

SESSION OF 2003

## SUPPLEMENTAL NOTE ON SENATE BILL NO. 238

As Amended by House Committee on  
Local Government

### **Brief\***

SB 238 makes it unlawful for any packer (buying more than 5,000 animal units per year among other criteria) to engage in any unfair, unjustly discriminatory, or deceptive practice; to make undue or unreasonable preferences; or to do a number of other things designed to manipulate or control prices, restrain trade, or create a monopoly.

The Attorney General or the county or district attorney is given authority to bring actions to obtain a declaratory judgment, an injunction, or recovery of damages on behalf of a person and to recover expenses. Individual persons may also bring such actions or a class action. Packers are required to keep detailed records and are subject to a nonperson misdemeanor penalty with a fine of not more than \$5,000 or imprisonment of not more than three years, or both, for failure to keep the records. Further, the Attorney General is given responsibility for enforcement of the act and the responsibility to promulgate rules and regulations.

The House Committee deleted the contents of SB 238 and added the provisions of HB 2080.

### **Background**

A proponent said the bill was necessary to enact a state law similar to federal anti-trust laws (Packers and Stockyards Act) in the area that deals with restraint of trade issues in the meat packing area and to allow the Attorney General to enforce such a law.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org/klrd>

