

FIRST EXTRAORDINARY SESSION

HOUSE BILL NO. 4

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SHOEMYER, LEGAN, MYERS, HEGEMAN, BERKOWITZ, MERIDETH, BRITT (Co-sponsors), HANAWAY, NAEGER, ROBIRDS, CROWELL, RICHARDSON, BEHNEN, CLAYTON, COOPER, SHIELDS, SCHWAB, CRAWFORD, REINHART, JETTON, MAYER, TOWNLEY, MOORE, BURTON, GRIESHEIMER, RIDGEWAY, HOHULIN, GASKILL, BARTELSMEYER, KENNEDY AND KOLLER.

Read 1st time September 5, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

2375L.01I

AN ACT

To repeal sections 277.203 and 277.212, RSMo, relating to livestock marketing, and to enact in lieu thereof three new sections relating to the same subject, with an emergency clause and penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 277.203 and 277.212, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 277.201, 277.202 and 277.212, to read as follows:

277.201. Sections 277.200 to 277.215 shall be enforced in a manner which is consistent with the purposes and intent of the Packers and Stockyards Act (7 U.S.C.A. §9).

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

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

(2) Make or give any undue or unreasonable preference or advantage to any particular person or locality in any respect whatsoever, or subject any particular person or locality to any undue or unreasonable prejudice or disadvantage in any respect whatsoever; or

(3) 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

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

11 the supply between any such persons, if such apportionment has the tendency or effect of
12 restraining commerce or of creating a monopoly; or

13 (4) Sell or otherwise transfer to or for any other person, or buy or otherwise receive
14 from or for any other person, any article for the purpose or with the effect of manipulating
15 or controlling prices, or of creating a monopoly in the acquisition of, buying, selling, or
16 dealing in, any article, or of restraining commerce; or

17 (5) Engage in any course of business or do any act for the purpose or with the effect
18 of manipulating or controlling prices, or of creating a monopoly in the acquisition of,
19 buying, selling, or dealing in, any article, or of restraining commerce; or

20 (6) Conspire, combine, agree, or arrange, with any other person to apportion
21 territory for carrying on business, or to apportion purchases or sales of any article, or to
22 manipulate or control prices; or

23 (7) Conspire, combine, agree or arrange with any other person to do, or aid or abet
24 the doing of, any act made unlawful by subdivision (a), (b), (c), (d) or (e) of 7 U.S.C.A. §
25 192.

277.212. [1.] The attorney general shall enforce the provisions of sections 277.200 to
2 277.215. The department of agriculture shall refer violations of the provisions of sections
3 277.200 to 277.215 to the attorney general. The attorney general [or any person injured by a
4 violation of the provisions of sections 277.200 to 277.215] may bring an action pursuant to the
5 provisions of chapter 407, RSMo, for any remedy allowed for unlawful merchandising practices.

6 [2. A seller who receives a discriminatory price or who is offered only a discriminatory
7 price in violation of the provisions of sections 277.200 to 277.215 may receive treble damages,
8 costs and a reasonable attorney's fee.]

[277.203. A packer purchasing or soliciting livestock in this state for
2 slaughter shall not discriminate in prices paid or offered to be paid to sellers of that
3 livestock. The provisions of this section shall not be construed to mean that a price
4 or payment method must remain fixed throughout any marketing period. The
5 provisions of this section shall not apply to the sale and purchase of livestock if the
6 following requirements are met:

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

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

Section B. Because of the need for continuity within the livestock packing industry,
2 section A of this act is deemed necessary for the immediate preservation of the public health,
3 welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of
4 the constitution, and section A of this act shall be in full force and effect upon its passage and
5 approval.