

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

400P0268

## HOUSE BILL NO. 1056

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

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

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

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

5 40-21-10. If any livestock, inspected under the provisions of this chapter or chapter 40-20  
6 bears an unrecorded brand, or a recorded brand other than the brand of the ~~seller~~ person selling  
7 the livestock or transporting the livestock out of the ownership inspection area, and does not  
8 bear the recorded brand of such ~~seller person~~, then the ~~seller person selling or transporting the~~  
9 livestock shall be required to establish ~~his~~ ownership to ~~such~~ the livestock, by presenting to the  
10 livestock ownership inspector a witnessed bill of sale to ~~such~~ the animal or by other satisfactory  
11 evidence of ownership which may include an affidavit of ownership signed by the ~~seller person~~  
12 selling or transporting the livestock and witnessed by the ownership inspector. If any livestock  
13 listed on the original bill of sale or affidavit of ownership are not sold or transported out of the  
14 ownership inspection area, the inspector shall pick up the ownership documents and issue a  
15 receipt showing the number of livestock sold or transported and the number remaining. If any



1 livestock are unbranded, the inspector may require the shipper or seller to establish his  
2 ownership by presenting to the inspector an affidavit of ownership. Only an original bill of sale  
3 or affidavit of ownership is valid for proof of ownership. Any bill of sale or affidavit shall be  
4 notarized or signed by two witnesses.

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

6 40-21-11. If any livestock inspected under the provisions of this chapter or chapter 40-20  
7 bears the recorded brand of the seller or the person transporting the livestock out of the  
8 ownership inspection area, and also bears a recorded brand ~~other than the brand of the seller of~~  
9 another person, then the seller or the person transporting the livestock out of the ownership  
10 inspection area may be required, at the discretion of the livestock ownership inspector, to  
11 establish ownership to ~~such~~ the livestock by presenting to the ownership inspector satisfactory  
12 evidence of ownership.

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

15 If the person transporting livestock out of the ownership inspection area as described in  
16 § 40-21-10 or 40-21-11 fails to establish ownership of any livestock, the board may hold the  
17 livestock. If a hold has been placed on the livestock, it is a Class 1 misdemeanor for the person  
18 to remove the livestock from the ownership inspection area or sell the livestock before the board  
19 has cleared the hold for release. Any livestock hold continuing beyond sixty days shall be  
20 forwarded by the inspector to the board for review and final disposition, which may include  
21 clarification, settlement, or payment related to proper ownership.