

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

615A0135

## HOUSE AGRICULTURE & NATURAL RESOURCES COMMITTEE ENGROSSED NO. **HB1002 - 2/5/97**

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~~

1 ~~recording an abandoned brand after the second year of the current ownership period. The~~  
2 ~~renewal fee option is not available after the one hundred twenty-day renewal period has expired.~~  
3 ~~An abandoned brand may be rerecorded by its previous owner, if recordable, by paying the~~  
4 ~~registration fee and all renewal fees due on the brand for the current renewal period. During the~~  
5 ~~first two years following the current brand ownership period, only the previous owner may apply~~  
6 ~~for a brand canceled under §40-19-13. If the brand is recordable, the previous owner may~~  
7 ~~register the brand by paying the registration fee and a one hundred dollar rerecord fee.~~  
8 ~~Moreover, during the two years following the current ownership period, it is not a violation of~~  
9 ~~§ 40-19-21;~~

- 10     (1) If the previous owner sells livestock bearing the canceled brand; or  
11     (2) If the previous owner brands livestock with the canceled brand prior to becoming  
12         aware of the cancellation;  
13 and, if the previous owner sells livestock under such conditions, neither the brand board nor any  
14 of its agents may withhold the proceeds of the sale from the previous owner.

1 **BILL HISTORY**

- 2 January 14 - First read in House and referred to Agriculture & Natural Resources. H.J. 22
- 3 January 21 - Passed, AYES 12, NAYS 0.
- 4 January 21 - Placed on Consent.
- 5 January 22 - Second reading House.
- 6 January 23 - Second reading House.
- 7 January 23 - Second reading House.
- 8 January 23 - Deferred to another day. H.J. 95
- 9 January 27 - Second reading House.
- 10 January 27 - Second reading House. H.J. 157
- 11 January 27 - Deferred to another day. H.J. 157
- 12 January 30 - Second reading House.
- 13 January 30 - Second reading House. H.J. 223
- 14 January 30 - Referred to Agriculture & Natural Resources. H.J. 223
- 15 February 4 - Passed as amended, AYES 13, NAYS 0. H.J. 287