

# State Brand Board

## Minutes of Meeting

May 26, 2009

The South Dakota State Brand Board met on May 26, 2009 at the State Brand Board office in Pierre, SD. Chairman Kimball called the meeting to order at 10:15 a.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 and Karen Webber-Boyer.

Blum moved that the agenda be adopted as amended. Conger seconded the motion which passed.

Mortenson moved and Blum seconded the motion that the minutes for the April 15, 2009 meeting be approved. Motion carried. Kimball thanked the board for making the trip to Platte for the previous meeting.

Mortenson reported that there was a good turnout for the Livestock Marketing Association meeting in Aberdeen on May 2, 2009. He said there were questions on the use of the new Permit to Use an Out of State Brand at a Livestock Market Form that is proposed by the Brand Board.

Director's Report: Stearns reported that in April 2009, there were 78 applications, 28 approved applications, 37 new brands, 43 transfers and 1 book sold. In May 2009 to date, there have been 48 new applications, 20 approved applications, 37 new brands, 35 transfers and 0 brand books sold.

Included in the meeting packet were:

1. The April 2009 reports of expenses, revenues and cash balances for the Brand Board for FY2009.
2. Investigator's Report
3. Brand Inspection Report
4. Proposed Permit to Brand with an Out of State Brand at a Livestock Market Form
5. A compilation of responses on the inspector questionnaires are included.
6. Proposal from ERC for scanning tallys.
7. Draft transportation permit
8. Estray care and transportation information.
9. Card of thanks to Shawn from a satisfied brand owner.

The director reported that the Nebraska open market agreements are all signed. We have sent Annual Transportation Permits to the larger horse camps and we are finalizing the inspector's training schedule this week. A copy of the schedule will be sent out when it when it is completed. The Board suggested that a meal be served with the trainings.

Investigator's Report: Zilverberg reported that in April 2009, there were 9 total cases reported. Of these, 2 was a stolen case, 2 were missing cases, 0 estray cases, 1 violation cases, and 4 complaint/info cases. Five cases are still active. Twenty-four head of livestock were reported stolen and 10 head reported missing. Two cases were reported by office personnel, one was reported by brand inspectors, four by victims, one by witnesses, and one by other agencies. Zilverberg reported that there were 9 head recovered by the owner, leaving 25 head that are still missing. Twenty-three head of the reported stolen cattle were east river, no brand cattle. He also related the disposition of the Lawson case.

Brand Inspection Report: Shouldis reported that for April 2009, there were 83,497 head inspected. This consisted of 61,734 inspected at markets, 21,462 locally inspected and 301 inspected at locker plants. There were 786 head held for proof of ownership. The 10-month total of 1,271,060 head inspected is slightly higher than last year, but fewer than the two years earlier. There were 4 new holds that came into

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the office in April consisting of 2 cows, 1 steer and 1 bull for \$2,842.15. There were five holds paid out consisting of 3 cow, 1 bull, 2 heifers and 1 calf for \$5,958.74. There were 10 strays returned through brand inspection; 3 cow, 1 calf, 2 steers and 4 heifers.

Shouldis explained that he felt the numbers of inspected livestock next year would be 300,000 head less than this year. He attributed it to the death loss from blizzards, the number of dry cows coming to market and the tight economy and lack of livestock investors. Mortenson thought that most producers in his area are under-stocked. He was optimistic about making the numbers with the grass that is available. The number of cows was discussed and Mortenson related that according to Dean Strong that there were pockets of large losses but that the industry as a whole did not take a big hit. Parks and reservations are clamping down on their numbers. Blair said that it will be hard to document the death loss. The staff is to monitor the numbers very closely.

Brand Inspection Fund: The director explained the financial sheets and the reallocations of budget funds from one line item to another. Conger asked about breaking down inspector salaries to full-time, part-time and local inspectors. Inspector training was then discussed and the board suggested serving a meal at each training session. Conger talked about previous training sessions and suggested that the long-term process incorporate a certification process for inspectors.

Ag in the Classroom: Concerns that brought about tabling the proposal at last meeting for Ag in the Classroom grant have been alleviated. Conger moved that the Board give a grant of \$1,000 to Ag in the Classroom. The motion was seconded by Blum and carried.

ILIA: Stearns and Zilverberg explained what the ILIA is and the benefits of networking at the ILIA conventions and meeting the administrators and investigators from other states. Conger moved that Stearns, Zilverberg and Shouldis attend the ILIA convention in Utah in July. Blair seconded the motion which passed.

Permit to Brand with an Out of State Brand at a Livestock Market: Mortenson suggested that the form includes a statement that the livestock are to be exported within two days from South Dakota to the state where the brand is registered. The Board also suggested sending several copies of the legislation with the forms to be posted at the sales barns. A discussion was held over different uses of the permit. Mortenson moved the approval of the form with suggested changes. The motion was seconded by Conger and carried.

Proposal to Scan Tallys: Stearns related the number of brand inspection forms stored in the office and rules that relate to state storage where any forms 7 years old and older have to be microfilmed. He suggested scanning the forms into an electronic database and older forms could be destroyed. Conger asked if the records would be any more accessible in the electronic database. Stearns said that it would be easier to access records. ERC Computing proposed to lease the equipment to the Brand Board and train workers to scan the records. Stearns proposed to use trustee labor, but the Bureau of Personnel had suggested that free labor may be available through the stimulus package. He said the forms would be indexed according to sales barn and date. The Board suggested indexing by seller also. Stearns is to check this out as well as the labor situation and set up a date for a conference call to make the decision.

Open Comments: There were no comments and the meeting recessed for lunch.

The meeting reconvened at 1:00 pm.

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Hold #1313: The case was discussed and as no one came forward to prove ownership Conger moved and Blair seconded the motion to escheat \$1,569.11 to the Livestock Ownership Theft and Prevention Fund. The motion carried.

Proposed Rodeo Rule: Deering presented a draft of a livestock transportation permit he had prepared for the Board. A discussion followed that looked at different scenarios and uses for this type of permit and some of the ways it would be used and regulated. Deering will bring more information to the next meeting.

Mortenson asked that the staff report who found the stray livestock in inspections and recognize the inspector in the future.

Estray Feeding and Transportation: Stearns asked for the Board to consider the compensation for feeding and transporting estray animals. The fees were set in March 13, 2000 at \$2.00 per day for feed not to exceed 10 days and \$1.00 per mile one way for transportation. The discussion moved to differentiating an estray animal from an abandoned animal. Zilverberg said that abandoned property can be disposed of or sold by the sheriff. Martinez told of a pony that was getting pushed from pasture to pasture and the sheriff wanted to give to a family that wanted take it. Conger suggested searching statutes on abandoned property to determine what to do with an animal with no value. The Board chose not to take any action to compensate for transportation which would be different than what the state is paying.

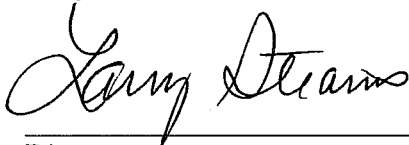
Mortenson moved and Conger seconded the motion to go into executive session at 2:05 pm. Motion carried.

Conger moved and Blum seconded the motion to come out of executive session at 3:25 pm. The next meeting was set for July 22, 2009 at 10:30 am.

Conger moved and Blum seconded the motion to adjourn the meeting at 3:25pm.

Respectfully submitted,

Larry Stearns



Director



President

These minutes were filed for the record on 7-22-09.