

AN ACT

ENTITLED, An Act to repeal and revise certain statutes related to the Animal Industry Board.

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

Section 1. That § 40-5-2 be repealed.

Section 2. That § 40-5-3 be repealed.

Section 3. That § 40-5-4 be repealed.

Section 4. That § 40-5-5 be repealed.

Section 5. That § 40-5-6 be repealed.

Section 6. That § 40-6-2 be repealed.

Section 7. That § 40-6-3 be repealed.

Section 8. That § 40-6-4 be repealed.

Section 9. That § 40-6-5 be repealed.

Section 10. That § 40-6-6 be repealed.

Section 11. That § 40-6-8 be repealed.

Section 12. That § 40-6-9 be repealed.

Section 13. That § 40-6-10 be repealed.

Section 14. That § 40-6-11 be repealed.

Section 15. That § 40-6-12 be repealed.

Section 16. That § 40-6-13 be repealed.

Section 17. That § 40-6-14 be repealed.

Section 18. That § 40-6-15 be repealed.

Section 19. That § 40-6-16 be repealed.

Section 20. That § 40-6-17 be repealed.

Section 21. That § 40-6-18 be repealed.

Section 22. That § 40-6-19 be repealed.

Section 23. That § 40-6-20 be repealed.

Section 24. That § 40-6-21 be repealed.

Section 25. That § 40-6-22 be repealed.

Section 26. That § 40-6-23 be repealed.

Section 27. That § 40-6-24 be repealed.

Section 28. That § 40-6-25 be repealed.

Section 29. That § 40-6-26 be repealed.

Section 30. That § 40-6-29 be repealed.

Section 31. That § 40-7-1 be repealed.

Section 32. That § 40-7-1.1 be repealed.

Section 33. That § 40-7-1.2 be repealed.

Section 34. That § 40-7-2 be repealed.

Section 35. That § 40-7-3 be repealed.

Section 36. That § 40-7-5 be repealed.

Section 37. That § 40-7-6 be repealed.

Section 38. That § 40-7-7 be repealed.

Section 39. That § 40-7-8 be repealed.

Section 40. That § 40-7-9 be repealed.

Section 41. That § 40-7-9.1 be repealed.

Section 42. That § 40-7-10 be repealed.

Section 43. That § 40-7-11 be repealed.

Section 44. That § 40-7-12 be repealed.

Section 45. That § 40-7-14 be repealed.

Section 46. That § 40-7-15 be repealed.

Section 47. That § 40-7-16 be repealed.

Section 48. That § 40-7-17 be repealed.

Section 49. That § 40-7-19 be repealed.

Section 50. That § 40-7-19.1 be repealed.

Section 51. That § 40-7-20.1 be repealed.

Section 52. That § 40-7-20.3 be repealed.

Section 53. That § 40-7-21 be repealed.

Section 54. That § 40-7-22 be repealed.

Section 55. That § 40-7-25 be repealed.

Section 56. That § 40-7-26 be repealed.

Section 57. That § 40-7-27 be repealed.

Section 58. That § 40-7-28 be repealed.

Section 59. That § 40-7-29 be repealed.

Section 60. That § 40-7-30 be repealed.

Section 61. That § 40-7-31 be repealed.

Section 62. That § 40-7-32 be repealed.

Section 63. That § 40-7-33 be repealed.

Section 64. That § 40-7-34 be repealed.

Section 65. That § 40-7-35 be repealed.

Section 66. That § 40-7-36 be repealed.

Section 67. That § 40-7-37 be repealed.

Section 68. That § 40-7-38 be repealed.

Section 69. That § 40-7-39 be repealed.

Section 70. That § 40-7-41 be repealed.

Section 71. That § 40-7-46 be repealed.

Section 72. That § 40-7-47 be repealed.

Section 73. That § 40-7-48 be repealed.

Section 74. That § 40-7-49 be repealed.

Section 75. That § 40-7-50 be repealed.

Section 76. That § 40-7-51 be repealed.

Section 77. That § 40-7-52 be repealed.

Section 78. That § 40-7-53 be repealed.

Section 79. That § 40-7-54 be repealed.

Section 80. That § 40-7-56 be repealed.

Section 81. That § 40-7-57 be repealed.

Section 82. That § 40-8-1 be repealed.

Section 83. That § 40-8-2 be repealed.

Section 84. That § 40-8-3 be repealed.

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Section 94. That § 40-8-15 be repealed.

Section 95. That § 40-8-16 be repealed.

Section 96. That § 40-8-17 be repealed.

Section 97. That § 40-8-20 be repealed.

Section 98. That § 40-8-21 be repealed.

Section 99. That § 40-8-36 be repealed.

Section 100. That § 40-9-1 be repealed.

Section 101. That § 40-9-2 be repealed.

Section 102. That § 40-9-3 be repealed.

Section 103. That § 40-9-4 be repealed.

Section 104. That § 40-9-5 be repealed.

Section 105. That § 40-9-7 be repealed.

Section 106. That § 40-9-8 be repealed.

Section 107. That § 40-9-9 be repealed.

Section 108. That § 40-9-10 be repealed.

Section 109. That § 40-9-11 be repealed.

Section 110. That § 40-9A-1 be repealed.

Section 111. That § 40-9A-2 be repealed.

Section 112. That § 40-9A-3 be repealed.

Section 113. That § 40-9A-4 be repealed.

Section 114. That § 40-9A-5 be repealed.

Section 115. That § 40-9A-6 be repealed.

Section 116. That § 40-9A-7 be repealed.

Section 117. That § 40-9A-8 be repealed.

Section 118. That § 40-9A-9 be repealed.

Section 119. That § 40-9A-10 be repealed.

Section 120. That § 40-9A-11 be repealed.

Section 121. That § 40-9A-12 be repealed.

Section 122. That § 40-10-1 be repealed.

Section 123. That § 40-10-2 be repealed.

Section 124. That § 40-10-3 be repealed.

Section 125. That § 40-10-4 be repealed.

Section 126. That § 40-10-5 be repealed.

Section 127. That § 40-10-6 be repealed.

Section 128. That § 40-10-7 be repealed.

Section 129. That § 40-10-8 be repealed.

Section 130. That § 40-10-10 be repealed.

Section 131. That § 40-13-1 be repealed.

Section 132. That § 40-13-2 be repealed.

Section 133. That § 40-13A-2 be repealed.

Section 134. That § 40-13A-3 be repealed.

Section 135. That § 40-13A-4 be repealed.

Section 136. That § 40-13A-5 be repealed.

Section 137. That § 40-13A-6 be repealed.

Section 138. That § 40-13A-7 be repealed.

Section 139. That § 40-13A-8 be repealed.

Section 140. That § 40-13A-9 be repealed.

Section 141. That § 40-13A-10 be repealed.

Section 142. That § 40-14-11 be repealed.

Section 143. That § 40-15-27 be amended to read as follows:

40-15-27. Every livestock agency shall keep complete records as prescribed by the Animal Industry Board in rules promulgated pursuant to chapter 1-26. Such information may include the names of all persons or organizations bringing to or offering livestock for sale at the agency and a description of the livestock as prescribed by the Animal Industry Board to fulfill the intent of this chapter. A violation of this section is a petty offense. Each violation is a separate offense.

Section 144. That § 40-15-28 be amended to read as follows:

40-15-28. The records required by § 40-15-27 shall be open for inspection at any reasonable time to any person interested as prescribed by the Animal Industry Board in rules promulgated pursuant to chapter 1-26 to fulfill the intent of this chapter. Every livestock auction agency shall keep and preserve all records for at least three years and shall furnish copies thereof to peace officers without charge and to any other person upon payment of reasonable charge for making such copy.

Section 145. That § 40-3-14 be amended to read as follows:

40-3-14. The Animal Industry Board may make all such orders for the execution of the powers conferred upon it and the performance of its duties, to effectuate, enforce, and carry out promptly and efficiently the provisions of the statutes relating to its duties, powers, and jurisdiction. The board may likewise amend or repeal all such orders. The board may promulgate rules pursuant to chapter 1-26 concerning:

- (1) The definition of items used to administer this chapter;
- (2) Declaratory rulings;
- (3) The control and eradication of livestock diseases and parasites;
- (4) The regulation of bovine tuberculosis;
- (5) The regulation of the importation of animals;

- (6) The regulation and licensure of livestock auctions and stockyards;
- (7) The regulation and licensure of livestock dealers;
- (8) The setting of livestock inspection fees;
- (9) The regulation and licensure of rendering establishments and pet food processing plants;
- (10) The establishment of swine identification and maintenance of records;
- (11) The regulation of livestock exhibits;
- (12) The use of federal methods and rules for meat inspection;
- (13) The regulation of refrigerated locker plants; and
- (14) The regulation of nondomestic animals.

However, the board shall exercise its regulatory and quarantine powers in a manner that affects the minimum geographical area reasonably necessary to control or eradicate disease.

Section 146. That § 40-14-2 be amended to read as follows:

40-14-2. Any animal brought into this state for any purpose except immediate slaughter or as otherwise provided for in rules promulgated pursuant to chapter 1-26 by the Animal Industry Board shall be accompanied by a certificate of veterinary inspection, issued by authority of the state or territory from which it originates, or by authority of the United States Department of Agriculture. The certificate shall verify that the animal is free from signs of contagious, infectious, epidemic, or communicable disease, and from signs of infestation of destructive parasites. The certificate shall verify that the animal does not originate from a district of quarantine, infestation, or infection, and that it has been inspected within a period of not more than thirty days before the arrival of the animal. Any person who brings animals into the state in violation of this section is guilty of a Class 6 felony.

Section 147. That § 40-14-3 be amended to read as follows:

40-14-3. Any person desiring to bring any animal into the state without the certificate of

veterinary inspection required by § 40-14-2 shall notify the Animal Industry Board, stating the number and kind of animal and the name and address of the consignee and consignor. The board may issue a permit for the animal to enter the state, if the Animal Industry Board has no reason to believe that the animal is affected, infected, or infested with any such disease or parasite or originated from a district of quarantine, infestation, or infection.

Section 148. That § 40-14-4 be amended to read as follows:

40-14-4. Any animal brought into the state without the certificate of veterinary inspection required by § 40-14-2, even if the animal was brought into the state pursuant to a permit authorized by § 40-14-3, shall be detained at their destination or some other suitable place under quarantine until they have been examined by the Animal Industry Board and a certificate of veterinary inspection issued. It is a Class 1 misdemeanor for any person to release any animal until the proper health certificate has been issued according to the provisions of this chapter except by consent of the Animal Industry Board. All charges and expenses for making any such examination shall be paid by the owner of the animal.

Section 149. That § 40-14-10 be amended to read as follows:

40-14-10. It is a Class 1 misdemeanor for any veterinarian to issue a certificate of veterinary inspection or test chart if the veterinarian has not properly inspected or tested the livestock to which it relates, in accordance with the statements in the certificate and the procedures indicated on the test chart, or to represent in the certificate or test chart that the veterinarian has inspected or tested any animal if the veterinarian has not personally and properly made the inspection or test.

An Act to repeal and revise certain statutes related to the Animal Industry Board.

=====
I certify that the attached Act
originated in the
HOUSE as Bill No. 1058

Chief Clerk
=====

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1058
File No. _____
Chapter No. _____

=====
Received at this Executive Office
this ____ day of _____ ,
20__ at _____ M.

By _____
for the Governor
=====

The attached Act is hereby
approved this _____ day of
_____, A.D., 20__

Governor

=====
STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State