



2020 South Dakota Legislature
House Bill 1112
ENROLLED

AN ACT

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

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

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

40-18-1.2. Definitions.

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

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

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

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

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

The board may employ four certified law enforcement officers for the purpose of enforcing the provisions of chapters 40-19 to 40-22, inclusive, and chapter 40-29. This section does not restrict the board from hiring inspectors, who are not law enforcement officers.

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

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

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

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

I certify that the attached Act originated in
the:
House as Bill No. 1112

Received at this Executive Office
this ____ day of _____,
2020 at _____ M.

Chief Clerk

By _____
for the Governor

Speaker of the House

The attached Act is hereby
approved this _____ day of
_____, A.D., 2020

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2020
at _____ o'clock __ M.

Secretary of the Senate

Secretary of State

House Bill No. 1112
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State