

## 2024 South Dakota Legislature

**House Bill 1252****AMENDMENT 1252B  
FOR THE INTRODUCED BILL**

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

1 **An Act to ~~address~~ provide for an increase in the size of the South Dakota State Brand**  
2 **Board ~~administration and operations~~.**

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

4 **Section 1. That a NEW SECTION be added to chapter 40-18:**

5 The South Dakota State Brand Board consists of five members until December 31,  
6 2024, at which time the term of each such member expires.

7 Beginning January 1, 2025, the board consists of seven members. Each member  
8 shall, in accordance with this Act, be appointed from and represent one of the following  
9 districts :

10 (1) Harding and Perkins counties;

11 (2) Butte, Lawrence, and Meade counties;

12 (3) Haakon county, except as otherwise provided for in subdivision (7), and Stanley  
13 county;

14 (4) Custer, Fall River, and Pennington counties;

15 (5) Gregory, Jones, Mellette, and Tripp counties, and those portions of Jackson and  
16 Lyman counties that do not lie within the boundaries of an Indian reservation;

17 (6) All counties east of the Missouri River; and

18 (7) Bennett, Corson, Dewey, Ogalala Lakota, Todd, and Ziebach counties, and those  
19 portions of Haakon, Jackson, and Lyman counties that lie within the boundaries of  
20 an Indian reservation.

21 **Section 2. That a NEW SECTION be added to chapter 40-18:**

22 No later than October first, prior to the expiration of a South Dakota State Brand  
23 Board member's term of office, the board shall call for qualified candidates to fill the office.

1 The board shall disseminate information regarding the office and the appointment process  
2 by, at a minimum, posting the information on its website and social media, in livestock  
3 publications, and at livestock auction markets.

4 **Section 3. That a NEW SECTION be added to chapter 40-18:**

5 An individual is eligible to be considered for an appointment to the South Dakota  
6 State Brand Board if the individual, certifies to the board that the individual:

7 (1) Is at least eighteen years of age;

8 (2) Resides in the district that the person seeks to represent;

9 (3) Holds at least one brand registered with the board; and

10 (4) Derives the major portion of the person's income from the livestock business.

11 **Section 4. That a NEW SECTION be added to chapter 40-18:**

12 The certification required by section 3 of this Act must be completed using a form  
13 prepared by the South Dakota State Brand Board, in consultation with the secretary of  
14 state. The board shall make the form available on its website and in printed form upon  
15 request.

16 The certification form must be:

17 (1) Signed by the individual seeking appointment to the board;

18 (2) Signed by five other individuals who meet the qualifications set forth in section 3  
19 of this Act; and

20 (3) Submitted to the board before 5:00 p.m. on October twentieth.

21 **Section 5. That a NEW SECTION be added to chapter 40-18:**

22 The South Dakota State Brand Board shall review all certification forms submitted,  
23 in accordance with section 4 of this Act, prior to the deadline and, on or before December  
24 first, forward to the Governor the names of individuals seeking appointment to each seat  
25 on the board. The Governor shall make each appointment from the list of names forwarded  
26 in accordance with this section.

27 **Section 6. That § 40-18-3 be AMENDED:**

28 ~~40-18-3. Appointments to the board shall be made for terms of~~ The term of office  
29 for each member of the South Dakota State Brand Board is three years-expiring and begins  
30 on the first-Monday in day of January-in each year. In case of vacancy prior to expiration

1 ~~of a term, appointment shall be made. The term of office for the seven members taking~~  
2 ~~office as of January 1, 2025, must be staggered by lot, so that no more than three terms~~  
3 ~~expire in any one year.~~

4 If at any time during a member's term the member ceases to possess any of the  
5 qualifications set forth in section 3 of this Act, or if the office becomes vacant for any other  
6 reason, the board, by majority vote, must appoint another qualified individual to serve for  
7 the balance of the unexpired term-only. However, the initial appointments to be made  
8 pursuant to SL 2004, ch 259 shall be made for staggered terms of one, two, two, three,  
9 and three years.

10 An individual may be reappointed to the board, but may not serve more than two  
11 consecutive terms.

12 **Section 7. That § 40-18-5 be AMENDED:**

13 ~~40-18-5. Three~~ Four members of the board shall constitute a quorum for the  
14 transaction of business, ~~but the. An affirmative vote of three~~ four members of the board  
15 is required to adopt any substantive motion or resolution.

16 **Section 8. That § 40-18-6 be AMENDED:**

17 ~~40-18-6. The South Dakota State Brand Board is attached to the Department of~~  
18 ~~Agriculture and Natural Resources for reporting purposes. The board retains all of its~~  
19 ~~prescribed functions, including administrative functions. The board shall maintain an office~~  
20 ~~in Pierre.~~

21 **Section 9. That § 40-18-8 be AMENDED:**

22 ~~40-18-8. The South Dakota State Brand Board shall appoint a staff director, who~~  
23 ~~serves at the pleasure of the board.~~

24 The staff director shall ~~keep~~:

25 ~~(1) Keep~~ (1) Keep a record of all proceedings, transactions, communications, and official acts of  
26 the board, ~~shall be~~;

27 ~~(2) Serve as the custodian of all records of the board and shall perform such other~~  
28 ~~duties as the board may require. The staff director shall call a meeting;~~

29 ~~(3) Call meetings~~ (3) Call meetings of the board at the direction of the president, ~~or upon the written~~  
30 ~~request of three or more members of the board through December 31, 2024, and~~  
31 upon the written request of four members of the board, thereafter; and

1        (4) Perform other duties as assigned.

2        **Section 10. That § 40-18-1 be REPEALED.**

3                ~~The State Brand Board shall consist of five members appointed by the Governor~~  
4                ~~and confirmed by the Senate. Statewide nonprofit agricultural organizations or other~~  
5                ~~interested persons, may submit nominations to the Governor.~~

6        **Section 11. That § 40-18-1.1 be REPEALED.**

7                ~~The board is attached to the Department of Agriculture and Natural Resources for~~  
8                ~~reporting purposes. It shall retain all its prescribed functions including administrative~~  
9                ~~functions. The board shall appoint a staff director to serve at its pleasure.~~

10        **Section 12. That § 40-18-2 be REPEALED.**

11                ~~At least three of the five members of the board shall be persons who derive the~~  
12                ~~major portion of their income from the livestock business and who are owners of brands~~  
13                ~~duly recorded with the board. At least three of the five members of the board shall reside~~  
14                ~~in the livestock ownership inspection areas. No appointed member may act as a member~~  
15                ~~of the board while holding an elective or appointive state or federal office. No more than~~  
16                ~~three of the members shall be of any one political party.~~

17        **Section 13. Sections 7, 10, and 12 of this Act are effective on January 1, 2025.**

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