

State Brand Board

Minutes of Meeting

April 15, 2009

The Brand Board met on April 15, 2009 at the Charles Mix County Livestock Market in Platte, SD. Chairman Kimball called the meeting to order at 12:30 p.m. Members present were Mark Kimball, Wanda Blair, Bart Blum, Tom Conger, and Curt Mortenson. Other present were Harold Deering, Larry Stearns, Shorty Zilverberg, Harry Martinez, Wray Shouldis Jim Murphy, Donovan Lambley, Monte Haiar and Ty Dean.

Blair moved that the agenda be adopted. Conger seconded the motion which passed.

Blair moved and Mortenson seconded the motion that the minutes for the February 25, 2009 meeting be approved. Motion carried.

Director's Report: Stearns reported that in February 2009, there were 81 applications, 21 approved applications, 31 new brands, 30 transfers and 3 books sold. In March 2009, there were 75 new applications, 33 approved applications, 37 new brands, 47 transfers and 1 brand book sold. There are fewer than 10 applications to be processed.

Included in the meeting packet were:

1. The February-March 2009 reports of expenses, revenues and cash balances for the Brand Board for FY2009.
2. Draft Permit to Brand with an Out of State Brand at a Livestock Market form for approval.
3. NE Open Market Agreement and Cooperative Agreement for Brand Inspection.

The director said that the hold information and charge for brand histories is on the website. He talked about the presentation in Kyle for the NRCS that went over very well. He also said that Mr. Derry cleared his hold shortly after the last meeting. The director will be in Nebraska the following week to get the Out-of-State Open Market Agreements signed and that the letters to the horse camps about the Annual Transportation Permits had been mailed. He added that the LMA meeting will be held in Aberdeen on May 2. Either the director or Mortenson will attend. The compilation of inspector questionnaires is in progress.

A discussion was held about brand approval and the time allowed for remitting money for the new brand. Also discussed was turn around time for brand applications. Stearns explained the Nebraska agreements that were included in the packet. He asked for an action to allow the Director to sign the Cooperative Agreement for Brand Inspection. Blair moved that Stearns be allowed to sign the agreement on behalf of the Brand Board. Seconded by Blum, the motion carried.

Kimball asked if there is a way to better educate sales barns personnel how brand inspection works. Conger asked if there is a monthly/bimonthly newsletter sent to the open markets. A discussion followed. The desire is to make brand inspection consumer friendly.

Investigator's Report: Zilverberg reported that in February 2009, there were 17 total cases reported. Of these, 1 was a stolen case, 3 were missing cases, 0 stray cases, 5 violation cases, and 8 complaint/info cases. Eleven cases are still active. Three head of livestock were reported stolen and 4 head reported missing. Three cases were reported by office personnel, five were reported by brand inspectors, none by victims, three by witnesses, and six by other agencies. Zilverberg reported that there were 2 head recovered by the owner, leaving 1 head that is still missing. He also reported that in March 2009, there were 13 total cases reported. Of these, 2 were stolen cases, 0 were missing cases, 2 stray cases, 3

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violation cases, and 6 complaint/info cases. Six cases are still active. Two hundred head of livestock were reported stolen and 20 head reported missing. Four cases were reported by office personnel, one case were reported by brand inspectors, two by victims, two by witnesses, and four by other agencies. Zilverberg reported that there were 20 head of strays recovered by the investigators, leaving 200 head that are still missing.

Zilverberg reported on the WSLIA conference in Reno in March saying that attendance was down slightly from previous years, but all states were still represented. He visited with other states about stock contractor's permits. Most states have discussed these, but are still just inspecting the livestock. Kimball talked about the Yellow Rose inspecting cattle that are pastured on the west side of the river but hauled to Platte each weekend. He wondered if there was a way to work with them and others in a similar situation. The discussion followed suggesting an initial inspection with logged movements. Deering will draft a rule to accommodate rodeo stock with an individual identification brand and logging system. The log book would be provided by the brand board with a report submitted to the brand office on a periodic basis. Lease cattle and leased rodeo stock transportation was also discussed. Silverberg also reported that Martinez met with the new chief of police of the Oglala Sioux tribe at Pine Ridge who expressed an interest in a continuing cooperative effort to enforce state brand laws on the reservation. He also offered the radio frequency and dispatch center to the effort.

Brand Inspection Report: Shouldis reported that for February 2009, there were 115,908 head inspected. They consisted of 95,993 inspected at markets, 19,466 locally inspected and 449 inspected at locker plants. There were 1,077 head held for proof of ownership. In March 2009, there were 74,856 head inspected. They consisted of 56,064 at markets, 18,558 locally inspected and 234 at locker plants. There were 481 head held for proof of ownership. The 9-month total of 1,226,572 head inspected is slightly higher than last year, but fewer than the two years earlier. There were no new holds that came into the office in February and three new holds in March consisting of 2 heifers and one cow. In April, to date, there have been 3 new holds reported to the office. Twenty-two strays were returned in February, March and to date in April. These consisted of 7 cows, 6 heifers, 8 calves and 1 steer. There have been seven holds paid out in the same time frame for \$5,312.19 on five cows, one bull and one calf. Shouldis explained the holds to the board and the time periods involved in the holds. Blair asked if the 60 days was spelled out legislatively. Conger stated that the additional hold information provided to the Board was very good and more than received in the past.

Brand Inspection Fund: Stearns presented the report and explained the reallocations of budget line items.

Hold #2745: The hold hearing was continued to this meeting after it was tabled last meeting. Shouldis reported that the two brand owners were notified and neither claimed the cows. The affidavit that was provided by that the individual presenting the cow for sale stated that he had no recollection of purchasing the animal. Conger moved and Blair seconded the motion to escheat the proceeds to the Livestock Ownership Theft and Prevention Fund. The motion passed.

Ag in the Classroom: This donation was discussed. Mortenson moved that we table the item until the next meeting for further investigation and also to explore other options. Conger seconded the motion which carried.

Forms for Branding with an Out-of-State Brand at Livestock Markets: Stearns said this form is provided for the board's information at this time and asked that approval of this item be tabled until we received further input. Mortenson moved to table the item, Blair seconded the motion which carried.

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Mortenson moved that the meeting go into executive session at 2:00 pm. Blum seconded the motion which carried. The motion was made by Mortenson and seconded by Blum to come out of executive session. Motion carried and the meeting resumed at 2:15 pm.

Open Comment: Donivan Lambley, a livestock dealer from Burke asked about the Brand Board's relationship with the Beef Check Off. He asked why he is being hounded for check off funds when he is reselling exempt cattle. Conger explained the procedure and how the Beef Industry Council receives the information. Lambley asked how the east river producers are tracked for check off funds. A discussion on livestock transportation, state-wide inspection, and cattle theft was held.

Monte Haiar asked about the possibility of a form for order buyers to change title of cattle after they are resold instead of requiring an inspection. Conger related that a change would have to be made statutorily. Can order buyers be granted the privilege to do this and trust the buyer to use it with ramifications for abuse?

Jim Murphy asked if the increase in cattle theft may be conversion of mortgaged property.

The next meeting is scheduled for May 28, 2009.

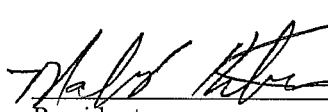
Blum moved and Blair seconded the motion that the meeting adjourns at 3:05. Motion carried.

Respectfully submitted,

Larry Stearns



Director



President

These minutes were filed for the record on May 24, 2009.