

AN ACT

ENTITLED, An Act to revise certain provisions related to holds on livestock sales and the transporting of livestock out of the ownership inspection area.

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

Section 1. That § 40-21-10 be amended to read as follows:

40-21-10. If any livestock, inspected under the provisions of this chapter or chapter 40-20 bears an unrecorded brand, or a recorded brand other than the brand of the person selling the livestock or transporting the livestock out of the ownership inspection area, and does not bear the recorded brand of such person, then the person selling or transporting the livestock shall be required to establish ownership to the livestock, by presenting to the livestock ownership inspector a witnessed bill of sale to the animal or by other satisfactory evidence of ownership which may include an affidavit of ownership signed by the person selling or transporting the livestock and witnessed by the ownership inspector. If any livestock listed on the original bill of sale or affidavit of ownership are not sold or transported out of the ownership inspection area, the inspector shall pick up the ownership documents and issue a receipt showing the number of livestock sold or transported and the number remaining. If any livestock are unbranded, the inspector may require the shipper or seller to establish ownership by presenting to the inspector an affidavit of ownership. Only an original bill of sale or affidavit of ownership is valid for proof of ownership. Any bill of sale or affidavit shall be notarized or signed by two witnesses.

Section 2. That § 40-21-11 be amended to read as follows:

40-21-11. If any livestock inspected under the provisions of this chapter or chapter 40-20 bears the recorded brand of the seller or the person transporting the livestock out of the ownership inspection area, and also bears a recorded brand of another person, then the seller or the person transporting the livestock out of the ownership inspection area may be required, at the discretion of

the livestock ownership inspector, to establish ownership to the livestock by presenting to the ownership inspector satisfactory evidence of ownership.

Section 3. That chapter 40-21 be amended by adding thereto a NEW SECTION to read as follows:

If the person transporting livestock out of the ownership inspection area as described in § 40-21-10 or 40-21-11 fails to establish ownership of any livestock, the board may hold the livestock. If a hold has been placed on the livestock, it is a Class 1 misdemeanor for the person to remove the livestock from the ownership inspection area or sell the livestock before the board has cleared the hold for release. Any livestock hold continuing beyond sixty days shall be forwarded by the inspector to the board for review and final disposition, which may include clarification, settlement, or payment related to proper ownership.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1056

Chief Clerk

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1056
File No. _____
Chapter No. _____

Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State