



2020 South Dakota Legislature

House Bill 1112

HOUSE AGRICULTURE AND NATURAL RESOURCES ENGROSSED

Introduced by: **Representative Brunner**

1 **An Act to authorize the hiring of law enforcement officers by the South Dakota State**
 2 **Brand Board and to declare an emergency.**

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

4 **Section 1.** That § 40-18-1.2 be AMENDED:

5 **40-18-1.2. Definitions.**

6 Terms used in chapters 40-18 to 40-22, inclusive, and 40-29 mean:

- 7 (1) "Agency," any private or nonprofit corporation, or its employees, incorporated
 8 under state law, designated by the board as its authorized agent to carry out the
 9 functions contracted for by the board to inspect livestock for ownership
 10 identification purposes;
- 11 (2) "Approved brand," any brand accepted for registration by the board;
- 12 (3) "Authorized bill of sale," any limited use form approved by the board to transfer
 13 ownership of livestock;
- 14 (4) "Board," the South Dakota State Brand Board;
- 15 (5) "Brand ownership period," the five-year time period during which brands are valid
 16 if the fees are paid;
- 17 (6) "Carrier," any person in charge of a conveyance which transports livestock;
- 18 (7) "Conflicting brand," any brand which is a duplicate of, or is similar to, or may be
 19 altered to resemble, a registered brand;
- 20 (8) "Conveyance," any vehicle used to transport livestock;
- 21 (9) "Estray," any unclaimed cattle, horse, mule, sheep, or buffalo the ownership of
 22 which is in question;
- 23 (10) "Evidence of ownership," any authorized bill of sale, market clearance, local
 24 inspection, health certificate, current registration papers, court order, or other
 25 official document or in lieu thereof an affidavit of ownership;

- 1 (11) "Healed brand," a brand that has shed the scab and for which the healing process
2 is complete;
- 3 (12) "Hold," the possession of livestock or the possession of the proceeds from the sale
4 of livestock for purposes of establishing ownership;
- 5 (13) "Hot iron," a metal instrument heated and used to brand livestock;
- 6 (14) "Inspect," to examine livestock for the purpose of determining ownership;
- 7 (15) "Inspector," any person who is authorized by the board to perform ownership
8 inspection of livestock;
- 9 ~~(16) "Investigator," any person employed by the board to enforce the ownership~~
10 ~~inspection laws;~~
- 11 ~~(17)~~ "Livestock," cattle, horses, and mules;
- 12 ~~(18)~~(17) "Local ownership inspection certificate," an ownership inspection certificate
13 of livestock ownership issued by a brand inspector at any point outside the auction
14 market;
- 15 ~~(19)~~(18) "Market clearance," an inspection certificate of ownership for livestock issued
16 by a brand inspector at a South Dakota livestock auction market;
- 17 ~~(20)~~(19) "Open market," any livestock market or shipping point where ownership
18 inspection is conducted by written agreement with the board;
- 19 ~~(21)~~(20) "Owner," the person to whom a recorded brand is registered or who owns
20 cattle, horses, mules, sheep, or buffalo;
- 21 ~~(21A)~~(21) "Process," to cut and wrap a livestock carcass for human consumption;
- 22 (22) "Producer," any person engaged in the raising of livestock;
- 23 (23) "Recordable brand," any brand acceptable for registration;
- 24 (24) "Recorded brand," any brand registered with the board;
- 25 (25) "Registered brand," any recorded brand for which the fees are currently paid;
- 26 (26) "Seller," any person offering for sale or selling livestock;
- 27 (27) "Selling agent," any person engaged in livestock commerce;
- 28 (28) "Shipper," any person making delivery of livestock to a market or shipping point;
- 29 (29) "Shipper's permit," any permit to transport livestock to a market or point approved
30 by the board;
- 31 (30) "Slaughter," the killing of livestock for processing for human consumption;
- 32 (31) "Split brands," any brand parts of which are applied on more than one location of
33 an animal;
- 34 (32) "Tally," any board-approved form used by inspectors to list and describe livestock;
- 35 (33) "Trail," to herd or drive livestock from place to place without conveyance; and

1 (34) "Transport," to carry by conveyance.

2 **Section 2.** That § 40-18-14 be AMENDED:

3 **40-18-14. Employment of law enforcement officers--Enforcement of**
4 **marking and branding laws--Hiring of additional inspectors.**

5 The ~~attorney general~~ board may employ four investigators ~~certified law~~
6 enforcement officers for the purpose of enforcing the provisions of chapters 40-19 to 40-
7 22, inclusive, and chapter 40-29. The ~~investigators shall be certified law enforcement~~
8 ~~officers and shall enforce laws pertaining to inspection, sale, branding, misbranding,~~
9 ~~ownership, transportation, or theft of cattle, horses, mules, sheep, and buffalo. The~~
10 ~~investigators have all of the powers and authority of any law enforcement officer within~~
11 ~~the State of South Dakota while enforcing laws pertaining to cattle, horses, mules, sheep,~~
12 ~~and buffalo.~~ This section does not restrict the ~~attorney general~~ board from hiring
13 inspectors, who are not law enforcement officers.

14 **Section 3.** That § 1-11-35 be REPEALED.

15 **1-11-35. Certain functions of State Brand Board transferred.**

16 **Section 4.** Whereas, this Act is necessary for the support of the state government and its
17 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
18 full force and effect from and after its passage and approval.