



**Annual Report to  
Senate and House Committees  
2024 Legislature**

Agricultural and Natural Resources Committees  
Government Operations and Audit Committee

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SD Brand Board

## Brand Board Legislative Report for Calendar Year 2023

The South Dakota State Brand Board operates on funds generated from the brand registration program and the brand inspection program. **The Brand Board does not receive any general fund appropriations.** The livestock ownership inspection area in South Dakota is west of the Missouri River. Any livestock leaving this inspection area must have a livestock ownership inspection or transportation permit prior to leaving. Livestock sold at livestock markets in western SD are inspected for ownership when they arrive at the markets. Livestock sold privately must also have ownership inspections. **The registration and the use of brands apply to the entire state.** Members of the Brand Board are appointed by the Governor and confirmed by the Senate. Each term is a 3-year term. Brand Board members in 2023 were Scott Vance, Faith; Myron Williams, Wall; Lyle Spring, Union Center; David Paul, Mud Butte and Haven Stuck, Rapid City. The Brand Board employees full time brand inspectors, which are stationed at 10 livestock markets in western SD, part-time/local brand inspectors, office staff, and brand enforcement/livestock investigators.

### **Livestock Inspections**

In CY (calendar year) 2023 a total of 1,554,996 head of livestock were inspected. This is a decrease of 120,640 head from 2022. Seventy-two holds were submitted to the Brand Board office pending proof of ownership. This is down from the 90 holds received in 2022. Table 1 shows the inspections by month for each category. Table 2, which lists CY 2022 information, is included for comparison purposes. Some of the reported numbers are subject to change as data may be received in the brand office after the completion of this report.

**Table 1. SD Brand Board Livestock Inspections and Holds by Month for CY 2023.**

<b>CY 2023 Month</b>	<b>Livestock Markets</b>	<b>Locker Plants</b>	<b>Local Inspections</b>	<b>Horse Lifetime Permits</b>	<b>Total</b>	<b>Number of Livestock Presented for Sale without Proof of Ownership</b>
January	88,369	422	79,460	37	168,288	633
February	110,790	675	53,617	65	165,147	1,475
March	64,470	377	38,414	19	103,280	645
April	53,848	238	24,848	23	78,957	3,898
May	75,469	391	48,365	106	124,331	2,459
June	50,387	315	26,896	107	77,705	3,007
July	52,233	1,118	24,993	202	78,546	2,652
August	18,450	468	35,895	158	54,971	1,423
September	35,189	394	30,694	91	66,368	113
October	58,723	231	40,853	81	99,888	445
November	204,392	375	37,361	89	242,217	488
December	221,283	328	73,648	39	295,298	1,063
<b>TOTALS</b>	<b>1,033,603</b>	<b>5,332</b>	<b>515,044</b>	<b>1,017</b>	<b>1,554,996</b>	<b>18,301</b>

**Table 2. SD Brand Board Livestock Inspections and Holds by Month for CY 2022.**

<b>CY 2022 Month</b>	<b>Livestock Markets</b>	<b>Locker Plants</b>	<b>Local Inspections</b>	<b>Horse Lifetime Permits</b>	<b>Total</b>	<b>Number of Livestock Presented for Sale without Proof of Ownership</b>
January	90,482	405	112,663	65	203,615	662
February	101,471	384	58,434	64	160,353	1,761
March	78,540	1,322	46,620	59	126,541	554
April	84,055	611	28,200	25	112,891	3,245
May	65,131	305	50,477	96	116,009	2,720
June	69,137	535	47,530	62	117,264	3,369
July	53,119	669	45,234	66	99,088	2,145
August	19,014	196	21,041	108	40,359	1,565
September	31,536	339	41,946	149	73,970	620
October	48,987	184	62,617	72	111,860	842
November	214,707	477	56,381	28	271,593	331
December	189,044	279	52,757	13	242,093	551
<b>TOTALS</b>	<b>1,045,223</b>	<b>5,706</b>	<b>623,900</b>	<b>807</b>	<b>1,675,636</b>	<b>18,365</b>

**Table 3. Total Livestock Inspected per Month and Monthly Average in years 2019-2023**

<b>Month</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>Average</b>
January	112,021	150,169	174,551	203,615	168,288	161,729
February	144,750	135,016	161,017	160,353	165,147	153,257
March	109,572	125,051	106,388	126,541	103,280	114,166
April	94,990	91,331	112,301	112,891	78,957	98,094
May	100,153	71,554	89,718	116,009	124,331	100,353
June	94,790	117,878	115,355	117,264	77,705	104,598
July	93,628	75,331	94,457	99,088	78,546	88,210
August	48,247	52,620	76,117	40,359	54,971	54,463
September	60,610	84,866	97,974	73,970	66,368	76,758
October	141,646	143,327	134,789	111,860	99,888	126,302
November	289,587	250,789	338,154	271,593	242,217	278,468
December	295,041	316,452	317,131	242,093	295,298	293,203
<b>TOTALS</b>	<b>1,585,035</b>	<b>1,614,384</b>	<b>1,817,952</b>	<b>1,675,636</b>	<b>1,554,996</b>	<b>1,649,601</b>

### **Deposits for Inspection Receipts**

Monthly inspection receipts, from fees collected at livestock markets and local inspections, are shown in Table 4. Fees collected for locker plants and feedlot inspections are included in the livestock market totals. The \$1.00 per head livestock ownership inspection fee was set in 2013. The current mileage rate, of \$.51/mile, is set by the Board of Finance. The inspection receipts listed below do not include the mileage fees collected for local inspections. The brand inspectors are reimbursed mileage at the rate of \$.51/mile. The CY 2022 fees are included for comparison purposes.

**Table 4. Inspection Receipts Deposited for Calendar Years 2023 and 2022**

<b>Month</b>	<b>2023 Market Inspections</b>	<b>2023 Local Brand Inspections</b>	<b>2023 Brand Inspection TOTAL</b>	<b>2022 Market Inspections</b>	<b>2022 Local Brand Inspections</b>	<b>2022 Brand Inspection TOTAL</b>
Jan	\$88,791	\$80,200	<b>\$168,991</b>	\$90,887	\$113,963	<b>\$204,850</b>
Feb	\$111,465	\$54,917	<b>\$166,382</b>	\$101,855	\$59,714	<b>\$161,569</b>
Mar	\$64,847	\$38,794	<b>\$103,641</b>	\$79,862	\$47,800	<b>\$127,662</b>
Apr	\$54,086	\$25,308	<b>\$79,394</b>	\$84,666	\$28,700	<b>\$113,366</b>
May	\$75,860	\$50,485	<b>\$126,345</b>	\$65,436	\$52,397	<b>\$117,833</b>
Jun	\$50,702	\$29,036	<b>\$79,738</b>	\$69,672	\$48,770	<b>\$118,442</b>
July	\$53,351	\$29,033	<b>\$82,384</b>	\$53,788	\$46,554	<b>\$100,342</b>
Aug	\$18,918	\$39,055	<b>\$57,973</b>	\$19,210	\$23,201	<b>\$42,411</b>
Sept	\$35,583	\$32,514	<b>\$68,097</b>	\$31,875	\$44,926	<b>\$76,801</b>
Oct	\$58,954	\$42,473	<b>\$101,427</b>	\$49,171	\$64,057	<b>\$113,228</b>
Nov	\$204,767	\$39,141	<b>\$243,908</b>	\$215,184	\$56,941	<b>\$272,125</b>
Dec	\$221,611	\$74,428	<b>\$296,039</b>	\$189,323	\$53,017	<b>\$242,340</b>
<b>TOTALS</b>	<b>\$1,038,935</b>	<b>\$535,384</b>	<b>\$1,574,319</b>	<b>\$1,050,929</b>	<b>\$640,040</b>	<b>\$1,690,969</b>

### **Missing or Stolen Livestock**

The number of livestock reported missing or stolen statewide CY 23 increased was 1,166 head. The head count and type of livestock reported missing or stolen in CY 23 are listed in Table 5. The numbers reported for CY 22 are listed in Table 6. Some of the livestock reported missing or stolen may be the result of a civil dispute between producers, lenders taking possession of their security, or livestock may have died. Livestock, which has been found or recovered may have been found by the owner, brand inspectors, livestock investigators or other law enforcement officials. **Producers who believe their livestock has been stolen should contact their local law enforcement immediately.** The Brand Board works with other law enforcement agencies on missing/stolen livestock cases. Although the Brand Board's investigators do not have jurisdiction on tribal ground, they assist tribal agencies when requested.

**Table 5. Head Count and Type of Livestock Reported Missing or Stolen in 2023.**

Month	Cows	Calves	Yearlings	Bulls	Horses	Sheep	Buffalo	TOTALS	Found/ Recovered
Jan	10	10	2	1	0	0	0	23	2
Feb	0	12	0	0	8	0	0	20	4
Mar	1	0	0	0	0	0	0	1	4
Apr	0	0	0	0	2	0	0	2	0
May	0	36	0	0	0	0	0	36	0
June	0	20	0	0	0	0	0	20	0
July	15	0	7	0	0	0	0	22	0
Aug	0	0	10	1	0	0	0	11	14
Sept	17	50	0	2	0	0	0	69	60
Oct	135	73	8	1	0	0	0	217	1
Nov	157	385	30	2	0	0	0	574	0
Dec	56	110	0	5	0	0	0	171	68
<b>TOTALS</b>	<b>391</b>	<b>696</b>	<b>57</b>	<b>12</b>	<b>10</b>	<b>0</b>	<b>0</b>	<b>1166</b>	<b>153</b>

**Table 6. Head Count and Type of Livestock Reported Missing or Stolen in 2022.**

Month	Cows	Calves	Yearlings	Bulls	Horses	Sheep	Buffalo	TOTALS	Found/ Recovered
Jan	23	22	0	0	0	0	0	45	0
Feb	0	0	0	0	0	0	0	0	1
Mar	0	0	0	0	8	40	0	48	0
Apr	0	0	0	0	0	0	0	0	0
May	0	0	0	0	0	0	0	0	0
June	0	0	0	0	0	0	0	0	0
July	0	12	0	0	0	0	0	12	0
Aug	3	38	0	1	0	0	0	42	15
Sept	1	1	5	2	0	0	0	9	6
Oct	0	0	0	3	0	0	0	3	9
Nov	53	44	22	6	0	0	0	125	123
Dec	0	0	0	0	0	0	0	0	20
<b>TOTALS</b>	<b>80</b>	<b>117</b>	<b>27</b>	<b>12</b>	<b>8</b>	<b>40</b>	<b>0</b>	<b>284</b>	<b>174</b>

As a service to livestock producers, the *Aberdeen News Farm Forum Green Sheet*, *Cattle Business Weekly*, *Tri-State Livestock News*, and *Tri-State Neighbor* publish the Monthly Missing Livestock Report at no cost to the Brand Board.

### **Recovered Strays**

Brand inspectors recover stray livestock while conducting local brand inspections or inspecting livestock at livestock markets. Table 7 below shows the number and type of livestock recovered during inspections completed for years 2019 thru 2023. In 2023, approximately \$700,000 worth of livestock were recovered by brand inspectors while doing inspections.

**Table 7. Number and Type of Livestock Recovered by Brand Inspectors 2019 - 2023.**

<b>Year</b>	<b>Cow</b>	<b>Heifer</b>	<b>Calf</b>	<b>Steer</b>	<b>Bull</b>	<b>Horse</b>	<b>Total</b>
<b>2019</b>	117	58	99	44	30	0	348
<b>2020</b>	120	38	89	17	10	0	274
<b>2021</b>	166	24	151	14	18	0	373
<b>2022</b>	39	34	14	17	6	0	110
<b>2023</b>	173	42	174	42	20	6	457

### **Brand Board Holds**

A hold is placed on livestock sale proceeds if proof of ownership has not been established by the seller of the livestock or the livestock was an estray. Prior to sending the proceeds to the Brand Board office, sellers are given 60 days, after the sale date, to prove ownership. Brand inspectors assist sellers to resolve the hold. If proof of ownership has not been provided after 60 days, the funds are submitted to the Brand Board and held as “Restricted Funds”. Although the seller is responsible to provide proof of ownership, staff in the Brand Board Office conduct additional research in an attempt to resolve the hold. Holds, which have been submitted to the Brand Board office, are shown below in Table 8. If a hold was for an estray, brand board staff review grazing reports, missing livestock reports, obtain information from Animal Industry and from brand offices, in surrounding states, to try to determine the owner. A listing of Holds Received, Paid, Pending, and transferred to Unrestricted in the Theft Prevention Fund during 2023 are included in the Appendix of this report.

**Table 8. Number and Type of Livestock Holds Received, Paid to Livestock Owners and to Unrestricted Theft Prevention Fund 2023 and 2022**

	<b>Holds</b>	<b>Cow</b>	<b>Heifer</b>	<b>Calf</b>	<b>Steer</b>	<b>Bull</b>	<b>Horse</b>	<b>Amount</b>
CY <b>2023</b> Holds Received	72	101	24	29	5	19	11	\$158,327.65
Paid to Livestock Owners	44	55	27	51	3	6	1	\$124,405.47
Unrestricted TP* Fund	43	29	4	1	7	4	15	\$35,018.25
CY <b>2022</b> Holds Received	90	62	22	42	15	5	26	\$122,471
Paid to Livestock Owner	11	9	5	2	0	3	1	\$11,702
Unrestricted TP* Fund	26	12	5	1	12	1	4	\$25,289

\*Theft Prevention Fund

### **Livestock Investigations:**

*If someone believes their livestock have been stolen, they should contact their local law enforcement immediately.* The Brand Board assists local law enforcement statewide in the investigation of missing or stolen livestock. Many reports of missing livestock are civil cases. Violations of brand laws and livestock ownership inspection laws are submitted to States Attorneys by the Brand Board investigators. The States Attorneys make the determination to file charges. Expenses for the brand enforcement/investigators are paid from the Brand Fund. In 2023, one livestock investigator was stationed in the western part of the livestock ownership inspection area, and one was in the central part of the livestock inspection area. The investigators work with local law enforcement and livestock investigators in other states.

**Table 9. Livestock Investigative Information**

<b>Item</b>	<b>2023</b>	<b>2022</b>
Cases Opened	53	72
Cases Closed	46	74
Cases Open at yearend	6	15
Convictions	5	4
Arrests	6	6
Cases pending with State's Attorneys	5	5
Outstanding Warrants	1	0
Road Checks	6	8
Narrative Reports	42	36

### **Brand Program**

The Brand Board is also responsible for brand registrations, transfers, brand renewals, shipper permits, grazing permits, and trailing permits. Table 10 shows the main brand program revenue for 2023 and 2022. Brands are renewed every five years. The next renewal period will be January 1 - May 1, 2025 and brand owners have the option of renewing their brand registrations online. If a brand owner does not renew their brand by May 1<sup>st</sup> of the renewal year, the brand owner can pay a record fee, within two years, to re-record their brand. The brand book is online and can be found on the Brand Board's website [sdbrandboard.sd.gov](http://sdbrandboard.sd.gov)

**Table 10. Brand Program Revenue**

<b>Revenue Type</b>	<b>2023</b>	<b>2022</b>
New Brand Registrations	\$47,150	\$41,550
Brand Transfers	\$29,300	\$28,900
Brand Application Fee	\$29,880	\$34,920
Brand Renewal Fee	\$35,280	\$24,516
<b>TOTALS</b>	<b>\$141,610</b>	<b>\$129,886</b>

## **Summary**

During 2023, the Brand Board added three district supervisor positions for the ownership inspection program. We have received several positive comments from producers and inspectors on this change and will continue to work towards strengthening the livestock ownership inspection program. Two training locations have been established for training new brand inspectors. Twelve new brand inspectors were hired in 2023. The Brand Board has started Phase I to upgrade software, used in the processing local brand inspection data, which will allow for the development of implementing an electronic local inspection form. Brand inspectors will use electronic tablets to complete inspection documents and will electronically send the information to the Brand Board office.

Stray livestock recovered by brand inspectors increased to 457 head. This is approximately \$700,000 worth of livestock returned to the owners as a result of the livestock ownership inspection program and the brand inspectors.

For a second consecutive year, the number of livestock inspected decreased, therefore, resulting in a direct decrease in revenue. Inspection receipts deposited decreased \$273,500 from those in CY21. The operating cost of the inspection program for FY 23 was \$1.16 per head while the inspection fee is at \$1.00/head. The Brand Board has operated for 10 years at the \$1.00 /head inspection fee while personnel costs have seen a 7% salary increase in FY 23 and a 6% salary increase in FY 2022. Personnel expenses account for 81% of the Brand Board's yearly expenditures. The Brand Board does not receive any general fund appropriations.

The Brand Board, along with other agricultural groups, participated in three ad hoc meetings hosted by the Department of Agriculture and Natural Resources. Some of the topics discussed were Brand Board operations/organizational chart/staffing, hold process of livestock sold without proof of ownership, theft prevention fund, inspector training, and potential legislation for 2024. These meetings offered an opportunity to provide clarification on Brand Board operations and for the Brand Board to receive input on the implementation of the brand and livestock ownership inspection laws. The Brand Board continues to encourage anyone with questions or concerns to contact the Brand Board office or Brand Inspection District Supervisors.

The foundation of the brand inspection program is requiring sellers to provide proof of ownership. Without brand inspections, anyone could sell livestock without providing evidence of ownership. In CY 2023, there were \$158,327.65 worth of livestock sold without the seller providing proof of ownership at the time of the sale. These funds were placed on hold, pending proof of ownership. Without brand inspections, this amount would have been paid to the sellers. Once the seller provides proof of ownership, their funds are released to them.

The Brand Board continues to see an increase in the number of civil disputes regarding livestock ownership. Producers are urged to file the necessary documents to protect their operation when placing their livestock in the care of others or when caring for another producer's livestock.

Currently, there are 27,590 registered brands in South Dakota. The fee to renew a brand registration is \$18.00/year. This fee is paid every five years which totals \$90.00/brand.

The Brand Board members and staff are dedicated to serving the producers of the State of South Dakota.