

# State Brand Board Minutes of the Meeting January 23, 2013

The South Dakota State Brand Board met on January 23, 2013 at the State Brand Board office in Pierre, SD. Vice Chairman Curt Mortenson was present by telephone and called the meeting to order at 10:30 a.m. Members present were Bart Blum, Curt Mortenson, Scott Vance and new board member Lyla, Hutchison. Others present were Harold Deering, Larry Stearns, Wray Shouldis, Shad Stromer, Nathan Sanderson, Chad Mosteller, Courtney De La Rosa, Jeremiah Murphy, and Bob Rider.

Stearns introduced the new board member, Lyla Hutchison, and asked her to tell a little about herself..

Blair moved and Blum seconded the motion to adopt the agenda. Motion carried.

Blum moved and Blair seconded the motion to approve the minutes for the October 11, 2012 meeting and November 7, 2012 conference call. Motion carried.

Election of Officers: Blum nominated Wanda Blair for President, Hutchison moved the nominations cease and to cast a unanimous ballot. Motion carried. Blair nominated Curt Mortenson for Vice-President. Blair moved nominations cease and to cast a unanimous ballot. Vance seconded the motion which passed. Blair assumed the role as president. She commended Mark Kimball on a fine job as president of the Brand Board for 6 terms.

Director's Report: Stearns reported that in October through December 2012, there were 164 brand applications, 72 new brands, 146 transfers, and 4 brand books sold.

Included in the meeting packet were:

1. The July-Dec 2012 revenues and expenses, for the Brand Board.
2. Minutes of the October 11, 2012 meeting and November 7, 2012 conference call meeting.
3. Director's Report
4. Brand Inspection Report
5. Hold information
6. Report to the 2013 Legislature

Directors Report: The director reported that Chad Cordell has been hired as the new full time inspector in St. Onge replacing John Bickle. He added that the Western States Livestock Investigators Conference is scheduled for March in Reno. He also said that Ed Rybicki, from ERC, who underwent treatment for a brain tumor last fall, is doing great.

The director said that Wray Shouldis is now working out of the West River Ag Center and the Pierre Office. He is in Pierre several days of the week and the Hills the remainder for the time and that it has worked well with the transition in St Onge. Stearns said that the Board has bills in the legislature this Thursday, January 24, 2013 and that the Black Hills Stock Show is starting this week and running for two weeks.

Chief Brand Inspector's Report: Shouldis reported that for October 2012, we inspected 193,143 head; 94,847 at livestock markets, 377 at locker plants and 97,919 head inspected on locals. There were 1,656 holds in October 2012.

For November 2012, we inspected 403,624 head; 295,557 at livestock markets, 428 head at locker plants and 107,639 head inspected on local inspections. We had 2,741 holds for that month.

# State Brand Board Minutes of the Meeting January 23, 2013

In December 2012, 191,653 were inspected at livestock markets, 340 at locker plants and 42,518 head locally. The total inspected for December 2012 was 234,511 with 5,093 holds.

For October-December 2012, there were two new holds that came into the office, 1 cow and 1 heifer for \$1,703. Five holds were paid out on 2 cows and 3 horses for \$2,298.

Shouldis said and Vance agreed that producers are marketing at least a month ahead of their normal marketing. Vance added that this spring could be really busy or really slow depending on the moisture.

Investigator Report: Chad Mosteller reported on the analysis of brand board investigations this year. About 50% of the cases were for leaving the brand area without an inspection. Mosteller explained the difference in the Class 1 and Class 2 misdemeanors and ticketing the violator and possible handling by prosecutors. Mosteller said that the Board would be updated as any changes are made and carried out.

Financial Report: Stearns reported on the cash center balances for December 31, 2012. For December 2012, the Board received \$234,294 in receipts and paid \$79,950 in expenses. For brand inspection, there was \$232,564 in receipts and \$69,604 in expenses for December. The extremely low expenses are due to the salary and voucher payment cycle for December, the end of the calendar year.

#### Legislative Proposals:

Nathan Sanderson from the Governor's Office talked about the two bills that would be up in the Senate Agricultural and Natural Resources committee on the following day. He asked for frank discussion from the Board. SB16 is the service fee on local inspections and SB21 is elimination of horse inspection. Jeremiah Murphy explained the change in the Stockgrowers' position on SB16 from support by an earlier compromise to the current position of opposition and their support for a fee increase to \$.95. On horse inspection, the Stockgrowers would rather see an increase in fees less problematic than the elimination of the horse and mule inspection program.

Blair said that after the meetings and earlier compromise that did not work, that the Board would have a reluctance to work on another compromise with the Stockgrowers.

Sanderson asked if the Board would be open to change the horse inspection bill to set a higher fee cap rather than eliminate horse inspection and suggested several alternatives to SB16. Mortenson said he had no support for a fee increase to \$.95. He believes that we have larger problems coming down the line unless we have significant moisture in the near future. He felt elimination of horse inspection is the way to go. After further discussion, the meeting recessed for lunch at 12:10 p.m.

The meeting resumed at 1:00 p.m. Hutchison moved that the meeting go into executive session pursuant to SDCL 1-25-2 (1) personnel issues and (3) for legal issues. Vance seconded the motion which carried. The meeting came out of executive session at 1:35 p.m.

Hold Hearing BB153 – Burke L/S: As no owner came forward to prove ownership of the black steer, Mortenson moved and Blum seconded the motion to escheat the \$917.88 to the Theft and Prevention Fund. Motion carried.

**State Brand Board  
Minutes of the Meeting  
January 23, 2013**

Hold Hearing #BB139 – Mobridge L/S: No owner came forth to prove ownership of the stray black yearling steer. Mortenson moved and Blum seconded the motion to escheat the \$974.52 to the Theft and Prevention Fund. The motion carried.

Hold Hearing #BB160 – Belle Fourche L/S: The brand on the black calf was not a registered brand in SD, ND, MT, WY, or CO and no one came forward to claim the calf. Vance moved and Blum seconded the motion to escheat the \$745.15 to the Theft and Prevention Fund. The motion carried.

Hold Hearing #BB185 – Winner L/S: When no owner came forth to prove ownership of the no brand stray black cow, Blum moved and Hutchison seconded the motion to escheat \$803.50 to the Theft and Prevention Fund. The motion carried.

Hold Hearing #BB186 – Winner L/S: No one came forth to prove ownership on a no brand black bull. Mortenson moved and Hutchison seconded the motion to escheat \$1,305.05 to the Theft and Prevention Fund. This motion carried.

**Brand Board Cell Phone Policy:**

The Board considered adoption of a policy similar to one used by the SD State Game & Fish Department. This policy would reimburse \$25 to full time inspectors who choose to use their personal cell phone instead of the cell phone provided by the brand office. If the inspector chooses to use their own phone, they must submit a copy of their monthly cell phone bill to the office to submit with their expense voucher to show that the reimbursed amount is less than the phone bill. Hutchison moved to go forward with the policy. Vance seconded the motion which carried.

**South Dakota Brand Board Policy # 20  
Adopted January 23, 2013  
Cell Phone Policy**

The Board has determined that it is necessary for full time inspectors to carry a cell phone to perform their duties. The Board will allow full time inspectors the option of utilizing their personal cell phones instead of state issued cell phones to conduct state business, and will reimburse them for using their personal cell phones pursuant to this policy. Participation in personal cell phone reimbursement program is voluntary. Full time inspectors using state issued cell phones who decide to continue to use the state issued device will not be eligible for reimbursements.

Employees who choose to utilize their personal cell phone pursuant to this policy shall notify the staff director. The employee must maintain the type of coverage or plan that is necessary to conduct state business in order to utilize their personal cell phone. Reimbursement for use of the personal cell phone will be a flat rate of \$25 per month, provided that reimbursement may not exceed the expense that the employee actually pays for the cell phone bill. Employees may request reimbursement for the use of personal cell phones through the standard “travel voucher/expense request” process. Requests for reimbursement must be submitted at least on a quarterly basis (every three months). Employees must attach copies of their monthly personal cell phone bills to the travel voucher request form and must identify each state business call.

State Brand Board  
Minutes of the Meeting  
January 23, 2013

Any individual using a personal device to access state email and/or Board information must sign BIT's Remote Access Device (RAD) security agreement. It is not necessary to sign the RAD agreement if the employee is only using the personal device to send/received voice phone calls.

The next meeting was set for February 13, 2013 at 10:30 a.m. at the Brand Board office.

Vance wanted to thank Mark Kimball for his years of service on the Brand Board and welcome Lyla Hutchison aboard.

The meeting adjourned at 2:00 p.m.

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Director

\_\_\_\_\_  
President

These minutes were filed for the record on \_\_\_\_\_.

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