

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

615A0135

## HOUSE ENGROSSED NO. **HB1002** - 2/7/97

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 the registration of  
2 canceled livestock brands.

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

4 Section 1. That § 40-19-13 be amended to read as follows:

5 40-19-13. Any registered brand which is not renewed within one hundred twenty days after  
6 January first as provided for in § 40-19-12 is deemed abandoned ~~to the state and may be claimed~~  
7 ~~for use by application if recordable by a new owner~~ by its owner, is canceled, and may not be  
8 renewed.

9 Section 2. That § 40-19-14 be amended to read as follows:

10 40-19-14. ~~If an application is made for a brand deemed abandoned during the first two years~~  
11 ~~of the current ownership period and the abandoned brand is recordable, the board shall notify~~  
12 ~~the previous brand owner by certified or registered mail of the application for such abandoned~~  
13 ~~brand. If the previous brand owner fails to rerecord the brand within twenty days of such notice~~  
14 ~~pursuant to this section, the new application shall be granted. Such notice is not required for~~  
15 ~~recording an abandoned brand after the second year of the current ownership period. The~~

1 ~~renewal fee option is not available after the one hundred twenty-day renewal period has expired.~~  
2 ~~An abandoned brand may be rerecorded by its previous owner, if recordable, by paying the~~  
3 ~~registration fee and all renewal fees due on the brand for the current renewal period. During the~~  
4 ~~first two years following the current brand ownership period, only the previous owner may apply~~  
5 ~~for a brand canceled under §40-19-13. If the brand is recordable, the previous owner may~~  
6 ~~register the brand by paying the registration fee and a one hundred dollar rerecord fee.~~  
7 ~~Moreover, during the two years following the current ownership period, it is not a violation of~~  
8 ~~§ 40-19-21;~~

- 9       (1) If the previous owner sells livestock bearing the canceled brand; or  
10       (2) If the previous owner brands livestock with the canceled brand prior to becoming  
11             aware of the cancellation.

1 **BILL HISTORY**

2 1/14/97 First read in House and referred to Agriculture & Natural Resources. H.J. 22

3 1/21/97 Agriculture & Natural Resources Do Pass, AYES 12, NAYS 0.

4 1/21/97 Agriculture & Natural Resources Place on Consent Calendar.

5 1/23/97 Deferred to another day. H.J. 95

6 1/27/97 Deferred to another day. H.J. 157

7 1/30/97 Referred to Agriculture & Natural Resources. H.J. 223

8 2/4/97 Agriculture & Natural Resources Do Pass Amended, AYES 13, NAYS 0. H.J. 287

9 2/6/97 House of Representatives Do Pass Amended, AYES 65, NAYS 3. H.J. 346