

# State Brand Board

## Minutes of Meeting February 25, 2009

The Brand Board met on February 25, 2009 at the State Brand Board office in Pierre, SD. Chairman Kimball called the meeting to order at 11:00 a.m. Members present were Mark Kimball, Wanda Blair, Bart Blum (by telephone), Tom Conger, and Curt Mortenson. Other present were Harold Deering, Larry Stearns, Shorty Zilverberg, Jim Murphy, Ken Halligan, Karen Weber-Boyer, Jodie Hickman, Wray Shouldis and Harry Martinez

Agenda: Blair moved to adopt the agenda with additions. Mortenson seconded the motion which carried.

Minutes: Mortenson moved to adopt the minutes as corrected; Conger seconded the motion which carried.

Directors Report: Stearns reported that in January 2009, there were 68 applications, 32 approved applications, 32 new brands, 25 transfers and 7 books sold. In February 1-23<sup>rd</sup>, there have been 74 new applications, 21 approved applications, 21 new brands, 17 transfers and 2 brand books sold. There are fewer than 10 applications to be processed.

Included in the meeting packet was:

1. The January 2009 reports of expenses, revenues and cash balances for the Brand Board for FY2009.
2. List for holds pending and those resolved.
3. Recovered stray report.
4. Draft Rodeo Permit
5. Employee/Employer Brand Inspections
6. Abused Animals Inspection Procedures

The director also reported that a survey for the Unwanted Horse Coalition as suggested by Bart Blum at last meeting. He also e-mailed several articles that deal with proposed horse slaughter plants. Stearns also reported that Zilverberg will be at the WSLIA Conference in Reno the week of March 9<sup>th</sup> and that the director will be out of the office March 11 to March 30. Kimball has suggested holding the next meeting in Platte on April 8, 2009. Stearns discussed the possibility of having temporary horse travel permits available at horse camps in the Black Hill in the summer for tourists and trail riders to use to be able to legally leave the brand inspection area. Conger asked if Custer Park had been contacted. Stearns told of talks that were held last year about the possibility.

Mortenson talked about the horse inspection legislation and talking with those testifying against the bill following the hearing. He suggested that the Board get input from rodeo and horse show people and trail riders prior to next year's legislature. Conger related discussion with the Badlands and Lakes Tourism group in previous years and the resulting permits.

Investigator's Report: Zilverberg reported that in January 2009, there were 15 total cases reported. Of these, 0 were stolen cases, 3 were missing cases, 0 estray cases, 2 violation cases, and 10 complaint/info cases. Six cases are still active. No livestock were reported stolen and 66 head reported missing. Two cases were reported by office personnel, four cases were reported by brand inspectors, one by victims, two by witnesses, and six by other agencies. Zilverberg reported that there were 43 head recovered by the owner leaving 23 head that are still missing. Mortenson asked if the missing animals were all cattle and if there were many reports on stolen or strayed horses. Zilverberg said the last case of stolen horses was six head last summer near Bridger.

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Brand Report: As Shouldis and Martinez were attending a hearing in White River, Stearns gave the Chief Brand Inspector's Report. For January 2009, there were 148,601 head inspected. They consisted of 124,318 at markets, 23,880 locally inspected and 403 at locker plants. There were 1,804 head held for proof of ownership. The 7-month total of 1,035,852 head inspected is slightly higher than last year, but fewer than the two years earlier. There were 5 new holds that came into the office this month 4 cows and 1 heifer. Five strays were returned in January, 1 cow and 4 calves bringing the total to 176 strays returned since July 1, 2008. These consisted of 42 steers, 47 cows, 28 heifers, 46 calves 10 bulls and 3 horses. Stearns also explained the informational holds table. The report will be posted on the website.

Conger asked about the statutory framework on holds. He asked about the timeframe within which holds have to be brought to the Board. He felt part of the perception on holds was that when the hold came into the Brand Board office that it went right into the Theft and Prevention fund, which is not the case. When holds come into the office, the chief brand inspector is charged with finding the rightful owner. When he is satisfied that the rightful owner cannot be found, then the hold comes before the Board. Several ways of educating the public as to how this process takes place were suggested. Conger asked for a feel as to the response rate on letters written to announce a hearing.

Open Comment: Ken Halligan asked if clipped photographs were available for the holds. Stearns explained that not all animals needed to be clipped nor had pictures been taken, but those that we had are sent into the office and printed and placed in the hold file. Halligan explained that he was able to read a brand better in a photograph than on the cow.

Brand Inspection Fund: Stearns explained the revenues and expenses for brand inspection and the entire brand board fund. Mortenson asked if any of the budget items were of concern. Stearns answered that the printing items were getting close to the budget amount, but that we are ahead on some forms by a year to year and one half as volume purchases were more cost effective. He explained that the office tried to keep an adequate supply of forms on hand but tried to keep as few as possible as changes may be necessary on some forms from time to time. Conger asked if there were some forms that had changes made to them. He wondered if a question could be directed to forms and their user friendliness on our next questionnaire. Could the size of some blanks in forms be adjusted? Blair added that the staff that used them would be more aware of suggested changes.

The meeting recessed for lunch.

Legislative Update: The director said that two of the brand board bills passed both houses and had been signed by the governor. These are HB1063 which allows out of state cattle buyers to brand their livestock purchased at a SD livestock market with their out of state brand within 2 days after purchase by getting a permit from the brand inspector and HB1062 which raises the maximum reward for information leading to the conviction of any person stealing livestock with a SD registered brand from \$1,000 to \$5,000. All other bills were killed in committee. One will be rewritten and brought back next year. A senate bill requiring a report to the legislature on the years activities and the Brand Board appointees to be confirmed by the Senate has passed the Senate and going to the House floor. Conger suggested that the director retain the reasoning and perceptions for the failure of the bills to educate the lawmakers for the future.

Brand History: Stearns asked if the office can charge for conducting a brand history. He explained the time involved in doing a search and that Montana and Nebraska charge for this service. The board and counsel felt that it would be appropriate for the office to charge a fee of \$20 for the first hour and \$10 per hour there after and \$1.00 per copy made. The charge information is to be put on the website. Blair added that conducting a brand history should not put an employee into an overtime situation.

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Rodeo Permit: A copy of a draft of a rodeo permit was presented for discussion. Mortenson asked what other states do in these situations. He felt that it would be common throughout the western United States. Zilverberg explained that some contractors have lifetime permits on their horses and have bulls inspected each time. Conger asked what constitutes a history of violations. Zilverberg added that many contractors lease and haul horses and bulls that are owned by other contractors. Kimball talked about the case in point where roping cattle are being inspected each time they are moved. Conger asked if a log could be kept by the contractor with a requirement to keep records current. This would burden the contractor with keeping a record of the movement of his rodeo stock. Blum added that this does not address the issue at hand with the Yellow Rose. Mortenson asked Zilverberg to ask around at the WSLIA to see what other states are doing. Deering suggested that to move rodeo stock or roping stock might require a "fancy permit". The discussion was tabled until next meeting.

Hold #3154: The chief brand inspector feels that this bull belongs to Bob Derry and has called Montana and lined up to when Mr. Derry pays for the duplicate form, the hold will be released. The proper paper work is needed to clear the hold. Mortenson said that the Board is sure that there is owner when holds are settled by the Board and moneys placed in the Theft & Prevention fund. In this case, there is an owner who wouldn't pay to clear the hold. Conger moved and Blair seconded the motion to have the director write a letter to Mr. Derry explaining the situation. Mortenson made a substitute motion that we write a letter to Derry stating that if he does not clear the hold on his own within a 20 days and sign a W-9, we will clear it ourselves and that all costs would be deducted and the remainder would be sent to him. Blum seconded the motion. Voting on the substitute motion was as follows: Blair, yes; Conger, yes; Blum, yes; Mortenson, yes; Kimball, yes. Motion carried. Voting on the motion was as follows: Blair, yes; Conger, yes; Blum, yes; Mortenson, yes; Kimball, yes. Motion carried.

Hold # 2745: An affidavit was provided on this hold. Mortenson moved that the hold be tabled until the next meeting and other two individuals who owned brands should be noticed for the next meeting. Conger seconded the motion. Voting on the motion was as follows: Blair, yes; Conger, yes; Blum, yes; Mortenson, yes; Kimball, yes. Motion carried.

Kimball suggested that a meeting be held for brand inspectors that could be a training session, meal and thank you from the Board for their work. The director and chief brand inspector are to work out the details for holding one or two sessions.

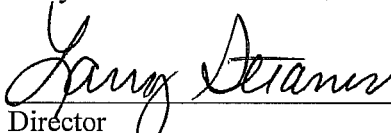
Conger moved and Blair seconded the motion that the meeting moves into executive session at 2:00 pm.

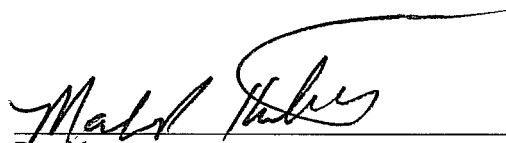
Conger moved and Blair seconded the motion that the meeting moves out of executive session at 3:00 pm.

The meeting was adjourned at 3:05 pm.

Respectfully submitted,

Larry Stearns

  
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Director

  
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President

These minutes were filed for the record on 4-16-09.