales of livestock, ~~any;~~

11 (2) Any place or operation conducted for at which there is a dispersal sale of the  
12 livestock ~~of belonging to~~ a farmer, dairyman, livestock breeder, or feeder, ~~who is~~  
13 discontinuing ~~said business and,~~ if no other livestock is sold or offered for sale, ~~and~~  
14 ~~any;~~

15 (3) Any place of operation where at which a breeder or an association of livestock  
16 breeders ~~of livestock assemble and,~~ offer for sale, ~~and~~ sell livestock under their  
17 own management ~~any livestock;~~ or

18 (4) Any person who engages in the business of buying or selling livestock, on a  
19 commission or other fee basis, using online, video, or other electronic methods, in  
20 accordance with the Packers and Stockyards Act, 1921, as amended, 7 U.S.C. §  
21 182, et seq.

22 **Section 2.** That § 40-15-13.2 be AMENDED.

23 **40-15-13.2. Promulgation of rules--Scales--Fees.**

24 The board shall promulgate rules, pursuant to chapter 1-26, to ensure that:

- 1       (1) ~~That livestock~~Livestock for immediate slaughter, sold on a carcass basis~~are, is~~  
2           weighed on livestock scales certified by the United States Packers and Stockyards  
3           Administration for weighing livestock on a carcass basis; and  
4       (2) ~~That livestock~~Livestock for immediate slaughter, sold on a live basis~~are, is~~ weighed  
5           on livestock scales certified by the United States Packers and Stockyards  
6           Administration for weighing such livestock; ~~and~~  
7       (3) ~~That a fee is assessed for all livestock sold by electronic auction on a per head basis~~  
8           in an amount equal to ten percent of the minimum inspection fees as provided for  
9           in ~~§ 40-15-17~~.

10    **Section 3.** That § 40-15-31.1 be REPEALED.

11            **40-15-31.1. Electronic auction--Regulation--Licensure.**

12    **Section 4.** That § 40-15-31.2 be REPEALED.

13            **40-15-31.2. Electronic auction--Delivery.**