

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL NO. 466

By: Laughlin and Muegge of the  
Senate

and

Leist of the House

COMMITTEE SUBSTITUTE

An Act relating to agriculture; creating the Competitive Livestock Markets Act; defining term; prohibiting certain acts; making certain actions unlawful; authorizing the Attorney General or district attorney to bring certain actions; authorizing certain persons to bring certain actions against certain parties; requiring packers to keep certain records; providing for cooperation of the Attorney General with other entities; 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 9-160 of Title 2, unless there is created a duplication in numbering, reads as follows:

The provisions of this act shall be known and may be cited as the "Competitive Livestock Markets Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-161 of Title 2, unless there is created a duplication in numbering, reads as follows:

As used in the Competitive Livestock Markets Act, "packer" means any person:

1. Engaged in the business of buying more than five thousand (5,000) animal units of livestock per year in commerce for purpose of slaughter;

2. Manufacturing or preparing meats or meat food products for sale of shipment in commerce; or

3. Marketing meats, meat food products or livestock products in an unmanufactured form acting as a wholesale broker, dealer or distributor.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-162 of Title 2, unless there is created a duplication in numbering, reads as follows:

It shall be unlawful for any packer with respect to livestock, meats, meat products or livestock products in unmanufactured form to:

1. Engage in or use any unfair, unjustly discriminatory or deceptive practice or device;

2. Sell or otherwise transfer to or for any other packer or buy or otherwise receive from or for any other packer any article for the purpose or with the effect of apportioning the supply between any such persons if such apportionment has the tendency or effect of restraining commerce or of creating a monopoly;

3. Sell or otherwise transfer to or for any other person, or buy or otherwise receive from or for any other person, any article for the purpose or with the effect of manipulating or controlling prices, or of creating a monopoly in the acquisition of buying, selling or dealing in any article, or of restraining commerce;

4. Engage in any course of business or do any act for the purpose of or with the effect of manipulating or controlling prices, or of creating a monopoly in the acquisition of buying, selling, dealing in any article or of restraining commerce;

5. Conspire, combine, agree or arrange with any other person to apportion territory for carrying on business, to apportion purchases of any article or to manipulate or control prices; or

6. Conspire, combine, agree or arrange with any other person to aid or abet the doing of any act made unlawful by paragraph 1, 2, 3 or 4 of this section.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-163 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. The Attorney General or any district attorney may bring an action to:

1. Obtain a declaratory judgment that an act or practice violates the Competitive Livestock Markets Act;

2. Enjoin or to obtain a restraining order against a packer who is violating the Competitive Livestock Markets Act; and

3. Recover reasonable expenses and investigation fees.

B. 1. In lieu of instigating or continuing an action or proceeding, the Attorney General may accept a consent judgment with respect to any act or practice declared to be a violation of the Competitive Livestock Markets Act.

2. Such consent judgment shall provide for the discontinuance by the packer of any act or practice declared to be a violation of the Competitive Livestock Markets Act. The judgment may include a stipulation for the payment by the packer of reasonable expenses and investigation fees incurred by the Attorney General.

3. Any consent judgment entered into pursuant to this section shall not be deemed to admit the violation, unless it does so by its terms. Before any consent judgment entered into pursuant to this section is effective, the judgment must be approved by the district court and an entry made thereof in the manner required for making an entry of judgment.

4. Once such approval is received, any breach of the conditions of the judgment shall be treated as a violation of a court order, and shall be subject to all the penalties provided by law therefor.

C. In any action brought by the Attorney General or a district attorney, the court may:

1. Make such orders as may be necessary to prevent the use or employment by a packer of any practices declared to be a violation of the Competitive Livestock Markets Act;

2. Revoke any license or certificate authorizing that packer to engage in business in this state;

3. Issue a temporary restraining order or enjoin any packer from engaging in business in this state;

4. Award reasonable expenses and investigation fees, civil penalties and costs; and

5. Grant other appropriate relief.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-164 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. Any person who has incurred damages as a result of the Competitive Livestock Markets Act may bring an action to:

1. Obtain a declaratory judgment that an act or practice violates the Competitive Livestock Markets Act; or

2. Enjoin or obtain a restraining order against a packer who is violating the Competitive Livestock Markets Act.

B. A person who suffers damages as a result of a violation of the Competitive Livestock Markets Act may bring an individual or a class action for the damages caused by any violation of the Competitive Livestock Markets Act together with reasonable attorney fees, against the party or parties whose conduct is the proximate cause of such damages.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-165 of Title 2, unless there is created a duplication in numbering, reads as follows:

Every packer shall keep such accounts, records and memoranda as necessary to fully and correctly disclose all transactions involved

in such person's business, including the true ownership of the business by stockholding or otherwise.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-166 of Title 2, unless there is created a duplication in numbering, reads as follows:

The Attorney General, to carry out the provisions of the Competitive Livestock Markets Act, may cooperate with any state department, agency or any local municipality and any department or agency of the federal government and state, territory, district or possession or department or agency or political subdivision thereof or any person.

SECTION 8. This act shall become effective November 1, 2001.

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