

# State of South Dakota

EIGHTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2013

400U0324

SENATE AGRICULTURE AND NATURAL RESOURCES

ENGROSSED NO. **HB 1058** - 02/21/2013

Introduced by: The Committee on Agriculture and Natural Resources at the request of the  
Department of Agriculture

1 FOR AN ACT ENTITLED, An Act to repeal and revise certain statutes related to the Animal  
2 Industry Board.

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

4 Section 1. That § 40-5-2 be repealed.

5 ~~—40-5-2. It is a Class 2 misdemeanor for any person to transport, drive, or trail any animal,~~  
6 ~~knowing it to be affected by an infectious, contagious, epidemic, or communicable disease, or~~  
7 ~~infested with any destructive parasite upon or along any railroad or public highway, or to, upon,~~  
8 ~~or across any land except land owned or leased by the owner of such animal or such land as may~~  
9 ~~be designated by authority of the Animal Industry Board. It is a Class 2 misdemeanor for any~~  
10 ~~person to transport, drive, or trail any such animal upon or along any railroad or public highway,~~  
11 ~~or to, upon, or across any land, in violation of any order or rule of the board.~~

12 Section 2. That § 40-5-3 be repealed.

13 ~~—40-5-3. Notwithstanding § 40-5-2, any animals affected as described by § 40-5-2 may be~~  
14 ~~moved by permission of the State Animal Industry Board if necessary, and under proper~~



1 restrictions, to prevent the spread of disease or infestation.

2 ~~—All expenses incurred in holding and treating livestock, so inspected, shall be paid by the~~  
3 ~~owner pursuant to the rules of the board.~~

4 Section 3. That § 40-5-4 be repealed.

5 ~~—40-5-4. It is a Class 2 misdemeanor for any person to transport or bring into this state any~~  
6 ~~livestock contrary to the provisions of §§ 40-5-2 and 40-5-3 or any rule promulgated pursuant~~  
7 ~~thereto.~~

8 Section 4. That § 40-5-5 be repealed.

9 ~~—40-5-5. If any person transports, drives, or trails any animal within this state in violation of~~  
10 ~~the provisions of §§ 40-5-2 to 40-5-4, inclusive, or of any order or rule of the State Animal~~  
11 ~~Industry Board, he is liable for all damages sustained on account of any disease communicated~~  
12 ~~by, traceable to, or resulting from such act.~~

13 Section 5. That § 40-5-6 be repealed.

14 ~~—40-5-6. The judgment in any case arising under § 40-5-5 constitutes a lien upon any animal~~  
15 ~~transported, driven, or trailed in violation of the provisions of §§ 40-5-2 to 40-5-4, inclusive,~~  
16 ~~or of any order or rule of the Animal Industry Board. A writ of attachment may issue in the first~~  
17 ~~instance without the giving of an undertaking, and the court rendering such judgment may order~~  
18 ~~the sale of such animal, or so many of them as may be necessary, to satisfy such judgment and~~  
19 ~~costs. The sale shall be conducted as other sales under execution in civil actions.~~

20 Section 6. That § 40-6-2 be repealed.

21 ~~—40-6-2. The State of South Dakota is declared to be an area for the eradication of bovine~~  
22 ~~tuberculosis and for establishing and maintaining this state as a tuberculosis-free area, and~~  
23 ~~certifying the state as such, under the terms and specifications of uniform methods and rules~~  
24 ~~approved by the United States Department of Agriculture and adopted by the Animal Industry~~

1 Board. The board may adopt such methods and rules as may be approved from time to time by  
2 the United States Department of Agriculture for such purpose.

3 Section 7. That § 40-6-3 be repealed.

4 ~~40-6-3. Except as provided in §§ 40-6-4 to 40-6-6, inclusive, any cow, heifer, or bull over~~  
5 ~~six months old brought into this state for any purpose other than immediate slaughter or~~  
6 ~~exhibition, unless from a herd duly accredited as free from tuberculosis or from territory~~  
7 ~~designated by the Animal Industry Board as practically free from tuberculosis, shall be~~  
8 ~~accompanied by a certificate of health, issued in duplicate by authority of the state or territory~~  
9 ~~from which such animal originated, or by authority of the United States Department of~~  
10 ~~Agriculture showing that such animal has been tested for tuberculosis in accordance with the~~  
11 ~~rules, promulgated by the Animal Industry Board, and has not reacted to the test. One of the~~  
12 ~~duplicate certificates shall be immediately mailed to the Animal Industry Board at Pierre, in~~  
13 ~~time for it to be received before such animal arrives at its destination, and the other shall be~~  
14 ~~attached to the bill of lading when such animal is brought into the state.~~

15 Section 8. That § 40-6-4 be repealed.

16 ~~40-6-4. Any person desiring to bring any cow, heifer, or bull over six months old into the~~  
17 ~~state without the certificate of health required by § 40-6-3 shall notify the Animal Industry~~  
18 ~~Board at Pierre, stating the number and kind of livestock and the name and address of the~~  
19 ~~consignee and consignor. The board may issue a permit for such livestock to enter the state~~  
20 ~~without such certificate. Any such animal brought into this state without such health certificate,~~  
21 ~~though by permit of the board, shall be detained at its destination or some other suitable place~~  
22 ~~in quarantine until it has been tested and released by an officer or agent of the board and a~~  
23 ~~proper certificate issued. All charges and expenses for making such test shall be paid by the~~  
24 ~~owner of such animal.~~

1 Section 9. That § 40-6-5 be repealed.

2 ~~40-6-5. It is a Class 2 misdemeanor for any person to release or permit any animal brought~~  
3 ~~into this state pursuant to § 40-6-4 to be released until the proper certificate has been issued,~~  
4 ~~except by consent of the Animal Industry Board.~~

5 Section 10. That § 40-6-6 be repealed.

6 ~~40-6-6. If any animal brought into this state pursuant to § 40-6-4 reacts to the test recognized~~  
7 ~~by the Animal Industry Board, such animal shall be promptly killed or disposed of according~~  
8 ~~to the rules of the board.~~

9 Section 11. That § 40-6-8 be repealed.

10 ~~40-6-8. Nothing in §§ 40-6-3 to 40-6-6, inclusive, affects any other sections or provisions~~  
11 ~~of this title requiring general health or other health certificates or otherwise regulating~~  
12 ~~importation of livestock.~~

13 Section 12. That § 40-6-9 be repealed.

14 ~~40-6-9. Any officer or employee of the Animal Industry Board and inspector or person~~  
15 ~~appointed or authorized to assist in the inspection, examination, and testing or retesting of cattle~~  
16 ~~for tuberculosis may enter any vehicle, structure, or place where cattle may be or recently have~~  
17 ~~been, for the purpose of making such inspection, examination, and test. It is a Class 2~~  
18 ~~misdemeanor for a person to interfere with or obstruct anyone from the carrying on of such~~  
19 ~~inspection, examination, and testing.~~

20 Section 13. That § 40-6-10 be repealed.

21 ~~40-6-10. In testing cattle in this state to determine the existence of bovine tuberculosis, the~~  
22 ~~Animal Industry Board may use what is known as the "tuberculin test" and any other test~~  
23 ~~approved by the United States Department of Agriculture. Within the meaning and provisions~~  
24 ~~of this chapter, the term "tuberculin" applies to a product prepared or approved by the United~~

1 ~~States Department of Agriculture. The Animal Industry Board may determine and prescribe by~~  
2 ~~order the manner the tests shall be applied for official recognition by the board. However, the~~  
3 ~~board shall give qualified veterinarians first consideration to do the testing in their respective~~  
4 ~~communities.~~

5 Section 14. That § 40-6-11 be repealed.

6 ~~—40-6-11. The Animal Industry Board may quarantine the cattle of any herd of any owner~~  
7 ~~who refuses to submit the cattle for testing for tuberculosis by the board for establishing or~~  
8 ~~maintaining this state, or any county thereof, a tuberculosis-free area. Under such quarantine no~~  
9 ~~livestock, livestock product, manure, or any other movable thing likely to contain infection may~~  
10 ~~be removed from the farm or premises on which the cattle are held under quarantine.~~

11 Section 15. That § 40-6-12 be repealed.

12 ~~—40-6-12. Every meat inspector at an "accredited establishment" as defined by the uniform~~  
13 ~~methods and rules for tuberculosis eradication by the United States Department of Agriculture~~  
14 ~~shall report postmortem findings of tubercular lesions in slaughtered animals to the Office of~~  
15 ~~the State Veterinarian along with information relative to the identity of such cattle including~~  
16 ~~backtag and brand information.~~

17 ~~—Upon receipt of such report, the state veterinarian shall investigate the herd of origin and~~  
18 ~~cattle associated with those showing evidence of tuberculosis at the time of slaughter.~~

19 Section 16. That § 40-6-13 be repealed.

20 ~~—40-6-13. The state veterinarian shall notify the owner or agister of any herd of origin or~~  
21 ~~cattle associated with those showing evidence of tuberculosis at the time of slaughter to submit~~  
22 ~~such herd or cattle for such tuberculosis testing as the state veterinarian may direct.~~

23 ~~—Such owner or agister shall submit such herd or cattle for testing within six months from the~~  
24 ~~date of receipt of notice from the state veterinarian. After receipt of such notice and prior to the~~

1 ~~time such testing is completed, no cattle required to be tested, may be sold except for slaughter.~~

2 ~~—Such owner or agister shall select a time for testing of such cattle, and give seven days'~~  
3 ~~notice to the state veterinarian of such time selected.~~

4 Section 17. That § 40-6-14 be repealed.

5 ~~—40-6-14. Each owner or agister shall provide reasonable and necessary facilities in order to~~  
6 ~~make such tests as are required by § 40-6-13, and shall render such assistance in testing as may~~  
7 ~~be required by the state veterinarian.~~

8 Section 18. That § 40-6-15 be repealed.

9 ~~—40-6-15. If any bovine animal has reacted to a tuberculin test or has otherwise been~~  
10 ~~determined to be infected with tuberculosis by the Animal Industry Board, such animal shall be~~  
11 ~~tagged and branded, quarantined, and ordered slaughtered pursuant to rules promulgated by the~~  
12 ~~Animal Industry Board.~~

13 Section 19. That § 40-6-16 be repealed.

14 ~~—40-6-16. If any bovine animal has been adjudged to be infected with tuberculosis and has~~  
15 ~~been ordered killed, the owner or custodian thereof shall be notified of the finding and order,~~  
16 ~~and within forty-eight hours thereafter, the owner or custodian may file a protest with the~~  
17 ~~Animal Industry Board, stating under oath that to the best of his knowledge and belief such~~  
18 ~~animal is free from such infectious, contagious, or transmissible disease.~~

19 Section 20. That § 40-6-17 be repealed.

20 ~~—40-6-17. Upon the filing of a protest pursuant to § 40-6-16, an examination of the animal~~  
21 ~~involved shall be made by three licensed veterinarians, one selected by the Animal Industry~~  
22 ~~Board, one selected by the person making the protest, and the third appointed by the two thus~~  
23 ~~selected. If two of them find the animal to be free from such infectious, contagious, or~~  
24 ~~transmissible disease, the expense of the examination shall be paid by the state. However, if two~~

1 ~~of them find such animal to be affected with such infectious, contagious, or transmissible~~  
2 ~~disease, the expense of the examination shall be paid by the person making the protest. The~~  
3 ~~board and the person making the protest are bound by the result of the examination.~~

4 Section 21. That § 40-6-18 be repealed.

5 ~~—40-6-18. Before any bovine animal found to be a reactor or otherwise to be infected with~~  
6 ~~tuberculosis by the State Animal Industry Board may be killed or slaughtered, the animal shall~~  
7 ~~be appraised by the board.~~

8 Section 22. That § 40-6-19 be repealed.

9 ~~—40-6-19. If the owner or custodian of an animal refuses to permit an appraisal pursuant to~~  
10 ~~§ 40-6-18, the animal shall be appraised by three appraisers, one appointed by the board, one~~  
11 ~~by the owner, and the third by the first two appraisers thus selected. The valuation of such~~  
12 ~~animal fixed by any two of them is final. If the owner refuses to appoint an appraiser, the~~  
13 ~~Animal Industry Board shall make the appraisal, which shall be final.~~

14 Section 23. That § 40-6-20 be repealed.

15 ~~—40-6-20. The Animal Industry Board may, by agreement with the owner of any herd of~~  
16 ~~bovine animals in which reactors have been found, provide for destruction and indemnification~~  
17 ~~of the then nonreactor breeding stock.~~

18 Section 24. That § 40-6-21 be repealed.

19 ~~—40-6-21. If, in the discretion and judgment of the Animal Industry Board, a herd of cattle is~~  
20 ~~so seriously infected with bovine tuberculosis as to warrant disposal of the entire herd, the board~~  
21 ~~may approve indemnity payments on all cattle in such herd whether infected, or not, in~~  
22 ~~accordance with the limits set forth in §§ 40-6-22 to 40-6-26, inclusive, for slaughtered animals.~~

23 Section 25. That § 40-6-22 be repealed.

24 ~~—40-6-22. The owner of any bovine animal ordered slaughtered on account of tuberculosis~~

1 as provided in this chapter shall be compensated from funds provided for the purpose by the  
2 state in a sum not to exceed twenty-five dollars for any grade animal or fifty dollars for any  
3 purebred animal registered in a recognized breed association, and such sum may, in no event,  
4 exceed one-third of the difference between the appraised value, determined as provided by  
5 §§ 40-6-18 and 40-6-19, of any animal and the value of the net salvage received by the owner  
6 from the slaughter of such animal. If the owner receives compensation from the federal  
7 government for such animal the owner may not receive out of state and federal funds provided  
8 for such purpose a total sum greater than two-thirds of the difference between the appraised  
9 value, as provided in this chapter, of any animal and the value of the net salvage received by the  
10 owner from the slaughter of such animal.

11 Section 26. That § 40-6-23 be repealed.

12 ~~40-6-23. No compensation may be paid by the State of South Dakota under § 40-6-22 except~~  
13 ~~for breeding cattle, which means any bovine animal which is sexually entire at the time when~~  
14 ~~such animal is slaughtered, as provided in this chapter.~~

15 Section 27. That § 40-6-24 be repealed.

16 ~~40-6-24. No compensation may be paid under § 40-6-22 for any animal not having been~~  
17 ~~owned and kept within this state for a period of at least three months immediately preceding the~~  
18 ~~time of making such test.~~

19 Section 28. That § 40-6-25 be repealed.

20 ~~40-6-25. No compensation may be paid under § 40-6-22 unless a test for tuberculosis has~~  
21 ~~been applied under the rules of the Animal Industry Board on the entire herd or lot of cattle of~~  
22 ~~which such tuberculous animal was a part at the time of, or immediately prior to, the making~~  
23 ~~of the test under which such animal was determined to be tuberculous.~~

24 Section 29. That § 40-6-26 be repealed.



1 ~~40-6-26. No compensation may be paid under § 40-6-22 unless all lawful quarantine~~  
2 ~~regulations of the Animal Industry Board have been complied with, or until the premises have~~  
3 ~~been properly cleaned and disinfected in accordance with the rules of the board.~~

4 Section 30. That § 40-6-29 be repealed.

5 ~~40-6-29. The circuit courts of this state, in the exercise of their equity jurisdiction, may~~  
6 ~~compel the observation of, and by that remedy enforce the provisions of, this chapter and the~~  
7 ~~rules promulgated by the Animal Industry Board pursuant thereto, by injunction.~~

8 Section 31. That § 40-7-1 be repealed.

9 ~~40-7-1. It is a Class 1 misdemeanor for any person to sell or dispose of, in any manner other~~  
10 ~~than as permitted by § 40-7-2, any livestock affected with brucellosis.~~

11 Section 32. That § 40-7-1.1 be repealed.

12 ~~40-7-1.1. For the purposes of this chapter, the term "livestock" means cattle and bison.~~

13 Section 33. That § 40-7-1.2 be repealed.

14 ~~40-7-1.2. For the purposes of this chapter, the term "brucellosis" means the disease of~~  
15 ~~contagious abortion, also referred to as "Bang's disease."~~

16 Section 34. That § 40-7-2 be repealed.

17 ~~40-7-2. Any animals affected with brucellosis may be disposed of for immediate slaughter~~  
18 ~~or for feeding purposes only, on permits issued pursuant to rules promulgated by the Animal~~  
19 ~~Industry Board. A violation of this section is a Class 1 misdemeanor.~~

20 Section 35. That § 40-7-3 be repealed.

21 ~~40-7-3. Any person who sells or disposes of any livestock, except as provided in § 40-7-2,~~  
22 ~~knowing that such livestock is affected with brucellosis, is liable to the purchaser of such~~  
23 ~~livestock for any loss or damage that may ensue.~~

24 Section 36. That § 40-7-5 be repealed.

1 ~~40-7-5. The State of South Dakota is an area for the control and eradication of bovine and~~  
2 ~~bison brucellosis. The Animal Industry Board shall establish and maintain this state as a~~  
3 ~~modified certified area, and certify each county as such, under the terms and specifications of~~  
4 ~~uniform methods and rules approved by the United States Department of Agriculture for the~~  
5 ~~control and eradication of brucellosis in livestock.~~

6 Section 37. That § 40-7-6 be repealed.

7 ~~40-7-6. The Animal Industry Board, in conjunction with the United States Department of~~  
8 ~~Agriculture, may undertake an area program for the control and eradication of bovine and bison~~  
9 ~~brucellosis.~~

10 Section 38. That § 40-7-7 be repealed.

11 ~~40-7-7. The Animal Industry Board may inspect, examine, and test for brucellosis any~~  
12 ~~livestock in this state as may be required under the uniform methods and rules approved by the~~  
13 ~~United States Department of Agriculture to establish the state and all counties thereof as~~  
14 ~~modified certified brucellosis area.~~

15 Section 39. That § 40-7-8 be repealed.

16 ~~40-7-8. Whenever any county or area has been approved as a brucellosis control and~~  
17 ~~eradication area, the Animal Industry Board shall fix a time to commence the general test of the~~  
18 ~~herds in any county or combination of counties for certification and notice of such date fixed~~  
19 ~~shall be posted at the courthouse for the county and published in all official newspapers for the~~  
20 ~~county for two consecutive weeks. Testing in such county may not commence until one week~~  
21 ~~after such notice; and any livestock brought from another county into the county of testing or~~  
22 ~~any livestock moved from one part to another of the county, shall be in conformity with rules~~  
23 ~~promulgated by the board to govern such movement during a period of such testing.~~

24 Section 40. That § 40-7-9 be repealed.

1 ~~40-7-9. When the brucellosis control and eradication program is put into effect, all eligible~~  
2 ~~livestock in the county shall be subjected to a blood test as approved by the Animal Industry~~  
3 ~~Board. All reactors shall be branded on the left jaw with the letter "B" and tagged in the left ear~~  
4 ~~with a brucellosis reactor identification tag. However, bison need be tagged in the left ear only.~~  
5 ~~All cattle reactors to the blood test shall be sold through an auction, central public market, or~~  
6 ~~authorized slaughterhouse and slaughtered within fifteen days of the date of the blood test that~~  
7 ~~proved them to be a reactor. An additional fifteen days for slaughter of the reactors may be~~  
8 ~~granted at the discretion of the Animal Industry Board. All bison reactors to the blood test shall~~  
9 ~~be slaughtered or sold for slaughter and slaughtered within six months of the date of the blood~~  
10 ~~test. An additional six months for slaughter of bison reactors may be granted at the discretion~~  
11 ~~of the Animal Industry Board. No reactor may be removed from the premises of the owner~~  
12 ~~unless accompanied by a permit issued by the Animal Industry Board.~~

13 Section 41. That § 40-7-9.1 be repealed.

14 ~~40-7-9.1. The state veterinarian shall notify the owner or agister of any herd of origin or~~  
15 ~~livestock associated with those showing evidence of brucellosis at the time of slaughter, to~~  
16 ~~submit such herd or livestock for such brucellosis testing as the state veterinarian may direct.~~  
17 ~~Such owner or agister shall submit such herd or livestock for testing within six months from~~  
18 ~~date of receipt of notice from the state veterinarian. After receipt of such notice and prior to the~~  
19 ~~time such testing is completed, no livestock required to be tested, may be sold except for~~  
20 ~~slaughter. Such owner or agister shall select a time for testing of such livestock and give seven~~  
21 ~~days' notice to a state veterinarian of such time selected.~~

22 Section 42. That § 40-7-10 be repealed.

23 ~~40-7-10. The milk ring test may be employed on herds which are classified as dairy herds.~~  
24 ~~Milk and cream samples may be collected from the premises of the producer. Each producer~~

1 shall be notified by the Animal Industry Board if the results of a brucellosis ring test were  
2 suspicious of his herd. The term "ring test" means the brucellosis ring test made with whole  
3 milk or cream and an approved antigen in the manner approved by the United States Department  
4 of Agriculture and the Animal Industry Board and made by an authorized representative of the  
5 board.

6 Section 43. That § 40-7-11 be repealed.

7 ~~40-7-11. The Animal Industry Board may quarantine herds which do not comply with §§ 40-~~  
8 ~~7-8 to 40-7-10, inclusive. The owner of any quarantined herd shall have twelve months from~~  
9 ~~the official starting date of the test to submit his herd for testing. The board shall notify~~  
10 ~~immediately the owner or person in charge of any livestock placed under quarantine of the~~  
11 ~~action; and the quarantine shall remain in full force and effect until all requirements of the board~~  
12 ~~have been complied with, at which time the quarantine shall be released.~~

13 Section 44. That § 40-7-12 be repealed.

14 ~~40-7-12. The inspection, examination, and testing or retesting of livestock for the control~~  
15 ~~and eradication of brucellosis shall be made in any county or other area of this state established~~  
16 ~~and certified to be a certified brucellosis free area at such intervals and in such manner as the~~  
17 ~~Animal Industry Board may determine necessary to protect the work already done and to~~  
18 ~~preserve for such county and this state, its county or area status under the specifications of the~~  
19 ~~recommended uniform methods and rules.~~

20 Section 45. That § 40-7-14 be repealed.

21 ~~40-7-14. The board may collect milk and cream samples for the brucellosis ring test from~~  
22 ~~any milk or cream buying plant or processor.~~

23 Section 46. That § 40-7-15 be repealed.

24 ~~40-7-15. All licensed livestock auction agencies, public stockyards, and other livestock sales~~

1 yards or points as designated by the Animal Industry Board in this state, shall make available  
2 testing services for brucellosis on the premises of such licensed livestock auction agency, public  
3 stockyards, and other livestock sales yards or points as designated by the Animal Industry  
4 Board, consisting of pens, chutes, veterinary services, and such other equipment as may be  
5 prescribed by the Animal Industry Board.

6 Section 47. That § 40-7-16 be repealed.

7 ~~40-7-16. Any purchaser of female cattle or bison at any such licensed livestock auction~~  
8 ~~agency, public stockyards, or other livestock sales yards or points as designated by the Animal~~  
9 ~~Industry Board under § 40-7-15, shall receive at his request a test of all such female cattle or~~  
10 ~~bison one year old or older as he may designate.~~

11 Section 48. That § 40-7-17 be repealed.

12 ~~40-7-17. Testing for brucellosis pursuant to § 40-7-16 shall be made at the expense of the~~  
13 ~~purchaser of such cattle or bison. Such testing shall be done on the day and date of sale at such~~  
14 ~~licensed livestock auction agency, public stockyards, and other livestock sales yards or points~~  
15 ~~as designated by the Animal Industry Board and before removal of such animals from the~~  
16 ~~premises.~~

17 Section 49. That § 40-7-19 be repealed.

18 ~~40-7-19. The failure of any licensed livestock auction agency to comply with the provisions~~  
19 ~~of this chapter constitutes cause for cancellation or suspension of the license of such agency to~~  
20 ~~operate as a licensed livestock auction agency.~~

21 Section 50. That § 40-7-19.1 be repealed.

22 ~~40-7-19.1. If a consignment of cattle or bison is tested for brucellosis at any market and a~~  
23 ~~reactor to the brucellosis test is disclosed, none of the animals in that consignment may be~~  
24 ~~passed as clean animals to become part of a breeding herd, but rather, they shall either be sold~~

1 ~~for slaughter, returned to the point of origin and held in isolation until they have passed a~~  
2 ~~negative test at least one hundred eighty days after the reactor has been removed or they may~~  
3 ~~be sold. However, after their sale, they shall be transported, under quarantine, directly into a~~  
4 ~~feed lot or isolation and remain in such feed lot or isolation until retest or until they are sold for~~  
5 ~~slaughter. If any person must disperse his herd by sale and if, in the opinion of the Animal~~  
6 ~~Industry Board, the procedure provided for in this section would cause undue hardship, the~~  
7 ~~Animal Industry Board may, in their discretion, provide for other means for handling the~~  
8 ~~negative animals in question.~~

9 Section 51. That § 40-7-20.1 be repealed.

10 ~~—40-7-20.1. The Animal Industry Board shall promulgate rules pursuant to chapter 1-26~~  
11 ~~concerning:~~

12 ~~—(1)— The issuance of permits for the disposition for immediate slaughter or for feeding~~  
13 ~~purposes of animals affected with brucellosis;~~

14 ~~—(2)— The methodology for inspections, examinations, and testing for brucellosis;~~

15 ~~—(3)— The methodology and criteria for certifying or recertifying an area brucellosis free;~~

16 ~~—(4)— Vaccination requirements and procedures for the intrastate sale, loan, lease, and~~  
17 ~~transportation of breeding animals;~~

18 ~~—(5)— Livestock importation permits and testing and inspection requirements;~~

19 ~~—(6)— Quarantine authority and procedures; and~~

20 ~~—(7)— The vaccination requirements and procedures for the importation of breeding~~  
21 ~~animals.~~

22 Section 52. That § 40-7-20.3 be repealed.

23 ~~—40-7-20.3. Female dairy cattle, beef cattle, and bison may be brought into this state without~~  
24 ~~having been officially calfhood vaccinated for brucellosis, as required by § 40-7-20, if:~~

1 ~~—(1)—~~ The person desiring to import the nonvaccinates appears in person before the Animal  
2 Industry Board and receives the board's approval;

3 ~~—(2)—~~ The nonvaccinates have passed a negative brucellosis test thirty to sixty days before  
4 shipment and again within ten days of shipment to this state;

5 ~~—(3)—~~ Upon arrival the nonvaccinates are quarantined and pass a negative brucellosis test  
6 ninety to one hundred twenty days after arrival; and

7 ~~—(4)—~~ Each nonvaccinate has a permanent identification.

8 ~~—~~ Such nonvaccinated cattle or bison may be used only for breeding purposes and may be sold  
9 only for immediate slaughter. However, the Animal Industry Board may approve the resale of  
10 nonvaccinated cattle or bison imported into this state pursuant to this section if the buyer  
11 appears in person before the board and receives the board's approval. Such nonvaccinated cattle  
12 or bison may then be sold with the board's approval only for breeding purposes.

13 Section 53. That § 40-7-21 be repealed.

14 ~~—40-7-21. Sections 40-7-25 to 40-7-40, inclusive, which provide for the payment of indemnity~~  
15 ~~on cattle and bison reacting to the test for brucellosis, and chapter 40-13, which provides the~~  
16 ~~funds for such payments, are hereby made applicable to the program provided by §§ 40-7-5 to~~  
17 ~~40-7-19.1, inclusive.~~

18 Section 54. That § 40-7-22 be repealed.

19 ~~—40-7-22. The circuit courts of this state may enforce the provisions of §§ 40-7-5 to 40-7-~~  
20 ~~19.1, inclusive, by injunction.~~

21 Section 55. That § 40-7-25 be repealed.

22 ~~—40-7-25. Whenever any cattle or bison have been adjudged to be infected with brucellosis~~  
23 ~~by the Animal Industry Board, the board shall serve a written notice upon the owner, of such~~  
24 ~~decision before the killing of any animal condemned. The notice shall contain the provisions~~

1 for a protest according to § 40-7-26, and if no protest is made by the owner, such animal shall  
2 be appraised according to the provisions contained in § 40-7-27.

3 Section 56. That § 40-7-26 be repealed.

4 ~~40-7-26. If the owner of cattle or bison condemned under § 40-7-25 is aggrieved with the~~  
5 ~~decision of the Animal Industry Board, the owner may within twenty-four hours make protest~~  
6 ~~against the decision and is entitled to consultation in accordance with the provisions of §§ 40-7-~~  
7 ~~32 to 40-7-39, inclusive.~~

8 Section 57. That § 40-7-27 be repealed.

9 ~~40-7-27. Whenever any cattle or bison have been adjudged to be infected with brucellosis~~  
10 ~~by the animal industry board and have been ordered killed by the board and are killed in~~  
11 ~~accordance with the board's order, the actual value of such cattle or bison at the time of appraisal~~  
12 ~~shall be determined by the Animal Industry Board within twenty-four hours after the killing is~~  
13 ~~ordered and before the cattle or bison are killed. If the owner is aggrieved by such appraisal, he~~  
14 ~~may cause a board of appraisers to be appointed pursuant to § 40-7-28.~~

15 Section 58. That § 40-7-28 be repealed.

16 ~~40-7-28. In case the owner of cattle or bison to be killed under the provisions of § 40-7-27~~  
17 ~~is not satisfied with the appraisal made by the Animal Industry Board, he may protest the~~  
18 ~~appraisal, whereupon a board of three appraisers is to be formed of which one member shall be~~  
19 ~~an agent of the Animal Industry Board, one member shall be selected by the owner of the cattle~~  
20 ~~or bison involved and the third member shall be selected by the first two members. An appraisal~~  
21 ~~of the cattle or bison involved shall be made by the board of appraisers, and the appraisal of any~~  
22 ~~two of them is final.~~

23 Section 59. That § 40-7-29 be repealed.

24 ~~40-7-29. Any member of the board of appraisers who is not an agent of the board is entitled~~



1 to compensation set by the board for his services to be paid out of the special livestock disease  
2 indemnity fund upon presentation of vouchers to the state auditor which have been duly  
3 approved by the Animal Industry Board.

4 Section 60. That § 40-7-30 be repealed.

5 ~~40-7-30. The return of the appraisers made under this chapter shall be in writing and signed~~  
6 ~~by the board of appraisers and also signed by the owner of the cattle or bison condemned. The~~  
7 ~~executive secretary of the Animal Industry Board shall certify the appraisal to the state auditor,~~  
8 ~~who shall draw a warrant on the state treasurer in favor of the owner for the amount thereof.~~

9 Section 61. That § 40-7-31 be repealed.

10 ~~40-7-31. The owner of cattle or bison affected with brucellosis and appraised in accordance~~  
11 ~~with this chapter is entitled to the amount appraised if the owner of such cattle or bison have~~  
12 ~~applied to the Animal Industry Board for a brucellosis test to be made under the supervision of~~  
13 ~~the board.~~

14 Section 62. That § 40-7-32 be repealed.

15 ~~40-7-32. All proceeds realized from the sale of cattle or bison killed on account of~~  
16 ~~brucellosis may be paid to the owner of such cattle or bison, and the amount deducted from the~~  
17 ~~appraised value of such cattle or bison.~~

18 Section 63. That § 40-7-33 be repealed.

19 ~~40-7-33. The amount of indemnity paid by the state under § 40-7-30 may not exceed~~  
20 ~~one-third of the difference between the appraised value of such cattle or bison and the net value~~  
21 ~~of the salvage thereof and may not exceed twenty-five dollars in the case of grade cattle or bison~~  
22 ~~or fifty dollars in the case of purebred registered cattle or bison. If the federal government fails~~  
23 ~~to provide an equal amount of indemnity with the state, then the owner shall be paid one-half~~  
24 ~~of the difference between the appraised value of such cattle or bison and the net value of the~~

1 salvage thereof which may not exceed twenty-five dollars in the case of grade cattle or bison.  
2 ~~The State of South Dakota is not liable for any indemnity if the special livestock disease~~  
3 ~~indemnity fund has been exhausted.~~

4 Section 64. That § 40-7-34 be repealed.

5 ~~—40-7-34. There is no indemnity or payment under § 40-7-30 for animals belonging to the~~  
6 ~~United States or any county, first or second class municipality, or township in this state.~~

7 Section 65. That § 40-7-35 be repealed.

8 ~~—40-7-35. There is no indemnity or payment under § 40-7-30 if the owner, at the time of~~  
9 ~~coming into possession of the cattle or bison knew or suspected that they were diseased.~~

10 Section 66. That § 40-7-36 be repealed.

11 ~~—40-7-36. There is no indemnity or payment under § 40-7-30 for cattle or bison which were~~  
12 ~~diseased at the time of their arrival in this state.~~

13 Section 67. That § 40-7-37 be repealed.

14 ~~—40-7-37. There is no indemnity or payment under § 40-7-30 if the owner is a nonresident or~~  
15 ~~is not engaged in the breeding of livestock in this state.~~

16 Section 68. That § 40-7-38 be repealed.

17 ~~—40-7-38. There is no indemnity or payment made under § 40-7-30 if the cattle or bison, at~~  
18 ~~the time of their killing, had been in the state less than six months.~~

19 Section 69. That § 40-7-39 be repealed.

20 ~~—40-7-39. There is no indemnity or payment under § 40-7-30 if the cattle or bison were~~  
21 ~~previously vaccinated unless such cattle or bison were officially vaccinated.~~

22 Section 70. That § 40-7-41 be repealed.

23 ~~—40-7-41. All swine imported into this state for exhibition or breeding purposes shall be~~  
24 ~~accompanied by an official certificate issued by the animal industry authorities of the state from~~

1 ~~which the swine originated indicating that such swine are free of brucellosis. Such official test~~  
2 ~~shall have been made within thirty days prior to the entry of such swine into this state.~~

3 Section 71. That § 40-7-46 be repealed.

4 ~~40-7-46. Terms as used in §§ 40-7-46 to 40-7-57, inclusive, mean:~~

5 ~~(1) "Board," South Dakota Animal Industry Board;~~

6 ~~(2) "Herd test," all breeding swine six months of age and older;~~

7 ~~(3) "Infected herd," a herd of swine in which one or more reactor swine have been~~  
8 ~~disclosed;~~

9 ~~(4) "Negative herd," a herd of swine containing no reactor swine;~~

10 ~~(5) "Official laboratory," laboratory approved by board;~~

11 ~~(6) "Reactor" or "positive," swine which show sufficient reaction to the test, as~~  
12 ~~determined by the board, to indicate such swine as being infected with brucella~~  
13 ~~organisms.~~

14 Section 72. That § 40-7-47 be repealed.

15 ~~40-7-47. All swine brucellosis testing shall be done only by an official laboratory.~~

16 Section 73. That § 40-7-48 be repealed.

17 ~~40-7-48. All testing of swine for brucellosis shall be reported to the Animal Industry Board.~~

18 Section 74. That § 40-7-49 be repealed.

19 ~~40-7-49. Infected herds shall be placed under quarantine until validated free of brucellosis~~  
20 ~~through such tests as may be deemed necessary by the Animal Industry Board.~~

21 Section 75. That § 40-7-50 be repealed.

22 ~~40-7-50. All reactor swine shall be identified by ear tag.~~

23 Section 76. That § 40-7-51 be repealed.

24 ~~40-7-51. All reactor swine shall be consigned directly to a slaughter establishment for~~

1 ~~immediate slaughter within fifteen days of the date of the test which found them to be a reactor.~~  
2 ~~The board may grant an extension of time under extenuating circumstances.~~

3 Section 77. That § 40-7-52 be repealed.

4 ~~—40-7-52. Buildings, farrowing pens, and equipment shall be cleaned and disinfected~~  
5 ~~following the removal of reactor swine. Disinfection shall be done under the supervision of~~  
6 ~~board personnel.~~

7 Section 78. That § 40-7-53 be repealed.

8 ~~—40-7-53. Herds may be declared validated free or areas may be declared validated free if the~~  
9 ~~rules as set forth in the uniform methods and rules, which the Animal Industry Board has~~  
10 ~~adopted, are complied with.~~

11 Section 79. That § 40-7-54 be repealed.

12 ~~—40-7-54. Replacement swine may be added without first having passed a negative test for~~  
13 ~~brucellosis if procured directly from a validated brucellosis free herd or from a negative herd~~  
14 ~~in a validated free area.~~

15 Section 80. That § 40-7-56 be repealed.

16 ~~—40-7-56. All packing houses in South Dakota, when swine are slaughtered, shall allow the~~  
17 ~~Animal Industry Board to collect blood samples from all swine that are six months of age or~~  
18 ~~older. The collection of blood samples shall be done in such a manner as not to unnecessarily~~  
19 ~~interfere with the normal operation of the plant.~~

20 Section 81. That § 40-7-57 be repealed.

21 ~~—40-7-57. When any swine slaughtered show evidence of brucellosis, resulting from tests of~~  
22 ~~blood samples collected, and the origin of the swine involved can be traced back to the herd of~~  
23 ~~origin with reasonable certainty, the following procedures shall be followed: the state~~  
24 ~~veterinarian or his agent shall notify the owner or agister of the result of the test, upon~~

1 notification that there may be brucellosis existing in his herd, the owner or agister shall be  
2 instructed that no swine may be sold except for slaughter purposes, under permit, until such time  
3 as the herd is tested and found free of the disease; such owner or agister shall submit such herd  
4 of swine for test within thirty days of the date of notice or such owner or agister may elect to  
5 dispose of the entire herd for slaughter purposes only, in lieu of the test; and, in any event he  
6 shall declare whether he wants to have the herd tested or sell it for slaughter and set the date by  
7 which he will have completed the testing or slaughtering.

8 Section 82. That § 40-8-1 be repealed.

9 ~~40-8-1. No person may sell or exchange, offer for sale or exchange, import, transport in any~~  
10 ~~manner, or drive over, across, along, or through any uninfected range, pasture, highway, pen,~~  
11 ~~or chute, any sheep infected with or exposed to the disease known as "scab" or sheep scabies~~  
12 ~~or in any manner expose any sheep to the disease which are not so affected. A violation of this~~  
13 ~~section is a Class 2 misdemeanor.~~

14 Section 83. That § 40-8-2 be repealed.

15 ~~40-8-2. No person may remove any sheep infected with scabies from any flock of sheep and~~  
16 ~~then sell or exchange or offer any portion of the remaining sheep for sale, exchange,~~  
17 ~~transportation, or inspection. A violation of this section is a Class 2 misdemeanor.~~

18 Section 84. That § 40-8-3 be repealed.

19 ~~40-8-3. If any sheep become infected with or exposed to scabies, the owner or person in~~  
20 ~~charge shall immediately report the fact to the Animal Industry Board or the United States~~  
21 ~~Department of Agriculture, by registered or certified letter, telephone or telegram.~~

22 Section 85. That § 40-8-4 be repealed.

23 ~~40-8-4. If the Animal Industry Board has been notified or has reason to believe that sheep~~  
24 ~~scabies exist in any locality or in any flock of sheep and examination is necessary or advisable,~~

1 ~~he shall notify the owner or person in charge of such sheep to gather them into a suitable~~  
2 ~~enclosure in order that the sheep may be properly examined and inspected.~~

3 Section 86. That § 40-8-5 be repealed.

4 ~~—40-8-5. If the owner or person in charge of sheep, notified pursuant to § 40-8-4, refuses or~~  
5 ~~neglects to gather and confine such sheep as directed, the inspecting officer shall gather the~~  
6 ~~sheep into a suitable enclosure.~~

7 Section 87. That § 40-8-6 be repealed.

8 ~~—40-8-6. If, upon examination by the Animal Industry Board, any sheep within this state are~~  
9 ~~found infected with or exposed to sheep scabies, the officer making such examination or~~  
10 ~~inspection shall immediately place such sheep under quarantine where found or at the nearest,~~  
11 ~~suitable, convenient place and shall quarantine the premises where found, where kept, and all~~  
12 ~~exposed sheep and premises, and shall forthwith serve written or printed notice of such action~~  
13 ~~on the owner or person in charge, which notice shall be inscribed with date of service and~~  
14 ~~contain an order to treat all of the sheep within ten days from such date in a manner approved~~  
15 ~~by the United States Department of Agriculture for the eradication of scabies, which treatment~~  
16 ~~shall be done under the supervision of the board or the United States Department of Agriculture.~~  
17 ~~The owner or person in charge of the sheep shall, within the period stated in such notice, treat~~  
18 ~~the sheep in the manner directed and the quarantine placed shall remain in effect until all~~  
19 ~~requirements as to treatment have been complied with.~~

20 Section 88. That § 40-8-7 be repealed.

21 ~~—40-8-7. All sheep placed in quarantine as provided in § 40-8-6 shall be held until released~~  
22 ~~by the Animal Industry Board or the United States Department of Agriculture at the expense of~~  
23 ~~the owner or person in charge, who is civilly liable for all loss or damage that may be sustained~~  
24 ~~by reason of the escape of any animals in quarantine.~~

1 Section 89. That § 40-8-8 be repealed.

2 ~~40-8-8. If, at the expiration of ten days from date of notice to treat sheep as required in § 40-~~  
3 ~~8-6, the owner or person in charge of the sheep has failed or refused to treat the sheep as~~  
4 ~~ordered, the board shall immediately take possession of the sheep and treat the sheep as~~  
5 ~~provided in the original order.~~

6 Section 90. That § 40-8-9 be repealed.

7 ~~40-8-9. Any person desiring to import sheep into the state shall first secure a permit to do~~  
8 ~~so from the state veterinarian. All such sheep shall then be inspected by the United States~~  
9 ~~Department of Agriculture or the state veterinarian where such sheep originate and be~~  
10 ~~accompanied by a certificate issued by the inspecting officer showing them to be free from~~  
11 ~~contagious and infectious diseases, giving points of origin and destination and stating for what~~  
12 ~~purpose sheep are to be used. This permit requirement may be waived by the board if there is~~  
13 ~~no danger to the sheep industry of South Dakota.~~

14 Section 91. That § 40-8-10 be repealed.

15 ~~40-8-10. On arrival sheep imported pursuant to § 40-8-9 shall be placed in quarantine by the~~  
16 ~~state veterinarian and, if necessary, be immediately treated at the expense of the owner under~~  
17 ~~the supervision of the state veterinarian or the United States Department of Agriculture in a~~  
18 ~~manner approved by the United States Department of Agriculture for the eradication of scabies.~~  
19 ~~The quarantine shall remain in effect until the sheep are so treated.~~

20 Section 92. That § 40-8-12 be repealed.

21 ~~40-8-12. The Animal Industry Board may admit sheep, without treatment, from other states~~  
22 ~~into the State of South Dakota, if the animal industry authorities of the other states have certified~~  
23 ~~that their state is free from sheep scabies and has been so for a period of one year or more~~  
24 ~~immediately preceding movement.~~

1 Section 93. That § 40-8-14 be repealed.

2 ~~40-8-14. None of the provisions of §§ 40-8-9 to 40-8-12, inclusive, apply to sheep imported~~  
3 ~~for immediate slaughter.~~

4 Section 94. That § 40-8-15 be repealed.

5 ~~40-8-15. Any owner or person in charge of sheep which have been or are infected with sheep~~  
6 ~~scabies shall, in a manner ordered by an officer of the Animal Industry Board or the United~~  
7 ~~States Department of Agriculture, destroy the carcasses of all dead sheep and thoroughly clean~~  
8 ~~and disinfect all corrals, feed lots, yards, pens, sheds, chutes, and bedgrounds, where any of the~~  
9 ~~diseased sheep may have been kept or through which they may have passed. If any owner or~~  
10 ~~person in charge fails or refuses to comply with the requirements of the order, the board shall~~  
11 ~~immediately proceed to carry out its provisions.~~

12 Section 95. That § 40-8-16 be repealed.

13 ~~40-8-16. All expenses and costs of whatever nature incurred in gathering sheep, treating~~  
14 ~~sheep, destroying the carcasses of dead sheep, and cleaning and disinfecting premises pursuant~~  
15 ~~to this chapter if done by the Animal Industry Board become a lien on the sheep, superior to any~~  
16 ~~other liens except a tax lien.~~

17 Section 96. That § 40-8-17 be repealed.

18 ~~40-8-17. If the lien, as provided in § 40-8-16, is not discharged by payment within fifteen~~  
19 ~~days after expenses and charges have been incurred, the state veterinarian shall foreclose on the~~  
20 ~~lien. The foreclosure shall be commenced, tried, and determined in all respects as provided for~~  
21 ~~the foreclosure of liens under chapters 21-53 and 21-54.~~

22 Section 97. That § 40-8-20 be repealed.

23 ~~40-8-20. It is a Class 1 misdemeanor to sell or buy at private or public sale, loan, borrow,~~  
24 ~~give away, or otherwise dispose of any sheep without having them treated in a manner approved~~



1 ~~by the United States Department of Agriculture or the Animal Industry Board, under the~~  
2 ~~supervision of the United States Department of Agriculture or the Animal Industry Board within~~  
3 ~~ten days prior to movement.~~

4 ~~— However, sheep sold to be slaughtered within fourteen days are not required to be treated.~~

5 Section 98. That § 40-8-21 be repealed.

6 ~~— 40-8-21. Notwithstanding § 40-8-20, if the state, or any part of the state, is officially~~  
7 ~~declared to be free of sheep scabies, sheep in that area need not be treated prior to movement.~~

8 Section 99. That § 40-8-36 be repealed.

9 ~~— 40-8-36. If the Animal Industry Board has designated any area as infected with a disease~~  
10 ~~amenable to treatment by dipping and has ordered that all livestock of any class in such area be~~  
11 ~~dipped, the owner of any such livestock in the area shall cause the livestock to be dipped as~~  
12 ~~directed by the board.~~

13 Section 100. That § 40-9-1 be repealed.

14 ~~— 40-9-1. The Animal Industry Board may cooperate with the United States government in the~~  
15 ~~control and eradication of hog cholera, including the sharing in payment of indemnities for~~  
16 ~~swine destroyed.~~

17 Section 101. That § 40-9-2 be repealed.

18 ~~— 40-9-2. Any person who sells or uses a virulent live virus, a modified live virus, or an~~  
19 ~~attenuated live virus, or any other vaccine for the prevention or control of hog cholera is guilty~~  
20 ~~of a Class 2 misdemeanor.~~

21 Section 102. That § 40-9-3 be repealed.

22 ~~— 40-9-3. Notwithstanding § 40-9-2, the state veterinarian may permit the use of a virulent live~~  
23 ~~virus, a modified live virus, or an attenuated live virus for the prevention or control of hog~~  
24 ~~cholera if he deems it necessary to protect the public health, safety, or welfare. He may permit~~

1 ~~its use on swine which are to be moved interstate and if the laws of the state of destination~~  
2 ~~require the swine to be vaccinated with modified live virus or an attenuated live virus.~~

3 Section 103. That § 40-9-4 be repealed.

4 ~~—40-9-4. The prohibition in § 40-9-2 does not apply to the use of a virulent live virus, a~~  
5 ~~modified live virus, or an attenuated live virus for the purpose of producing anti-hog cholera~~  
6 ~~serum or for the purpose of research in establishments licensed by the United States Department~~  
7 ~~of Agriculture.~~

8 Section 104. That § 40-9-5 be repealed.

9 ~~—40-9-5. The Animal Industry Board may destroy or require the destruction of any swine~~  
10 ~~which the state veterinarian knows to be affected with or exposed to hog cholera to prevent or~~  
11 ~~reduce the danger of the spread of hog cholera.~~

12 Section 105. That § 40-9-7 be repealed.

13 ~~—40-9-7. The owner or custodian of swine ordered destroyed under § 40-9-5 shall,~~  
14 ~~immediately after the determination of its value, cause the swine to be disposed of as directed~~  
15 ~~by the Animal Industry Board.~~

16 Section 106. That § 40-9-8 be repealed.

17 ~~—40-9-8. On presentation to the Animal Industry Board of evidence that any swine are known~~  
18 ~~to be affected with or exposed to hog cholera and will be ordered to be disposed of as provided~~  
19 ~~by § 40-9-7, the owner thereof is entitled to reimbursement by the state of a sum equal to the~~  
20 ~~share of reimbursement paid by the federal government. However, the state's share may not~~  
21 ~~exceed fifty dollars each on grade swine, or one hundred dollars each on registered swine, and~~  
22 ~~in either case may not exceed actual value. Payment of indemnity shall commence from, and~~  
23 ~~be retroactive to, the time any state or federal veterinarian is first called to the premises.~~

24 Section 107. That § 40-9-9 be repealed.

1 ~~40-9-9. The appraisal shall be made, the appraisers compensated and their return made as~~  
2 ~~provided by §§ 40-10-5 to 40-10-7, inclusive, and all other provisions of §§ 40-10-4 to 40-10-7,~~  
3 ~~inclusive, except as provided in § 40-9-10, are applicable.~~

4 Section 108. That § 40-9-10 be repealed.

5 ~~40-9-10. Indemnities may not be paid on imported swine which have been in the state less~~  
6 ~~than twenty-one days or on swine which have been allowed to mingle with imported swine~~  
7 ~~which have been in the state less than twenty-one days. In no event may indemnities be paid on~~  
8 ~~imported swine in excess of ninety percent of appraised value as provided by § 40-9-9.~~

9 Section 109. That § 40-9-11 be repealed.

10 ~~40-9-11. Any owner or custodian of swine who fails to dispose of swine as directed by the~~  
11 ~~Animal Industry Board pursuant to this chapter, or any person who imports any swine into the~~  
12 ~~state, knowing such swine to be infected, or affected, with hog cholera is guilty of a Class 2~~  
13 ~~misdemeanor.~~

14 Section 110. That § 40-9A-1 be repealed.

15 ~~40-9A-1. Terms used in this chapter mean:~~

16 ~~(1) "Approved herd plan," an individually negotiated plan developed by the Animal~~  
17 ~~Industry Board and agreed upon by the Animal Industry Board and the swine herd~~  
18 ~~owner for elimination of pseudorabies from the premises. The plan may include, but~~  
19 ~~is not limited to, procedures for testing, segregation, cleanup, repopulation,~~  
20 ~~depopulation, retesting, and the necessary timetables for implementing the plan;~~

21 ~~(2) "Herd," all swine on the same premises. However, at the discretion of the state~~  
22 ~~veterinarian, other animals may be included in any herd;~~

23 ~~(3) "Official test," any test for the detection of pseudorabies virus approved by the~~  
24 ~~Animal Industry Board and licensed or approved by the United States Department of~~

1 Agriculture;

2 ~~—(4)— "Positive herd," any swine herd determined to be pseudorabies positive by diagnosis~~  
3 ~~based on clinical evidence, by blood or tissue tests on swine from the herd, or~~  
4 ~~through traceback from slaughter surveillance testing;~~

5 ~~—(5)— "Pseudorabies," a disease of swine caused by the pseudorabies virus whether acute,~~  
6 ~~subacute, chronic, or latent;~~

7 ~~—(6)— "Slaughter surveillance," any testing of serum from swine at slaughter facilities for~~  
8 ~~the purpose of detecting pseudorabies antibodies in the serum;~~

9 ~~—(7)— "Traceback," the identification of herd of origin of slaughter swine based on records~~  
10 ~~of individual identification applied at preslaughter locations.~~

11 Section 111. That § 40-9A-2 be repealed.

12 ~~—40-9A-2. The Animal Industry Board may quarantine any swine herd that is determined to~~  
13 ~~be positive for pseudorabies. No swine may be removed from quarantined premises other than~~  
14 ~~under special permit from the Animal Industry Board. A violation of this section is a Class 1~~  
15 ~~misdemeanor.~~

16 Section 112. That § 40-9A-3 be repealed.

17 ~~—40-9A-3. The Animal Industry Board may cooperate with the United States Department of~~  
18 ~~Agriculture to undertake programs for the eradication of pseudorabies disease.~~

19 Section 113. That § 40-9A-4 be repealed.

20 ~~—40-9A-4. The Animal Industry Board may inspect, examine, test, and quarantine livestock~~  
21 ~~as may be required under the uniform methods and rules approved by the United States~~  
22 ~~Department of Agriculture, to establish control and eradication status as defined by such~~  
23 ~~uniform methods and rules.~~

24 Section 114. That § 40-9A-5 be repealed.

1 ~~40-9A-5. The owner of any quarantined pseudorabies positive swine herd shall, within~~  
2 ~~ninety days of imposition of quarantine, adopt an approved herd plan for eliminating~~  
3 ~~pseudorabies from the premises and obtaining quarantine release. If any herd is positive by~~  
4 ~~either serum neutralization or differential pseudorabies virus tests, the Animal Industry Board,~~  
5 ~~within twenty-four months after July 1, 1994, or twenty-four months after a subsequent or new~~  
6 ~~infection, shall review the herd plan to determine whether the herd plan shall be extended for~~  
7 ~~twelve months or whether the herd shall be depopulated within six months.~~

8 Section 115. That § 40-9A-6 be repealed.

9 ~~40-9A-6. The owner of any pseudorabies herd shall test his swine for pseudorabies, using~~  
10 ~~an official approved test according to the schedule of testing set forth in the approved herd plan~~  
11 ~~adopted pursuant to § 40-9A-5. A violation of this section is a Class 2 misdemeanor.~~

12 Section 116. That § 40-9A-7 be repealed.

13 ~~40-9A-7. The Animal Industry Board shall notify the owner of any herd of origin of swine~~  
14 ~~testing positive on slaughter surveillance. The owner of the herd of origin shall submit the herd~~  
15 ~~to tests for pseudorabies within six months of notification, according to the direction of the state~~  
16 ~~veterinarian. The herds of origin shall be quarantined until the required testing is completed. A~~  
17 ~~violation of this section is a Class 2 misdemeanor.~~

18 Section 117. That § 40-9A-8 be repealed.

19 ~~40-9A-8. The Animal Industry Board may develop and institute programs to control and~~  
20 ~~eradicate pseudorabies in South Dakota.~~

21 Section 118. That § 40-9A-9 be repealed.

22 ~~40-9A-9. If a veterinarian or other person in South Dakota performing disease diagnostic~~  
23 ~~services knows, or has reason to suspect, that any swine has pseudorabies, he shall notify, within~~  
24 ~~forty-eight hours, the state veterinarian. A violation of this section is a Class 2 misdemeanor.~~

1 Section 119. That § 40-9A-10 be repealed.

2 ~~40-9A-10. Upon receipt of a report of pseudorabies, the state veterinarian shall conduct an~~  
3 ~~immediate investigation to determine the origin and avenue of transmission of the infection. The~~  
4 ~~state veterinarian may enter the place or premises for the investigation and inspection if he~~  
5 ~~follows any reasonable request of the owner in regard to protective clothing, sanitized boots, or~~  
6 ~~other items for the protection of persons or animals.~~

7 Section 120. That § 40-9A-11 be repealed.

8 ~~40-9A-11. If the state veterinarian has reason to believe that the pseudorabies may spread~~  
9 ~~within a county or geographical area, he may serve public notice by publication in a newspaper~~  
10 ~~of general circulation in the county or geographical area requiring any owner of swine to confine~~  
11 ~~his animals for any period necessary to prevent the spread of pseudorabies. Failure to comply~~  
12 ~~with an order of the state veterinarian made pursuant to this section is a Class 1 misdemeanor.~~

13 Section 121. That § 40-9A-12 be repealed.

14 ~~40-9A-12. The Animal Industry Board may promulgate rules pursuant to chapter 1-26~~  
15 ~~governing the testing, inspection, and quarantine of animals, specifications for and approval of~~  
16 ~~herd plans and the implementation and administration of programs for the control and~~  
17 ~~eradication of pseudorabies in accordance with the provisions of this chapter.~~

18 Section 122. That § 40-10-1 be repealed.

19 ~~40-10-1. It is a Class 2 misdemeanor for any person to feed garbage to any livestock. As~~  
20 ~~used in this section, garbage means all refuse matter, animal or vegetable, and includes all waste~~  
21 ~~material, by-products of a kitchen, restaurant, market, shop, or slaughterhouse, and every refuse~~  
22 ~~accumulation of animal, fruit, or vegetable matter, liquid or otherwise. Each day the provisions~~  
23 ~~of this section are violated is a separate offense.~~

24 Section 123. That § 40-10-2 be repealed.

1 ~~40-10-2. The provisions of § 40-10-1 do not apply to an individual who feeds to his own~~  
2 ~~animals only the garbage obtained from his own household, the by-products of sugar beets, or~~  
3 ~~the by-products of dairy plants.~~

4 Section 124. That § 40-10-3 be repealed.

5 ~~40-10-3. Any person who imports swine into the state, knowing or having reason to believe~~  
6 ~~such swine to be infected, affected, or suspected of being affected with vesicular exanthema,~~  
7 ~~without first having obtained a permit from the Animal Industry Board is guilty of a Class 2~~  
8 ~~misdemeanor.~~

9 Section 125. That § 40-10-4 be repealed.

10 ~~40-10-4. Whenever any swine is found by the Animal Industry Board to be affected with~~  
11 ~~vesicular exanthema or is under quarantine with swine so affected or infected, its value shall be~~  
12 ~~determined by a board of appraisers constituted and selected in the same manner as provided~~  
13 ~~in § 40-7-27. The owner or custodian of such swine shall, immediately after the determination~~  
14 ~~of its value, cause the swine to be disposed of as directed by the board. Any owner or custodian~~  
15 ~~of swine who fails to dispose of it as directed by the Animal Industry Board pursuant to this~~  
16 ~~section is guilty of a Class 2 misdemeanor.~~

17 Section 126. That § 40-10-5 be repealed.

18 ~~40-10-5. The return of the appraisers made under this chapter shall be in writing, signed by~~  
19 ~~them and by the owner of the swine disposed of under order of the board, and certified to by the~~  
20 ~~executive secretary of the Animal Industry Board to the state auditor who shall draw a warrant~~  
21 ~~upon the treasurer in favor of the owner for the amount as provided by § 40-10-7.~~

22 Section 127. That § 40-10-6 be repealed.

23 ~~40-10-6. The two members of the board of appraisers not employed with the Animal~~  
24 ~~Industry Board are entitled to compensation for their services equal to the board per diem rate,~~

1 to be paid out of the special livestock disease indemnity fund, upon presentation of vouchers to  
2 the state auditor duly approved by the Animal Industry Board.

3 Section 128. That § 40-10-7 be repealed.

4 ~~—40-10-7. On presentation to the Animal Industry Board of evidence that he has caused swine  
5 to be disposed of pursuant to direction given under § 40-10-4, the owner thereof is entitled to  
6 reimbursement by the state of a sum equal to one-third of the sum remaining after the proceeds  
7 derived from the disposition of such swine has been deducted from the appraised value. If the  
8 federal government fails to provide an equal amount of indemnity with the state, then the owner  
9 shall receive one-half of the difference between the appraised value and the proceeds derived  
10 from the disposition of the swine. The state is not liable for any indemnity if the special  
11 livestock disease indemnity fund has been exhausted or in any sum larger than the sum  
12 appropriated. As used in this section, appraised value shall mean the amount of appraisement  
13 of swine based upon the market value. The fact that the animal is or has been affected with  
14 vesicular exanthema, or has been exposed thereto, does not affect appraisal of its market value.~~

15 Section 129. That § 40-10-8 be repealed.

16 ~~—40-10-8. No indemnities may be paid under this chapter on swine not produced in the State  
17 of South Dakota or on account of an outbreak of vesicular exanthema among swine found to  
18 have been fed raw garbage.~~

19 Section 130. That § 40-10-10 be repealed.

20 ~~—40-10-10. Pursuant to the provisions of § 40-10-3 or 40-10-4, all infected swine are  
21 contraband to be forfeited to the state to be disposed of by the Animal Industry Board without  
22 compensation or indemnity. The state shall be reimbursed by the owner of such swine for the  
23 cost of destruction.~~

24 Section 131. That § 40-13-1 be repealed.



1 ~~40-13-1. For the purpose of maintaining a single fund for indemnifying the owners of~~  
2 ~~diseased and destroyed animals as provided in § 40-13-2, there is hereby created a special~~  
3 ~~livestock disease indemnity fund.~~

4 Section 132. That § 40-13-2 be repealed.

5 ~~40-13-2. The special livestock disease indemnity fund shall be expended by the Animal~~  
6 ~~Industry Board to indemnify the owners of livestock and nondomestic animals destroyed~~  
7 ~~pursuant to law by reason of being affected with brucellosis, tuberculosis, or vesicular~~  
8 ~~exanthema. The disposition of funds shall be made by order of the Animal Industry Board, when~~  
9 ~~claims have been established pursuant to law.~~

10 ~~All moneys in the special livestock disease indemnity fund shall be expended by warrants~~  
11 ~~issued by the state auditor upon the state treasurer on duly verified vouchers approved by the~~  
12 ~~Animal Industry Board.~~

13 Section 133. That § 40-13A-2 be repealed.

14 ~~40-13A-2. If any nondomestic animals are adjudged to be infected with any infectious,~~  
15 ~~contagious, epidemic, or communicable disease by the Animal Industry Board, are ordered~~  
16 ~~destroyed by the board and are destroyed in accordance with the order, the actual value of such~~  
17 ~~animals shall be determined by the Animal Industry Board within twenty-four hours after the~~  
18 ~~destruction is ordered and before such animals are destroyed. If the owner or keeper is aggrieved~~  
19 ~~by the appraisal, he may request a board of appraisers to be appointed pursuant to § 40-13A-3.~~

20 Section 134. That § 40-13A-3 be repealed.

21 ~~40-13A-3. If the owner of nondomestic animals to be destroyed pursuant to § 40-13A-2 is~~  
22 ~~not satisfied with the appraisal made by the Animal Industry Board, he may protest the appraisal~~  
23 ~~whereupon a board of three appraisers shall be formed. One member shall be an agent of the~~  
24 ~~Animal Industry Board, one member shall be selected by the owner and the third member shall~~

1 ~~be selected by the first two members. An appraisal of the animals involved shall be made by this~~  
2 ~~board of appraisers. If any two of them agree upon a certain valuation, that appraisal is final.~~

3 Section 135. That § 40-13A-4 be repealed.

4 ~~—40-13A-4. The two members of the board of appraisers not connected with the Animal~~  
5 ~~Industry Board shall receive compensation for their services, equal to the board per diem rate,~~  
6 ~~to be paid out of the special livestock disease indemnity fund upon presentation of vouchers to~~  
7 ~~the state auditor which have been duly approved by the Animal Industry Board.~~

8 Section 136. That § 40-13A-5 be repealed.

9 ~~—40-13A-5. An appraisal made pursuant to this chapter shall be in writing and signed by the~~  
10 ~~board of appraisers. It shall also be signed by the owner of the nondomestic animals condemned~~  
11 ~~and shall be certified by the executive secretary of the Animal Industry Board to the state~~  
12 ~~auditor, who shall draw a warrant on the state treasurer in favor of the owner for the amount~~  
13 ~~thereof.~~

14 Section 137. That § 40-13A-6 be repealed.

15 ~~—40-13A-6. The amount of the indemnity paid by the state pursuant to § 40-13A-5 may not~~  
16 ~~exceed one-third of the difference between the appraised value of the nondomestic animal and~~  
17 ~~the net salvage value, and may not in any case be more than twelve dollars and fifty cents per~~  
18 ~~animal. The State of South Dakota is not liable for any indemnity granted after the special~~  
19 ~~livestock disease indemnity fund has been exhausted.~~

20 Section 138. That § 40-13A-7 be repealed.

21 ~~—40-13A-7. There is no right to be indemnified and payment may not be made pursuant to~~  
22 ~~§ 40-13A-5 for nondomestic animals belonging to the United States or any county, first or~~  
23 ~~second class municipality or township or any zoo or menagerie, public or private, in this state.~~

24 Section 139. That § 40-13A-8 be repealed.

1 ~~40-13A-8. There is no right to be indemnified and payment may not be made pursuant to~~  
2 ~~§ 40-13A-5 if the owner at the time of coming into possession of the animal knew or suspected~~  
3 ~~that the animal was diseased.~~

4 Section 140. That § 40-13A-9 be repealed.

5 ~~40-13A-9. There is no right to be indemnified and payment may not be made pursuant to~~  
6 ~~§ 40-13A-5 if such nondomestic animals were found to have been diseased at the time of their~~  
7 ~~arrival in this state.~~

8 Section 141. That § 40-13A-10 be repealed.

9 ~~40-13A-10. There is no right to be indemnified and payment may not be made pursuant to~~  
10 ~~§ 40-13A-5 if the owner is a nonresident and not engaged in the breeding of animals in this~~  
11 ~~state.~~

12 Section 142. That § 40-14-11 be repealed.

13 ~~40-14-11. It is a Class 1 misdemeanor, in the absence of an express agreement with the~~  
14 ~~owner, for any veterinarian to charge or collect for inspecting or testing any animal for interstate~~  
15 ~~shipment or for any inspection or testing required by the laws of this state or the rules of the~~  
16 ~~Animal Industry Board, any sum in excess of the charges fixed by such rules.~~

17 Section 143. That § 40-15-27 be amended to read as follows:

18 40-15-27. Every livestock agency shall keep complete records ~~on forms approved by the~~  
19 ~~Animal Industry Board containing~~ as prescribed by the Animal Industry Board in rules  
20 promulgated pursuant to chapter 1-26. Such information may include the names of all persons  
21 or organizations bringing to or offering livestock for sale at ~~such~~ the agency, ~~any livestock,~~  
22 ~~together with~~ and a complete description of ~~such~~ the livestock including ~~the approximate age~~  
23 ~~and weight, sex, color, marks, brands, and flesh marks thereon. The record shall include the~~  
24 ~~license number of any motor vehicle bringing livestock to such agency or its vicinity for~~

1 ~~delivery to it. Such records shall clearly show the name and address of the person or firm for~~  
2 ~~whom such animals were sold and the descriptions of such animals~~ as prescribed by the Animal  
3 Industry Board to fulfill the intent of this chapter. A violation of this section is a petty offense.  
4 Each violation is a separate offense.

5 Section 144. That § 40-15-28 be amended to read as follows:

6 40-15-28. The records required by § 40-15-27 shall be open for inspection at any reasonable  
7 time to any person interested as prescribed by the Animal Industry Board in rules promulgated  
8 pursuant to chapter 1-26 to fulfill the intent of this chapter. Every livestock auction agency shall  
9 keep and preserve all records for at least three years and shall furnish copies thereof to peace  
10 officers without charge and to any other person upon payment of reasonable charge for making  
11 such copy.

12 Section 145. That § 40-3-14 be amended to read as follows:

13 40-3-14. The Animal Industry Board may make all such orders for the execution of the  
14 powers conferred upon it and the performance of its duties, to effectuate, enforce, and carry out  
15 promptly and efficiently the provisions of the statutes relating to its duties, powers, and  
16 jurisdiction. The board may likewise amend or repeal all such orders. The board may  
17 promulgate rules pursuant to chapter 1-26 concerning:

- 18 (1) The definition of items used to administer this chapter;
- 19 (2) Declaratory rulings;
- 20 (3) The ~~regulation~~ control and eradication of livestock diseases and parasites;
- 21 (4) The regulation of bovine tuberculosis;
- 22 (5) The regulation of the importation of animals;
- 23 (6) The regulation and licensure of livestock auctions and stockyards;
- 24 (7) The regulation and licensure of livestock dealers;

- 1 (8) The setting of livestock inspection fees;
- 2 (9) ~~The regulation and licensure of swine dealers;~~
- 3 ~~(10) The regulation and licensure of rendering establishments and pet food processing~~
- 4 ~~plants;~~
- 5 ~~(11)~~(10) The establishment of swine identification and maintenance of records;
- 6 ~~(12) The establishment of approved pesticides for ticks, scabies, and screw-worms;~~
- 7 ~~(13)~~(11) The regulation of livestock exhibits;
- 8 ~~(14) The control of pullorum typhoid control;~~
- 9 ~~(15)~~(12) The use of federal methods and rules for meat inspection;
- 10 ~~(16)~~(13) The regulation of refrigerated locker plants; and
- 11 ~~(17) The importation of equine;~~
- 12 ~~(18) Preservatives control;~~
- 13 ~~(19)~~(14) The regulation of nondomestic animals; ~~and~~
- 14 ~~(20) The procedures for establishing a quarantine.~~

15 However, the board shall exercise its regulatory and quarantine powers in a manner that  
 16 affects the minimum geographical area reasonably necessary to control or eradicate disease.

17 Section 146. That § 40-14-2 be amended to read as follows:

18 40-14-2. Any animal brought into this state for any purpose except immediate slaughter or  
 19 as otherwise provided for in rules promulgated pursuant to chapter 1-26 by the Animal Industry  
 20 Board shall be accompanied by a certificate of ~~health~~ health veterinary inspection, issued ~~in duplicate~~  
 21 by authority of the state or territory from which it originates, or by authority of the United States  
 22 Department of Agriculture. The certificate shall verify that the animal is free from ~~all~~ signs of  
 23 contagious, infectious, epidemic, or communicable disease, and from signs of infestation of  
 24 destructive parasites. The certificate shall verify that the animal does not originate from a district

1 of quarantine, infestation, or infection, and that it has been inspected within a period of not more  
2 than thirty days before the arrival of the animal. ~~One of the duplicate certificates shall be mailed~~  
3 ~~to the Animal Industry Board at Pierre, in time for it to be received before the animal arrives at~~  
4 ~~its destination, and the other shall be attached to the bill of lading when the animal is brought~~  
5 ~~into the state.~~ Any person who brings animals into the state in violation of this section is guilty  
6 of a Class 6 felony.

7 Section 147. That § 40-14-3 be amended to read as follows:

8 40-14-3. Any person desiring to bring any animal into the state without the certificate of  
9 ~~health~~ veterinary inspection required by § 40-14-2 shall notify the Animal Industry Board,  
10 stating the number and kind of animal; and the name and address of the consignee and  
11 consignor. The board may issue a permit for ~~such~~ the animal to enter the state, if ~~it~~ the Animal  
12 Industry Board has no reason to believe that ~~such~~ the animal is affected, infected, or infested  
13 with any such disease or parasite or originated from a district of quarantine, infestation, or  
14 infection.

15 Section 148. That § 40-14-4 be amended to read as follows:

16 40-14-4. Any animal brought into the state without the ~~health~~ certificate of veterinary  
17 inspection required by § 40-14-2, even if ~~they were~~ the animal was brought into the state  
18 pursuant to a permit authorized by § 40-14-3, shall be detained at their destination or some other  
19 suitable place under quarantine until they have been examined by the Animal Industry Board  
20 and a ~~health~~ certificate of veterinary inspection issued. It is a Class 1 misdemeanor for any  
21 person to release any animal until the proper health certificate has been issued according to the  
22 provisions of this chapter except by consent of the Animal Industry Board. All charges and  
23 expenses for making any such examination shall be paid by the owner of ~~such~~ the animal.

24 Section 149. That § 40-14-10 be amended to read as follows:

1        40-14-10. It is a Class 1 misdemeanor for any veterinarian to issue a ~~health~~ certificate of  
2        veterinary inspection or test chart if ~~he~~ the veterinarian has not properly inspected or tested the  
3        livestock to which it relates, in accordance with the statements in the certificate and the  
4        procedures indicated on the test chart, or to represent in the certificate or test chart that ~~he~~ the  
5        veterinarian has inspected or tested any animal if ~~he~~ the veterinarian has not personally and  
6        properly made ~~such~~ the inspection or test.