

South Dakota Brand Board
Meeting Minutes
November 8, 2023

The South Dakota Brand Board met on November 8, 2023, in Rapid City, SD. Members present were Scott Vance, Myron Williams, Lyle Spring, David Paul and Haven Stuck. Brand Board staff and others present were Debbie Trapp, Tim Quinn, Adam Masters, Matt Kammerer, Brian Walsh, Cheyenne Tant, Corby Ward, Bob Mercer, Doris Lauing, Mathew Bogue. Bob Haivala joined the meeting later.

Pres. Vance called the meeting to order.

Motion by Spring to adopt agenda, second by Paul. Motion carried.

Open Comments: Theft Prevention Fund; Matt Kammerer stated he no longer represents the SD Stockgrowers and that himself and a group of others are willing to help the Brand Board with legislative changes.

Motion by Stuck to approve the Regular Brand Board Meeting Minutes of the September 13, 2023 meeting, second by Williams. Motion carried.

Motion by Spring to approve the Brand Boards Teleconference Meeting Minutes of the October 17, 2023 meeting, second by Paul. Motion carried.

Director Trapp presented financial information as of October 31, 2023. Fund Balance - Brand Fund \$1,756,299.60; Brand Inspection Fund \$231,647.56; Theft Prevention Fund - Ownership to be established - \$208,202.95, Unrestricted - \$201,403.57. Motion by Spring to approve Financial Report as presented, second by Paul. Motion carried.

Investigator Masters gave the report for the investigators: Seven Road Checks have been conducted-103 contacts made during road checks, While working the road checks people have stopped by and thanked them for doing road checks, Five new cases.

Director Trapp gave the Brand Inspection Report for October 2023: Livestock Markets -58,723 head, Locker Plants 231 head, Locals - 40,853 head, Lifetime Horse Permits - 81 head, for a total of 99,888 head. Year to date inspection numbers rank 7th out of the past seven years.

Director Trapp gave the Director's report: Condolences to the family of Mark Kimball - Mark served on the Brand Board from 2004-2010, Mark lived at Platte and passed away at the age of 68; Welcome to new brand inspectors Braden Abbott, Chris Reeves, and Issac Pierre; Have received comments from producers supporting changes to the fines and increase in inspection fees with increased enforcement - they believe the Brand Board is on the right track; State Radio has been installed in Tim's vehicle and waiting for the other radio for Adam's vehicle; Working on increased posting on social media; Extremely busy time of year - processing 70-80 horse lifetime permits.

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Mobridge Livestock submitted certification from an electrician stating new lights have been installed at Mobridge Livestock which meet the Brand Board's requirements for inspections during hours of darkness. Motion by Williams to approve allowing ownership inspections of livestock during hours of darkness at Mobridge Livestock, second by Spring. Motion carried.

Discussed unrestricted funds in the Theft Prevention Fund. No action taken.

Discussed Lifetime Horse Permit Fee – an Administrative Rules hearing is required to change this fee. No action taken.

Discussed Character Brand Application - an individual, showing lineal decent to the person who had a character brand registered in 1898, applied for the brand. No action taken as additional information is needed on when brand was last registered and to whom.

Discussed the following items for possible legislation:

1. Horse Ownership Inspection – extend the length of time local horse ownership inspections are valid to leave the inspection area from 24 hours to 30 days. This would provide the opportunity to get an ownership inspection at the same time as a health inspection is done on a horse. Another option discussed was no longer require ownership inspections on horses.
2. Inspect on a Conveyance – the current law does not allow brand inspectors to inspect livestock while the livestock are on a trailer. Consider changing the law SDCL 40-20-4.2.
3. Change penalty from a Class I misdemeanor to a Class II misdemeanor for livestock that were shipped out of the livestock ownership inspection area without an inspection. This should allow for the issuing of a waivable citation rather than mandatory court appearance.
4. Increase the CAP on the ownership inspection fee which is different than setting the ownership inspection fee. Current cap of \$1.00 was set in 2008. Current ownership inspection fee was set at \$1.00 in 2013.
5. Establish a flat rate fee, in addition to the per head fee, on ownership inspections under a specific head count.

Motion by Spring to pursue legislation to increase ownership inspection fee CAP to not exceed \$2.00 per head. Williams made an amendment to the motion to add pursuing legislation for allowing for the inspection of livestock on a conveyance, change the penalty from a Class I misdemeanor to a Class II misdemeanor on livestock shipped out of the ownership inspection area without an inspection, and establishing a flat rate service fee. After discussion on the amendment, the motion died for lack of a second.

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Motion by Spring to pursue legislation to increase the ownership inspection fee cap to not exceed two dollars per head, second by Williams. Motion carried.

Motion by Vance to pursue legislation to allow for the inspection of livestock on a conveyance at discretion of brand inspectors, second by Spring. Motion carried.

Motion by Williams, to pursue legislation to change the violation from a Class I misdemeanor to a Class II misdemeanor for leaving the ownership inspection area without an inspection and if a producer has a 3rd violation of this law, then violation is a Class 1 misdemeanor, second by Spring. Motion carried.

Motion by Vance to pursue legislation to establish a flat rate service fee, in addition of the per head inspection fee, on 20 head or less of livestock, second by Spring. Motion carried.

Next Brand Board meeting set for December 19, 2023 at 1:00 p.m. MT.

Pres Vance declared a 10-minute recess at 3:55 pm.

Pres Vance declared the meeting back in session at 4:05 p.m.

Motion by Spring to enter executive session pursuant to SDCL 1-25-2 (1 & 3) personnel and legal at 4:07 p.m., second by Stuck. Motion carried. Came out at 5:53 p.m.

As no other business came before the board, Pres. Vance declared the meeting adjourned.

Scott Vance, President

Debbie Trapp, Executive Director

These minutes were filed for the record on _____.