

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

SENATE BILL 1133

By: Laughlin

AS INTRODUCED

An Act relating to agriculture; providing short title; defining terms; prohibiting discrimination in prices paid or offered to be paid to sellers of livestock; stating requirements for certain exceptions; stating terms and conditions; specifying information to be provided to certain agencies; making certain agreements voidable; defining crime; authorizing Attorney General to enforce provisions of act; providing court action for certain violations; authorizing treble damages in certain cases; providing for daily price reporting for prices paid for livestock; providing certain forms for comparison with cash market prices; setting penalties; authorizing action to be filed in district court; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-141 of Title 2, unless there is created a duplication in numbering, reads as follows:

Sections 1 through 8 of this act shall be known and may be cited as the "Oklahoma Livestock Packers Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-142 of Title 2, unless there is created a duplication in numbering, reads as follows:

As used in the Oklahoma Livestock Packers Act:

1. "Livestock" means live cattle, swine, or sheep;
2. "Packer" means a person who is engaged in the business of slaughtering livestock or receiving, purchasing, or soliciting livestock for slaughter, the meat products of which are directly or indirectly to be offered for resale or for public consumption.

Packer includes an agent of the packer engaged in buying or soliciting livestock for slaughter on behalf of a packer. Packer does not include a cold storage plant or frozen food locker plant; and

3. "Department" means the State Department of Agriculture.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-143 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. A packer purchasing or soliciting livestock for slaughter in this state may not discriminate in prices paid or offered to be paid to sellers of that livestock. This section does not apply to the sale and purchase of livestock if the following requirements are met:

1. The price differential is based on the quality of the livestock, if the packer purchases or solicits the livestock based upon a payment method specifying prices paid for criteria relating to carcass merit; actual and quantifiable costs related to transporting and acquiring the livestock by the packer; or an agreement for the delivery of livestock at a specified date or time; and

2. After making a differential payment to a seller, the packer publishes information relating to the differential pricing, including the payment method for carcass merit, transportation and acquisition pricing, and an offer to enter into an agreement for the delivery of livestock at a specified date or time according to the same terms and conditions offered to other sellers.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-144 of Title 2, unless there is created a duplication in numbering, reads as follows:

A packer shall provide all sellers with the same terms and conditions offered to a seller who receives a differential price based on any of the criteria described in Section 3 of this act.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-145 of Title 2, unless there is created a duplication in numbering, reads as follows:

A packer shall, at the end of each day during which livestock are purchased or contracted, provide to the United States Department of Agriculture, agricultural market service livestock market news branch, and the State Department of Agriculture, all prices paid for livestock, both contract and direct purchased, that day.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-146 of Title 2, unless there is created a duplication in numbering, reads as follows:

Any agreement made by a packer in violation of this act is voidable. Any packer acting in violation of this section is guilty of a misdemeanor.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-147 of Title 2, unless there is created a duplication in numbering, reads as follows:

The Attorney General shall enforce the provisions of this act and the State Department of Agriculture shall refer any violations of these provisions to the Attorney General. The Attorney General or any person injured by a violation of these provisions may bring an action in district court to restrain a packer from violating these provisions. A seller who receives a discriminatory price or who is offered only a discriminatory price for livestock based upon a violation of these provisions by a packer has a civil cause of action against the packer and, if successful, shall be awarded treble damages.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-148 of Title 2, unless there is created a duplication in numbering, reads as follows:

Any packer shall make available for publication and to the State Department of Agriculture a daily report setting forth information

regarding prices paid for livestock, under each contract in force, in which the packer and an Oklahoma resident are parties for the purchase of the livestock by the packer, and which sets a date for delivery more than twenty (20) days after the making of the contract. The reports shall be completed on forms prepared by the Department for comparison with cash market prices for livestock according to procedures required by the Department. The report may not include information regarding the identity of a seller. A failure of a packer to report as required by this section is punishable by a civil penalty not to exceed One Thousand Dollars (\$1,000.00) for each day that a timely or truthful report is not made. The Department shall refer to the Attorney General any packer or packer's agent whom the Department believes is in violation of the provisions of this act. The Attorney General may, upon referral from the Department, file an action in district court to enforce these provisions.

SECTION 9. This act shall become effective November 1, 2000.

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