

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

660C0544

SENATE BILL NO. 187

Introduced by: Senators Benson, Dennert, Drake, and Olson and Representatives Cerny, Michels, and Nachtigal

1 FOR AN ACT ENTITLED, An Act to enable certain counties to be included in or to withdraw
2 from the livestock ownership inspection area.

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

4 Section 1. That § 40-20-1 be amended to read as follows:

5 40-20-1. The South Dakota livestock ownership inspection area consists of all of that part
6 of the state of South Dakota lying within the following counties: Harding, Butte, Lawrence,
7 Pennington, Custer, Fall River, Perkins, Meade, Shannon, Corson, Dewey, Ziebach, Haakon,
8 Stanley, Jackson, Jones, Mellette, Bennett, Todd, Lyman, Tripp and Gregory. Any county may
9 be included in or withdrawn from the livestock ownership inspection area as provided in sections
10 2 and 3 of this Act.

11 Section 2. That § 40-20-2 be amended to read as follows:

12 40-20-2. Any county contiguous to the livestock ownership inspection area may become a
13 part of ~~such~~ the livestock ownership inspection area or may rejoin the livestock ownership
14 inspection area upon by a petition signed by a majority of the owners of livestock residing within
15 such county to be attached at least twenty-five holders of current brands registered pursuant to
16 chapter 40-19 residing in the county, which shall be presented to the board. The If the number

1 of valid petition signers is greater than fifty percent of the number of current, registered brand
2 holders residing in the county, the board shall, in its discretion, either reject or approve such the
3 petition at its next regular or special meeting. If the number of valid petition signers is greater
4 than twenty-five but not greater than fifty percent of current, registered brand holders in the
5 county, the board shall call an election on the question of whether the county is to be included
6 in the livestock ownership inspection area. The election shall be administered pursuant to section
7 4 of this Act. If a majority of the current, registered brand holders residing in the county vote in
8 favor of including the county in the livestock ownership inspection area, the board shall include
9 the county in the inspection area at its next regular or special meeting. Once included in the
10 livestock ownership inspection area pursuant to this section, no county may be withdrawn
11 pursuant to section 3 of this Act for a period of five years after such inclusion. No area in the
12 brand livestock ownership inspection area may be smaller than a county.

13 Section 3. That § 40-20-3 be amended to read as follows:

14 40-20-3. Any county ~~which has become a part of the livestock inspection area by petition and~~
15 ~~which adjoins a noninspection area~~ may withdraw from the livestock ownership inspection area
16 by a petition requesting withdrawal. The petition shall be signed by ~~a majority of the owners of~~
17 livestock at least twenty-five holders of current brands registered pursuant to chapter 40-19
18 residing in the county seeking withdrawal. The petition shall be filed with the board. ~~The~~ If the
19 number of valid petition signers is greater than fifty percent of the number of current, registered
20 brand holders residing in the county, the board shall at its next regular or special meeting enter
21 a resolution approving the withdrawal, which action removes the county described in the petition
22 from the ownership inspection area. If the number of valid petition signers is greater than twenty-
23 five but not greater than fifty percent of current, registered brand holders in the county, the board
24 shall call an election on the question of whether the county is to be withdrawn from the livestock
25 ownership inspection area. The election shall be administered pursuant to section 4 of this Act.

1 If a majority of the current, registered brand holders residing in the county vote in favor of
2 withdrawing the county from the livestock ownership inspection area, the board shall withdraw
3 the county from the inspection area at its next regular or special meeting. Once withdrawn from
4 the livestock ownership inspection area pursuant to this section, no county may be included
5 pursuant to section 2 of this Act for a period of five years after such withdrawal. No area seeking
6 withdrawal may be smaller than a county.

7 Section 4. That chapter 40-20 be amended by adding thereto a NEW SECTION to read as
8 follows:

9 If the board calls an election pursuant to sections 2 or 3 of this Act, the board shall publish
10 notice of the election in at least one newspaper of general circulation in the affected county. The
11 notice shall be published at least seven days, but no more than twenty-one days before the
12 election. The board shall appoint in the county a committee of three persons to serve as election
13 judges, one of whom shall be the South Dakota State University Cooperative Extension Service
14 agent for the county, if available. The election shall be administered by the South Dakota State
15 University Cooperative Extension Service agent for the county, if available, or by the board. The
16 election judges are responsible for certifying that all who vote are holders of current brands
17 registered pursuant to chapter 40-19. The election judges are responsible for ballot security and
18 count and shall deliver the ballots and the election results to the board. The board shall canvass
19 the results of the election within fifteen days after the election.