

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

400H0149

HOUSE AGRICULTURE AND NATURAL RESOURCES

COMMITTEE ENGROSSED NO. **HB 1019** -
01/15/2002

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 livestock brands and
2 livestock ownership inspection.

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

4 Section 1. That § 40-18-1.2 be amended by adding thereto a NEW SUBDIVISION to read
5 as follows:

6 "Process," to cut and wrap a livestock carcass for human consumption.

7 Section 2. That § 40-19-3 be amended to read as follows:

8 40-19-3. The branding of cattle, horses, mules, and buffalo shall be done by use of a hot iron.

9 A freeze brand may, however, be applied to horses and mules. A single letter, number, figure,
10 bar, quarter circle, half circle, or complete circle, or a half diamond, or complete diamond placed
11 on livestock are unrecordable brands under this chapter, including new split-brands. However,
12 presently recorded brands are valid as long as fees are paid and there is no conflict with board
13 policy.

14 A single letter or ~~figure~~ number brand is recordable for sheep. A sheep brand shall be either



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

8 Section 3. That § 40-20-26.2 be amended to read as follows:

9 40-20-26.2. The provisions of § 40-20-26.1 notwithstanding, ownership of livestock with
10 the seller's South Dakota recorded and healed brand or the owner's unbranded livestock may be
11 transferred by means of an authorized bill of sale without a brand inspection. The bill of sale shall
12 be on a form prescribed by the board. A copy of an authorized bill of sale shall be forwarded to
13 the board ~~or its authorized inspecting agency and shall be postmarked within ten days of such~~
14 ~~ownership transfer. A violation of the forwarding requirement is a Class 2 misdemeanor. An~~
15 authorized bill of sale does not substitute for inspection of livestock being removed from the
16 ownership inspection area of South Dakota.

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

22 Section 4. That § 40-20-29 be amended to read as follows:

23 40-20-29. It is a Class 1 misdemeanor for any person ~~slaughtering or processing to slaughter~~
24 or process livestock commercially within the livestock ownership inspection area ~~to kill any~~

1 ~~livestock~~, until the livestock have received an ownership inspection and the certificate of such
2 inspection is filed and is made a part of that person's permanent records, or unless the person has
3 the hide of each slaughtered carcass available for inspection. An ownership brand inspection
4 certificate on livestock is valid for no longer than four days from the date of issue. Livestock
5 arriving at slaughter destination later than four days from the date indicated on the inspection
6 certificate shall be inspected and the fee collected. All certificates of ownership inspection shall,
7 at any time upon demand, be displayed to any law enforcement officer or to the board.

8 Section 5. That § 40-22-6 be repealed.

9 ~~40-22-6. Any person who slaughters livestock within the ownership inspection area shall~~
10 ~~possess an ownership inspection certificate for each carcass slaughtered or have the hides~~
11 ~~available for inspection with ears and tails attached, including all brands, tattoos, ear marks and~~
12 ~~other marks of identification of each carcass. A violation of this section is a Class 1~~
13 ~~misdemeanor.~~

14 Section 6. That § 40-22-12 be amended to read as follows:

15 40-22-12. Any person slaughtering or processing livestock outside the ownership inspection
16 area ~~which came from inside the ownership inspection area~~ shall, upon demand of any law
17 enforcement officer ~~or brand inspector~~, ~~within a reasonable period of time produce a hide or~~
18 ~~proof of ownership of the slaughtered livestock. A violation of this section is a Class 1~~
19 ~~misdemeanor, provide names and dates of persons who delivered livestock for slaughter that may~~
20 have originated from within the ownership inspection area.