

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

400Q0230

HOUSE BILL NO. 1065

Introduced by: The Committee on Agriculture and Natural Resources at the request of the
State Brand Board

1 FOR AN ACT ENTITLED, An Act to provide for voluntary ownership inspections of horses
2 and mules and to authorize a fee for those inspections.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 40-18-1.2 be amended to read as follows:

5 40-18-1.2. Terms used in chapters 40-18 to 40-22, inclusive, and 40-29 mean:

- 6 (1) "Agency," any private or nonprofit corporation, or its employees, incorporated under
7 state law, designated by the board as its authorized agent to carry out the functions
8 contracted for by the board to inspect livestock for ownership identification purposes;
- 9 (2) "Approved brand," any brand accepted for registration by the board;
- 10 (3) "Authorized bill of sale," any limited use form approved by the board to transfer
11 ownership of livestock;
- 12 (4) "Board," the South Dakota State Brand Board;
- 13 (5) "Brand ownership period," the five-year time period during which brands are valid
14 if the fees are paid;
- 15 (6) "Carrier," any person in charge of a conveyance which transports livestock;



- 1 (7) "Conflicting brand," any brand which is a duplicate of, or is similar to, or may be
2 altered to resemble, a registered brand;
- 3 (8) "Conveyance," any vehicle used to transport livestock;
- 4 (9) "Estray," any unclaimed cattle, horse, mule, sheep, or buffalo the ownership of which
5 is in question;
- 6 (10) "Evidence of ownership," any authorized bill of sale, market clearance, local
7 inspection, health certificate, current registration papers, court order, or other official
8 document or in lieu thereof an affidavit of ownership;
- 9 (11) "Healed brand," a brand that has shed the scab and for which the healing process is
10 complete;
- 11 (12) "Hold," the possession of livestock or the possession of the proceeds from the sale
12 of livestock for purposes of establishing ownership;
- 13 (13) "Hot iron," a metal instrument heated and used to brand ~~livestock~~ cattle, horses,
14 mules, and buffalo;
- 15 (14) "Inspect," to examine livestock for the purpose of determining ownership;
- 16 (15) "Inspector," any person who is authorized by the board to perform ownership
17 inspection of livestock;
- 18 (16) "Investigator," any person employed by the board to enforce the ownership inspection
19 and theft prevention laws;
- 20 (17) "Livestock," ~~cattle, horses, and mules~~;
- 21 (18) "Local ownership inspection certificate," an ownership inspection certificate of
22 livestock ownership issued by a brand inspector at any point outside the auction
23 market;
- 24 (19) "Market clearance," an inspection certificate of ownership for livestock issued by a

- 1 brand inspector at a South Dakota livestock auction market;
- 2 (20) "Open market," any livestock market or shipping point where ownership inspection
- 3 is conducted by written agreement with the board;
- 4 (21) "Owner," the person to whom a recorded brand is registered or who owns cattle,
- 5 horses, mules, sheep, or buffalo;
- 6 ~~(21A)~~(22) "Process," to cut and wrap a livestock carcass for human consumption;
- 7 ~~(22)~~ "Producer," any person engaged in the raising of livestock;
- 8 (23) "Recordable brand," any brand acceptable for registration;
- 9 (24) "Recorded brand," any brand registered with the board;
- 10 (25) "Registered brand," any recorded brand for which the fees are currently paid;
- 11 (26) "Seller," any person offering for sale or selling livestock;
- 12 (27) "Selling agent," any person engaged in livestock commerce;
- 13 (28) "Shipper," any person making delivery of livestock to a market or shipping point;
- 14 (29) "Shipper's permit," any permit to transport livestock to a market or point approved
- 15 by the board;
- 16 (30) "Slaughter," the killing of livestock for processing for human consumption;
- 17 (31) "Split brands," any brand parts of which are applied on more than one location of an
- 18 animal;
- 19 (32) "Tally," any board-approved form used by inspectors to list and describe livestock;
- 20 (33) "Trail," to herd or drive livestock from place to place without conveyance; and
- 21 (34) "Transport," to carry by conveyance.

22 Section 2. That § 40-18-16 be amended to read as follows:

23 40-18-16. The board may promulgate rules pursuant to chapter 1-26 to:

- 24 (1) Describe prohibited ~~brand~~ symbols for branding various types of livestock animals

- 1 and identify locations on animals where a brand is permitted;
- 2 (2) Provide for the registration, transfer, and renewal of ~~livestock~~ brands;
- 3 (3) Establish a brand registration fee not to exceed twenty-five dollars;
- 4 (4) Establish a brand renewal fee not to exceed ten dollars per year or a brand renewal
- 5 fee not to exceed fifty dollars for each five-year ownership period and a brand
- 6 transfer fee not to exceed twenty-five dollars;
- 7 (5) Establish an ownership inspection fee not to exceed one dollar for each head of
- 8 livestock;
- 9 (6) Establish recordable ~~livestock~~ brands;
- 10 (7) Establish law enforcement, ownership inspection, and transportation requirements
- 11 within or without the ownership inspection area;
- 12 (8) Establish a duplicate certificate fee not to exceed five dollars;
- 13 (9) Establish a mileage fee for inspectors not to exceed the rate set by the State Board of
- 14 Finance; and
- 15 (10) Establish procedures for the voluntary ownership inspection of horses and mules,
- 16 including an inspection fee not to exceed ten dollars for each horse and mule
- 17 inspected.

18 Section 3. That § 40-18-17 be amended to read as follows:

19 40-18-17. The Brand Board shall provide for the registration of ~~livestock~~ brands, for the

20 inspection of livestock for ownership identification purposes, and for the enforcement of laws

21 pertaining to the inspection, sale, branding, ownership, transportation, and theft of ~~livestock~~

22 cattle, horses, mules, sheep, and buffalo within the ownership inspection area and the state. The

23 inspection of horses and mules for ownership identification purposes on a voluntary basis may

24 be authorized by the board pursuant to § 40-18-16.

1 Section 4. That § 40-19-1 be amended to read as follows:

2 40-19-1. It is a Class 1 misdemeanor to hot iron brand any cattle, horses, mules, buffalo, or
3 other domestic animal ~~or other livestock~~ or to otherwise use any recordable brand, unless the
4 brand is valid as provided by law and is registered in the name of the user with the Office of the
5 State Brand Board.

6 Section 5. That § 40-20-4.1 be amended to read as follows:

7 40-20-4.1. Notwithstanding the provisions of § 40-20-4, an owner of any livestock who
8 wishes to move the livestock out of the ownership inspection area for any purpose other than
9 sale or trade of the livestock may obtain a written permit from the board for movement of the
10 livestock. The written permit shall remain in effect for the life of the livestock described, or for
11 a specific term, and it is void if the livestock changes ownership. The fee for the permit shall
12 be established by rules promulgated pursuant to chapter 1-26. The permit fee includes the costs
13 of any inspection and the fee imposed under the provisions of § 40-18-16. ~~A permit for the~~
14 ~~transportation of horses and mules may be authorized by the board pursuant to § 40-18-16.~~