

AN ACT

ENTITLED, An Act to revise certain procedures related to livestock brands, proof of livestock ownership, and livestock ownership inspection.

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

Section 1. That § 40-18-1.2 be amended to read as follows:

40-18-1.2. 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) "Investigator," any person employed by the board to enforce the ownership inspection laws;
- (17) "Livestock," cattle, horses, mules, sheep, and buffalo;
- (18) "Local ownership inspection certificate," an ownership inspection certificate of livestock ownership issued by a brand inspector at any point outside the auction market;
- (19) "Market clearance," an inspection certificate of ownership for livestock issued by a brand inspector at a South Dakota livestock auction market;
- (20) "Open market," any livestock market or shipping point where ownership inspection is conducted by written agreement with the board;
- (21) "Owner," the person to whom a recorded brand is registered or who owns cattle, horses, mules, sheep, or buffalo;
- (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;
- (34) "Transport," to carry by conveyance; and
- (35) "Process," to cut and wrap a livestock carcass for human consumption.

Section 2. That § 40-19-1 be amended to read as follows:

40-19-1. It is a Class 1 misdemeanor to brand any domestic animal or other livestock or to otherwise use any recordable brand for the purpose of establishing ownership, unless the brand is valid as provided by law and is registered in the name of the user with the Office of the State Brand Board. The use of number freeze brands for herd identification is specifically exempt from this section.

Section 3. That § 40-19-3 be amended to read as follows:

40-19-3. The branding of cattle, horses, mules, and buffalo shall be done by use of either a hot iron or freeze brand. A single letter, number, figure, bar, quarter circle, half circle, or complete circle, or a half diamond, or complete diamond placed on livestock are unrecordable brands under this chapter, including new split-brands. However, presently recorded brands are valid as long as fees are paid and there is no conflict with board policy.

A single letter or figure brand is recordable for sheep. A sheep brand shall be either a hot iron

brand or shall be applied with branding paint. No more than two colors or one color and a hot iron brand may be recorded for sheep under one application fee. Authorized paint colors are yellow, blue, green, black, red, or purple. No dot, bar, slash, quarter circle, circle, or the letter "Q" may be registered as a sheep brand. A brand may be recorded for the side, hip, nose, or jaw on either the left or right side of sheep. No brand may be recorded as "across the back" of a sheep. A brand, regardless of position, is only recordable in a different color on the same location.

Section 4. That § 40-20-26.2 be amended to read as follows:

40-20-26.2. The provisions of § 40-20-26.1 notwithstanding, ownership of livestock with the seller's South Dakota recorded and healed brand or the owner's unbranded livestock may be transferred by means of an authorized bill of sale without a brand inspection. The bill of sale shall be on a form prescribed by the board. An authorized bill of sale does not substitute for inspection of livestock being removed from the ownership inspection area of South Dakota.

An authorized bill of sale may transfer no more than five head of livestock to any one buyer. Multiple authorized bills of sale may not be executed to subdivide numbers of livestock greater than five to any one buyer. The transfer of livestock without an authorized bill of sale under this section or in violation of the requirements relating to the number of livestock that may be transferred to a single buyer is a Class 1 misdemeanor.

Section 5. That § 40-20-29 be amended to read as follows:

40-20-29. It is a Class 1 misdemeanor for any person to slaughter or process livestock commercially within the livestock ownership inspection area until the livestock have received an ownership inspection and the certificate of such inspection is filed and is made a part of that person's permanent records. An ownership brand inspection certificate on livestock is valid for no longer than four days from the date of issue. Livestock arriving at slaughter destination later than four days from the date indicated on the inspection certificate shall be inspected and the fee collected. All certificates

of ownership inspection shall, at any time upon demand, be displayed to any law enforcement officer or to the board.

Section 6. That § 40-22-6 be amended to read as follows:

40-22-6. Any person who slaughters or processes livestock within the ownership inspection area shall possess an ownership inspection certificate or an authorized bill of sale. A violation of this section is a Class 1 misdemeanor.

Section 7. That § 40-22-12 be amended to read as follows:

40-22-12. Any person slaughtering or processing livestock outside the ownership inspection area which came from inside the ownership inspection area shall possess proof of ownership of the slaughtered livestock. A violation of this section is a Class 1 misdemeanor.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1073

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1073
File No. _____
Chapter No. _____

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Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State