

# BRAND AND THEFT

## 1. OWNERSHIP INSPECTION (revised '09)

**WHEREAS:** South Dakota developed over many years the needs of the cattle producer for theft protection and ownership identification by providing the following chapters of law:

Chapter 40-18 – State Brand Board

Chapter 40-19 – Brand Registration and Use

Chapter 40-20 – Livestock Ownership Inspection Area

Chapter 40-21 – Brand Inspection and Theft Prevention

Chapter 40-22 – Butchers Licenses and Hide Inspection

Chapter 40-29 – Estrays; and

**WHEREAS:** These laws provide all South Dakota cattlemen an workable system to identify and recover cattle strayed or stolen on a statewide basis, and

**WHEREAS:** The South Dakota Legislature made major modifications in the 1987 session in all chapters of these laws, and

**WHEREAS:** South Dakota cattlemen, lending agencies, and appropriate state and county law enforcement agencies want and need an accurate and efficient system of records for the identification of cattle and horses as a theft prevention and identification tool, and

**WHEREAS:** There is no mill levy on livestock or General Fund moneys supporting the Brand Recording or Brand Inspection Program in South Dakota, and

**WHEREAS:** South Dakota's system of brand recording for identification of livestock and brand inspection where required is financially supported solely through fees paid by its users, and

**WHEREAS:** Since 1892 the membership and leadership of the South Dakota Stockgrowers Association has worked closely with the State of South Dakota in implementing the Brand Inspection Program on a cost effective basis which reflect the requirements of livestock producers.

**THEREFORE BE IT RESOLVED:** The South Dakota Stockgrowers Association affirms our policy to be:

1. That the Legislature be urged to be receptive to suggested changes in brand laws such as number of brand board members, tenure, board members elected by districts and by brand owners and other constructive proposals.
2. Support the voluntary open statewide membership of the South Dakota Stockgrowers Association and its statewide Board of Directors to perform the contractual requirements of an ownership inspection program.
3. Support for on-going training programs among all county and state law enforcement personnel through the Law Enforcement Training Center in Pierre on the laws of South Dakota dealing with livestock ownership and transportation.
4. Support for educational programs on the State Brand Law and cattle theft prevention measures, transportation requirements, hot iron branding methods, proper timely loss reporting, and rules of the Brand Board conducted by Law Enforcement Trainings Center, the Cooperative Extension Service, Sheriff and Peace Officers Association, Bankers Association and through all media including the livestock press, meetings, and county and state fair exhibits and among all local and full time brand inspectors, investigators, and shipper's agreement agents.
5. Opposition to the state legislating the ownership inspection area, any area of a county non-contiguous with the present ownership inspection area. **(continued)**

6. That the South Dakota Stockgrowers Association resolve to support the brand laws and oppose any attempt to exempt any livestock or area from the brand inspection program.
7. South Dakota Stockgrowers Association supports SD Statue 40-20-2 concerning statewide brand inspection with the exception of the sentence, “The board (SD State Brand Board) shall, in its discretion, either reject or approve such petition at its next regular or special meeting.”
 

*40-20-2. Petition for addition of county contiguous to ownership inspection area--Discretion of board--Minimum area added. Any county contiguous to the livestock ownership inspection area may become a part of such area upon a petition signed by a majority of the owners of livestock residing within such county to be attached, which shall be presented to the board. The board shall, in its discretion, either reject or approve such petition at its next regular or special meeting. No area in the brand inspection area may be smaller than a county.*

## **2. PROTECTION OF LIVESTOCK MARKET CONSIGNORS**

**WHEREAS:** A large percentage of livestock market defaults are preceded by the operator violating the rules and regulations of state and/or federal laws (usually those requirements regarding custodial accounts).

**THEREFORE BE IT RESOLVED:** That state and federal regulatory entities redirect their efforts regarding livestock marketing placing greater emphasis on custodial account surveillance.

**BE IT FURTHER RESOLVED:** That cattle producers encourage state regulatory agencies to assume a larger role in monitoring livestock sales transactions within their jurisdiction.

**BE IT FURTHER RESOLVED:** The South Dakota Stockgrowers Association request state and federal agencies to strengthen their approach to enforcement of rules and regulations that will protect shipper’s proceeds.

## **3. FREEZE BRANDING (\*01)**

**WHEREAS:** There is always a possibility of the uninformed public bringing suit against the state of South Dakota over hot iron branding; and

**WHEREAS:** If freeze branding on cattle was legal, there could be an argument used that hot iron branding would not be necessary for identification; and

**WHEREAS:** There are some ninety-nine (99) number brands registered with the South Dakota Brand Board; and

**WHEREAS:** There are any number of cattle owners using freeze brand for herd numbers; and

**WHEREAS:** It is a Class 1 Misdemeanor under South Dakota law 40-19-1 to brand any animal with a recordable brand not registered to the owner.

**THEREFORE BE IT RESOLVED:** The South Dakota Stockgrowers Association feels it would be quite a mix-up if freeze branding was legalized for cattle.

**BE IT FURTHER RESOLVED:** The South Dakota Stockgrowers hereby order the association lobbyist(s) to work against any effort to legalize freeze brands for ownership identification of cattle in South Dakota.