

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

871J0839

## SENATE BILL NO. 218

Introduced by: Senators Bogue, McCracken, Moore, and Symens and Representatives Peterson (Bill), Burg, Olson (Mel), and Rhoden

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to state livestock  
2 ownership inspection, to revise the composition and duties of the State Brand Board, and  
3 to declare an emergency.

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

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

6 40-18-1. The State Brand Board shall consist of five members appointed by the Governor.  
7 Statewide nonprofit agricultural organizations, ~~incorporated under state law or other interested~~  
8 persons, may submit nominations to the Governor ~~prior to December first each year from which~~  
9 ~~nominations for appointment or appointments shall be made. In the event no nominations are~~  
10 ~~received, the Governor shall make such appointment without reference to such nominations.~~

11 Section 2. That § 40-18-2 be amended to read as follows:

12 40-18-2. ~~The~~ At least three of the five members of the board shall be persons who derive the  
13 major portion of their income from the livestock business and who are owners of brands duly  
14 recorded with the board. At least three of the five members of the board shall reside in the  
15 livestock ownership inspection areas. No appointed member may act as a member of the board



1 while ~~he holds~~ holding an elective or appointive state or federal office. No more than three of  
2 the members shall be of any one political party.

3 Section 3. That § 40-18-3 be amended to read as follows:

4 40-18-3. Appointments to the board shall be made for terms of ~~five~~ three years expiring on  
5 the first Monday in January in each year ~~and in~~. In case of vacancy prior to expiration of a term,  
6 appointment shall be made for the balance of the unexpired term only, ~~under the same procedure~~  
7 ~~provided for in § 40-18-1. However, the initial appointments to be made pursuant to this Act~~  
8 shall be made for staggered terms of one, two, two, three, and three years.

9 Section 4. Notwithstanding any previous action terminating the existing livestock ownership  
10 inspection program on August 11, 2004, the existing livestock ownership inspection program  
11 shall continue in effect through March 31, 2005, unless prior to that date a subsequent contract  
12 is negotiated and becomes effective.

13 Section 5. Whereas, this Act is necessary for the support of the state government and its  
14 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in  
15 full force and effect from and after its passage and approval.