

American  
**Simmental**  
Association

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**RULES AND BY LAWS**

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January 19, 2019

# American Simmental Association

Simmental • Simbrah

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19 January 2019

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## American Simmental Association

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*FOUNDING MEMBER WORLD SIMMENTAL FEDERATION*

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The Rules are subject to amendment by the Board of Trustees at any time.  
All amendments of Rules shall be included in the minutes of the Board of Trustees' meeting.  
The By laws may be amended at the next annual membership meeting under procedures set forth herein.

**BY LAWS**  
**AMERICAN SIMMENTAL ASSOCIATION**  
**19 January 2019**

**SECTION 1**  
**Aims and Objectives**

The American Simmental Association has as its primary objectives the development, registration and promotion of the Simmental breed of cattle in the United States of America. It is believed that the Simmental breed can make an important contribution to the improvement of the cattle industry of America.

The Simmental breed of cattle is defined as those cattle in Switzerland known as Simmental, in France as Pie Rouge, in Germany as Fleckvieh and in other countries by their local names.

The Association is open to all cattle breeders who wish to import purebreds and/or engage in a supervised upgrading program, and shall endeavor to establish an efficient system of registration and recording.

It is the intention of the Association to maintain high breeding standards with emphasis placed on production.

**SECTION 2**  
**Rules Governing Membership**

A. Application for Membership:

Application for membership must be made to the Executive Vice President of the Association, either electronically or in writing, in the manner prescribed by the Board of Trustees. A certificate of membership shall be issued in such form and upon such conditions and agreements as the Board of Trustees shall prescribe, signed by the Chairman and Executive Vice President and sealed with the corporate seal, and while in good standing, shall entitle the member to all the privileges and advantages of membership. But said certificate of membership may be cancelled by the Board of Trustees or the Executive Committee thereof, and all rights and privileges of the member forfeited and terminated for the violation of the By Laws or Rules and regulations of the Association, or for conduct involving moral turpitude, or in case a member so conducts himself as to make his association as a member undesirable, after notice and a hearing as hereinafter provided.

Membership in the Association is a privilege and not a right. Any application for membership may be rejected by the Board of Trustees for any cause deemed to be detrimental to the interests of the Association, its programs, policies, objectives or harmonious relationship with its members. A membership once granted may be withdrawn for similar reasons.

A member is considered to be in good standing until found otherwise by the Board and/or the Executive Committee.

B. General Privileges and Responsibilities of Members and Nonmembers:

While in active status, all members shall have equal rights, interests and responsibilities with respect to the Association and its property and shall obey and be bound by all By Laws, rules and regulations of the Association and decisions or action of the Board of Trustees or Executive Committee.

Individuals who are owners of animals registered with the American Simmental Association and who choose to do business with the Association by submitting applications for registration, membership, requests for transfer or conduct other business with the Association or its members do hereby agree to be bound by all By Laws, rules and regulations of the Association and decisions and actions of the Board of Trustees.

Although the right or privilege of a member or nonmember to seek judicial review of previous Association decisions or actions is recognized, that member, by joining the Association, or nonmember, by purchasing animals registered with the ASA, submitting applications for membership, registration, or transfer, or conducting other business with the Association does thereby agree, if unsuccessful in the attempt to overturn Association decisions, actions, rules or By Laws, to reimburse the Association for its reasonable attorney fees, court costs and other expenses in defense of such suit.

C. Jurisdiction:

Every applicant for membership and every member shall be confined in any action at law or in equity against this Association to the jurisdiction of the courts, federal or state, within which the principal place of business of the Association is situated, that being Bozeman, Gallatin County, Montana.

D. Withdrawals:

A member of the Association in good standing may withdraw from membership by giving to the Executive Vice President a notice in writing or by requesting that his name be removed from the list of persons entitled to the rights and privileges of members of the Association, and upon receipt of any such notice or request, the membership of such member shall terminate; provided, however, that after charges have been preferred against a member, the right of such member to withdraw from membership shall be suspended until the termination of all proceedings in connection with such charges in accordance with the By Laws, unless the Executive Committee or the Board of Trustees otherwise agree.

E. Expulsion and Censure of Members:

Any member of this association who violates the By Laws or Rules and regulations of the Association, or who shall deceive or wrong the Association or a member thereof, or other person, or who shall so conduct himself as to make his association undesirable; or any member whose practices in the breeding of cattle are such as to impair the reliability of the records of the Association shall be censured, suspended or expelled by the Board of Trustees, or by the Executive Committee, after notice and a hearing as hereinafter provided. Persons whose memberships have been declared forfeited and cancelled, and who are at the time owners of registered cattle may, in a proper case, at the discretion of the Board of Trustees or the Executive Committee, be permitted to transfer the cattle then standing in their names on the records of the Association, or to register and transfer the progeny of such cattle, within six (6) months after the date of the cancellation of their memberships and the forfeiture of their rights in the Association.

Any member holding or managing a public sale of Simmental cattle or consigning animals to or purchasing animals at such sale who willfully engages in any fraudulent or unethical practice in connection with such sale may be censured, suspended or expelled by the Board of Trustees or by the Executive Committee thereof after notice and a hearing as hereinafter provided.

The Board of Trustees shall have the power to define from time to time what constitutes such fraudulent and unethical practices.

F. Charges Against Members:

Upon information reflecting adversely upon the conduct of a member being presented to the Executive Vice President or other officer of the Association, the Executive Vice President may cause the same to be investigated per Board policy. If the Executive Vice President, with the written concurrence of any two members of the Executive Committee, or the Executive Committee, deems that the best interests of the Association require it, any and all rights and privileges of the member may be limited or suspended for a period of time which shall not exceed three (3) months unless written charges are preferred against the member as hereinafter provided.

Whenever, as a result of his investigation, the Executive Vice President, with the written concurrence of the Chairman or the Vice Chairman and another member of the Executive Committee, deems that the best interests of the Association require it, he shall file with the Executive Committee charges in writing against the member based upon the information and investigation. Upon such filing, the right of the member to transfer animals on the records of the Association shall be suspended pending the decision of the Executive Committee after the hearing of such charges in every case when the charges question the propriety of the registration or the reliability of the performance records of an animal owned by the member.

The Executive Vice President shall forthwith cause a copy of such charges, together with a written notice of the time and place of the hearing thereof before the Executive Committee, to be served upon said member by certified mail addressed to him at his last-known address as shown by the records of the Association not less than thirty (30) days prior to said hearing.

Such notice shall contain a statement of the purpose and scope of the hearing and of the action which said committee has power to take regarding his membership in the Association and shall further advise the member that he may appear in person or by counsel and produce witnesses, affidavits, documentary or other evidence.

In all matters referred to in this section, and in the conduct of any hearing, three (3) members of the Executive Committee shall be sufficient to constitute a quorum thereof.

#### G. Hearings:

At the hearing upon said charges, both the person preferring them and the member against whom they have been preferred shall have the right to be heard in person and by counsel and to produce whatever witnesses, affidavits, documentary or other evidence he may desire to produce. Oral testimony shall be recorded. At the close of said hearing or as soon thereafter as may be reasonably possible, the Executive Committee shall make its findings as to the truth or falsity of such charges and shall render its decision thereon, either censuring, suspending, expelling or placing on probation said member, or dismissing the charges, and upon dismissal of the charges restoring him to the privileges of membership in the Association in case he had been suspended from membership pending the hearing upon such charges. The decision of the Executive Committee shall be subject to an appeal to the Board of Trustees by either party or by any two (2) members of the Board itself, but unless the member against whom the charges were preferred or the person preferring the charges or two (2) members of the Board shall, within fifteen (15) days after written notice of the decision of the Executive Committee, file with the Executive Vice President a notice of appeal, the decision of the Executive Committee shall stand as the decision of the Board of Trustees and of the Association. If an appeal is taken from the decision of the Executive Committee, its decision shall remain in force until reversed or modified by the Board of Trustees.

1. If an appeal is taken to the Board of Trustees, the Executive Committee shall transmit to such Board the evidence presented to the Executive Committee and the proceedings had before it, together with its decision thereon. The Board of Trustees shall review the proceedings had before the Executive Committee, and the hearing upon said appeal and the decision of the Board of Trustees shall be based upon the evidence and proceedings taken before the Executive Committee. At the close of the hearing before the Board of Trustees, or as soon thereafter as may be reasonably possible, the Board shall render such decision upon said charges as right and justice require, either affirming, reversing or revising the decision of the Executive Committee with discretionary power in the Board to make the penalty imposed upon the member either more severe or less severe or ordering a rehearing of said charges, and shall file its decision with the Executive Vice President of the Association, and shall give notice thereof to the member involved and to the party preferring the charges.
2. When a member, because of his fraud, bad faith or moral turpitude relating to his records or otherwise affecting Simmental matters, has been denied privileges of the Association or has been censured, suspended or expelled from membership, written notice thereof shall be forwarded by certified mail to the last-known address of said member and a copy thereof filed with the Executive Vice President of the Association and the fact thereof and the offense committed shall be publicly announced through regularly-published media by the Executive Vice President in his annual report. As to the disciplinary action other than that set forth above, the announcement and publication thereof shall be within the discretion of the Executive Committee.
3. Neither the Board of Trustees, nor the Executive Committee, nor any of their members, nor any officer or employee of the Association, shall become liable for the decisions rendered, put into effect or published as provided for in the By Laws, nor for any action taken pertaining to the same.

#### H. Charges Against Nonmembers:

Any person, firm, corporation or association who is not a member of this Association, and who makes application for the registry or transfer of an animal, or who avails himself of any of the privileges of the Association, shall be deemed to have thereby subjected himself to the By Laws and Rules of the Association to the same extent as its members are subject thereto, including (but without limiting the generality of the foregoing) those provisions concerning the preferring of charges, the hearing thereon, the decision of the Executive Committee thereon, the appeal therefrom to the Board of Trustees and the public announcement of the offense committed and the penalty imposed – all as set forth in Subsection E to G inclusive of Section 2 of the By Laws of the Association.

In case any person or persons not a member of the Association is or shall be charged with fraud, misrepresentation or false or irregular application for the registration or transfer of animals, or with designedly making any false statement in reference to the breeding, ownership, performance or registration of animals, or with a violation of other rules or regulations of the Association, or in reference to any application for the registration or transfer of animals, or with unfair dealing in connection with Simmental cattle, or with the violation of the statutes of any state relating to the pedigree of, the registration of, or transfer of Simmental cattle, the Executive Vice President of the Association shall mail a notice in writing to such person or persons at his or their last-known post office address specifying the substance of the offense charged against said person or persons and requiring such person or persons to show cause before the Executive Committee, or a special committee that may be constituted for that purpose, why such person or persons should not be debarred from the privilege of registering or transferring cattle on the records of the Association. And if such person or persons do not appear before the Executive Committee or such special committee in response to said notice, or in case such person or persons do appear and do not show any sufficient or satisfactory cause or make a satisfactory explanation of the offense charged against said person or persons and it shall satisfactorily appear that said charges are sustained, said person or persons shall be denied all privileges in the Association, and in any case whenever in the judgment of the Executive Committee the best

interests of the Association require it, any person, firm, corporation or association not a member of the Association may be denied all the privileges of the Association pending the hearing upon said charges before the Executive Committee.

I. Neglect or Refusal to Sign Application for Registration or Transfer:

If an owner or breeder of an animal: (1) fails to implement a Court Order or judgment, (2) unreasonably refuses, (3) persistently neglects, or (4) cannot be located, to sign an application for registration or transfer, upon satisfactory evidence being submitted to the Executive Committee, they may, at their discretion, order the Executive Vice President to register or transfer the animal without the signature of the owner or breeder, or both.

J. Duty of Applicants:

It shall be the duty of persons availing themselves of the privileges of the Association to promptly answer all letters or inquiries of the Association, and action on all matters dealing with their relations with the Association shall be deferred until said letters and inquiries are fully answered.

K. Financial Obligations to the Association:

The Executive Vice President of the Association, with the approval of the Executive Committee, may deny privileges or suspend the status of any member or nonmember for failure to pay when due any obligation owed to the Association or its Subsidiaries or for rendering in payment a worthless check for any services, fees, or other charges provided by the Association or its Subsidiaries. Fifteen (15) days before such proposed denial or suspension is submitted to the Executive Committee, a written notice of the amount due, the nature of the charge and the intent to suspend or withhold shall be mailed to such member or nonmember. If the Executive Committee approves the suspension or denial of privileges the member or nonmember may appeal to the Board of Trustees pursuant to the procedure set forth in Subsection G. herein. The Association may publish the name of any member or nonmember so affected under this provision. Any suspension or denial of privileges under this section shall terminate upon receipt of the amount due by the Association or its Subsidiaries.

L. Denial of Privileges:

Whenever in his judgment the best interests of the Association require such action, the Executive Vice President may temporarily, and with the approval of the Executive Committee, permanently deny any of the privileges of the Association to any person, firm, corporation or association not a member of the Association.

In the interest of the members, the Executive Vice President shall, from time to time, cause to be published in regularly-published media a list of the names and addresses of those persons to whom a permanent denial of all the privileges of the Association was last approved by the Executive Committee within one (1) year prior to and still in effect at the time of such publication.

M. Limitation of Duty:

It shall not be the duty of this Association to enforce any contract or agreement between buyers and sellers other than the furnishing of proper certificates of registry and transfer of ownership, or of the breeding records relating to such cattle or their progeny.

N. Authorization:

Legal partnerships, corporations and individual memberships shall specify the primary membership representative and any additional membership representative(s) who shall be authorized to vote or act in the membership's behalf at any meeting of the Association or to sign registration and transfer applications. The primary membership representative shall be recognized as the authoritative person in all actions taken by that membership. Each membership will be assigned a user name and password to allow the membership to transact business with the Association electronically. The membership's username, password and primary email address will also serve as the authenticated electronic identification of the membership for the purposes of electronic voting

In the event a membership wishes to terminate or change the primary or additional membership representative(s), the primary membership representative must notify the Association of the termination or change.

Any signature required by the Rules or the Bylaws of the Association may be satisfied by either a signature in writing or an electronic signature as provided in the Montana Uniform Electronic Transactions Act or the Montana Nonprofit Corporation Act.

O. Transfer of Membership and Change of Name of Membership:

A membership is not transferable except as provided herein.

The name of membership may be changed one time without Executive Committee approval upon application and payment of the appropriate fee. Subsequent name changes may only be made with the approval of the Executive Committee, payment of the appropriate fee and presentation of evidence that there has been, in fact, no actual change of membership ownership.

Upon receipt of duplicate names in the membership file, both members involved will be notified, and if one expresses willingness to change his membership name, this will be done at no charge to the member. If the title of ownership is changed in accordance with the foregoing, it shall be necessary for the owner to have all cattle in his possession transferred upon the Association records to correspond to the new title of ownership of the membership.

In case of the death of the owner of the membership, the membership can be transferred to his legal heir.

To transfer from Associate or Junior membership to Active membership, the difference in membership fees must be paid.

**P. Availability of Records:**

The Executive Vice President, with approval by the Board of Trustees, may make available:

1. To Active ASA members an ASA membership list that may include a member's interest in a particular segment of the Simmental breed.
2. To an Active ASA member, who also is the registered owner of an animal, pedigree and performance information on record for that animal and its progeny.

Any Active member requesting this information will be required to pay a fee as determined by the Board of Trustees.

**Q. Security Interest:**

When an Active Member sells cattle registered in the ASA Herdbook and wishes to notify ASA of a security interest in those Certificates of Registration, the following procedures must be followed:

1. The seller must, at time of sale, request that the transferred Certificate(s) of Registration be returned to him.
2. A certified copy of the perfected lien instrument filed against the Certificate(s) of Registration must be filed with the ASA Office.
3. The proper fee must be paid.

The ASA is then authorized to notify the seller of any requests for transfer or duplicate copies of the Certificate(s) in question. Processing of the requested services will be delayed for thirty (30) days.

### **SECTION 3 Classification of Members**

- A. "Active Members" shall be owners or breeders of cattle who pay the membership fee. Active membership will apply to the estate of a deceased member for one (1) year after death. Only active members are entitled to vote and hold office.
- B. "Associate Members" shall be nonvoting members who may be interested in the advancement of the Association and have paid the proper membership fee. Associate members may not hold elective offices.
- C. "Honorary Members" shall be individuals who have made an outstanding contribution to the development of the Simmental breed of cattle. They are elected by the general membership of the Association, provided they have been recommended for such an appointment by a prior resolution of the Board of Trustees. Honorary members are not entitled to vote and may not hold elective offices.
- D. "Junior Members" shall be those twenty-one (21) years of age and under as of January 1 of the calendar year who have paid the prescribed fee. Junior Members are not entitled to vote or hold office in the Association. Membership shall be limited to the individual except in the case of schools, clubs, or other educational, youth-oriented, non-profit organizations which may qualify for special consideration. These exceptions will be reviewed by the Executive Committee for approval or denial upon receipt of the appropriate application and information.
- E. "Charter Members" shall be all who applied for and were accepted for membership prior to March 15, 1969.
- F. "Inactive Members" shall be members who have not registered or transferred at least one or more animals in a two-year period or have not paid their annual service fee. This type of membership will automatically be reinstated to active status upon the resumption of registering or transferring one or more animals and upon payment of the annual service fee. Inactive members shall be notified by letter of this status. Inactive status shall not apply to Junior Members.

## SECTION 4 Officers and Trustees

### A. Duties of Officers:

1. Chairman of the Board: The Chairman shall be the presiding officer at all Board or Association Meetings. He shall issue call for all Board Meetings. He shall carry on the business of the Association under the Constitution, the By Laws and the instructions of the Board of Trustees.
2. Vice Chairman: The Vice Chairman, if a member of the Board of Trustees in the year following the completion of the term of office of the Chairman of the Board, shall succeed him as Chairman of the Board. In the absence of the Chairman of the Board, or at his request, the Vice Chairman shall perform the duties of the Chairmanship.
3. Treasurer: Under the direction of the Board of Trustees, he shall oversee the financial affairs of the Association and shall perform such other duties as may be delegated to him by the Chairman or the Board of Trustees.
4. Executive Vice President:
  - a. Shall not be elected, but shall be employed by the Board of Trustees. He shall manage and administer the business affairs of the Association in accordance with the policy directives from the Board of Trustees as communicated to him by the Chairman. He shall be the official custodian of the seal and the records of the Association. He shall hire and discharge all other employees of the Association.
  - b. The Executive Vice President shall be a bonded managing and administrative officer of the Association. He shall act as the authorized representative of the Board of Trustees in conducting the business of the Association. He shall be responsible for all securities and monies of the Association and shall direct the keeping of proper books of account. He shall perform all such duties as may be directed by the Board of Trustees.

### B. Duties of Trustees:

1. The Board of Trustees shall have the power and authority to make, amend, repeal and enforce such rules and regulations not contrary to law or the Certificate of Incorporation or these By Laws as they may deem expedient concerning the conduct, management and activities of the Association, the fixing and collecting of dues and fees, regulations regarding registration, the expenditure of money, the auditing of books and records, the awarding of performance and progeny test awards and other details relating to the general purposes of the Association.
2. Trustees shall be nominated and elected by written or electronic ballot as authorized by the Montana Nonprofit Corporation Act according to the following plan. The United States shall be divided into four (4) geographical areas – the Eastern Area, the North Central Area, the South Central Area, and the Western Area; from these geographical areas shall be elected, annually, four (4) Trustees in accordance with paragraph 3 of this section. At no time shall more than two (2) members of the Board of Trustees reside in any one (1) state. In order to be elected or remain in office, the Trustee's primary residence must be located within the geographical area from which the Trustee was elected or seeks election.

In the event that more than two Trustees shall be elected from any one area in one year, the two Trustees receiving the highest number of votes shall serve three-year terms. Any other Trustees elected shall serve an initial two-year term.

At least one hundred twenty (120) days prior to the Annual Meeting, the Executive Vice President shall deliver to the Active members of each geographical area a notice of the Board's nomination for his area with a request that the members nominate additional nominees by mail, if they so desire. Such member nominations must be returned to the Chairman of the Tellers designated by the American Simmental Association no later than ninety (90) days prior to the Annual Meeting in order to be counted. In order that any additional nominee be eligible to be placed on the election ballot, he or she must receive at least ten (10) write-in nominations. The nominee receiving the most nominations from the members shall be contacted by the Executive Vice President, informed of his or her nomination and placed upon the election ballot. Should this nominee elect not to be placed upon the ballot, he or she shall inform the Executive Vice President of his decision at that time. The nominee receiving the next highest number of nomination votes shall then be contacted in the same manner as set forth herein with the same right of withdrawal; however, in the event that four (4) eligible nominees in each area who received the highest number of write-in nominations elect not to be candidates, there will be no additional nominees on the ballot and the name of the Board of Trustees' nominee(s) will be declared elected by acclamation, and no election ballots will be delivered in that area.

A tie vote will be broken by the chairman of the tellers drawing one (1) of the names from the lot and the name so drawn shall be declared the nominee.

No less than sixty (60) days prior to the Annual Meeting, the Executive Vice President shall deliver ballots to each Active member in each geographical area. This ballot shall include the Trustee nominees of the Board with an equivalent number which were nominated by the members. All written ballots must be returned to the Chairman of the Tellers designated by the American Simmental Association not less than thirty (30) days prior to the Annual Meeting in order to be valid and counted.

The nominees receiving the most membership votes for the places to be filled in each geographical area shall be elected and shall be installed at the ensuing membership meeting. A tie vote will be broken by the chairman of the tellers drawing one (1) of the names from the lot and the name so drawn shall be declared the Trustee. The Executive Vice President shall canvass these returns, and any appeal from his decision shall be directed to the Board of Trustees.

The Eastern Area shall comprise the states of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, New York, Pennsylvania, Ohio, Michigan, Maryland, New Jersey, Kentucky, Virginia, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Florida, Rhode Island, Delaware, West Virginia and Indiana. Active ASA members who reside in the Canadian provinces of Quebec, Prince Edward Island, Newfoundland, Nova Scotia and New Brunswick shall vote in the Eastern area.

The North Central Area shall comprise the states of North Dakota, South Dakota, Minnesota, Wisconsin, Nebraska, Iowa, Illinois and Kansas. Active ASA members who reside in the Canadian provinces of Saskatchewan, Manitoba, Ontario and the Northwest Territory shall vote in the North Central area.

The South Central Area shall comprise the states of Missouri, Oklahoma, Arkansas, Louisiana and Texas. Active ASA members who reside in Mexico shall vote in the South Central area.

The Western Area shall comprise the states of Hawaii, Alaska, Washington, Montana, Oregon, Idaho, Wyoming, California, Nevada, Utah, Colorado, Arizona and New Mexico. Active ASA members who reside in the Canadian provinces of British Columbia, Alberta and the Yukon Territory shall vote in the Western area.

3. The Board of Trustees shall consist of sixteen (16) members, whose terms of office shall be three (3) years unless otherwise provided in this section. Each Trustee shall be limited to two (2) consecutive elected terms. He shall be again eligible for reelection after one (1) year's absence.
4. In case of any vacancies on the Board of Trustees due to death, resignation or disqualification ("Disqualified Trustee"), the remaining Trustees, by affirmative vote of a majority thereof, may elect a Temporary Successor to the Disqualified Trustee who will serve until the next regularly scheduled trustee election. At the next regularly scheduled trustee election, the membership in the appropriate geographical area shall elect a Successor Trustee to fulfill the remaining term of the Disqualified Trustee. Election as a Temporary Successor or Successor Trustee shall not count as one of the two successive elected terms identified in Bylaw 4.B.(3). If a Trustee shall be absent, except for good cause as determined by the remaining Board of Trustees, from two (2) consecutive meetings of the Board of Trustees, the Board of Trustees may in its discretion, declare the absent Trustee a Disqualified Trustee and a successor shall be elected as identified above.
5. The Trustees shall elect from among their own number a Chairman, Vice Chairman and Treasurer whose term of office shall be for one (1) year. This election shall be held at the Board of Trustees' meeting immediately prior to the Annual Membership Meeting. Officers may succeed themselves only once. Said officers are to be elected and introduced to members at the Annual Meeting. For the purposes of Section 4, the term "year" refers to the period of time between consecutive Annual Membership Meetings.
6. Past Chairmen shall be members of the Board of Trustees for the year succeeding their term as Chairman. Past Chairmen then become nonvoting honorary Trustees for life.

C. Indemnification:

1. Each person who shall serve as a Trustee or Officer of the Association shall be indemnified by the Association against all costs and expenses incurred by or imposed upon him, in connection with or resulting from any action, suit or proceeding to which he is, or may be made a party, by reason of his being or having been a Trustee or Officer of the Association.
2. Such indemnification shall include settlements made in amounts approved by the Board of Trustees at the time such settlement is effected, whether or not such person is a Trustee or Officer at the time such costs are incurred by or imposed upon him.
3. Except, the indemnification shall not apply where he shall be finally adjudged to be liable by reason of having been negligent or guilty of misconduct or otherwise derelict in the performance of his duty as an Officer or Trustee. The rights of indemnification herein provided shall not be exclusive of other rights to which such person may be entitled as a matter of law.

## **SECTION 5**

### **Committees**

A. Appointment, Composition and Duties:

The Association shall have the following standing committees appointed by the Chairman of the Board, and in addition, such other committees as may be appointed from time to time. Each committee shall consist of a Chairman and as many members as shall be considered necessary. Each committee, through its Chairman, shall report verbally or in writing to each meeting of the Board of Trustees, and annually to the Annual Membership Meeting.

1. Executive Committee. This committee shall consist of the Chairman of the Board, Vice Chairman and Treasurer, and two other Trustees to be elected by the Board of Trustees, with the Chairman as Chairman. It shall be their duty to conduct the affairs of the Association between Trustees' meetings and to carry out the instructions of the Board of Trustees. This committee shall have the power to interpret all Rules and By Laws and shall have further power as set forth in the By Laws. In addition, the Executive Committee shall serve in the role of personnel committee and planning committee. As the personnel committee, they shall be responsible for the employment of the Chief Executive Officer of the Association and all matters pertaining to the conditions of employment, subject to approval by the Board of Trustees. The long-range planning function will be carried out with this committee as a nucleus, plus other members or nonmembers, as may be appropriate. The Board of Trustees must approve all recommendations from this committee relative to the planning process.
2. Activities and Events Committee. It shall be the duty of this committee to review and recommend to the Board any new Association activities and events or changes to existing programs. An Association program is defined as any event that is sponsored in whole or in part by the Association in terms of financial support, staff time and effort, or the use of the Association name. It shall include, but not be limited to, such items as sales, contests, programs and membership in other organizations.
3. Policy and Procedure Committee. This committee shall be responsible for the aspects of Association life that require an interpretation of policy or procedural questions or the formulation of proposals that will have a bearing on the membership of this Association. Recommendations will be made to the Board of Trustees unless an interpretation of the Rules and By Laws is involved in which event it shall be deferred to the Executive Committee and to the Board of Trustees.
4. Breed Improvement Committee. All activities which would have a bearing on the improvement of the breed will be the responsibility of this committee. Performance guidelines, research, genetic monitoring, DNA analysis, and regulations for new technology, are examples.
5. Growth and Development Committee. This committee shall review and recommend to the Board of Trustees new programs or activities which will foster and promote the continued growth and development of the breed and the Association. Functions such as promotion, public relations, member relations, advertising, and the role of the Association within the beef industry will be addressed by this committee.
6. Nominating Committee. The Vice Chairman shall serve as Chairman. One Trustee from each of the four areas will be appointed to complete the Committee. A minimum of two (2) persons for each vacancy on the Board will be presented for consideration as Board nominees. The Board shall then select a nominee whose name shall be placed on the nominating ballot.
7. Simbrah Committee. The objectives of this Committee are to review policy, rules, regulations, activities, promotional methods and materials which pertain to the Simbrah breed and to make recommendations to the ASA Board of Trustees.
8. Finance Committee. This committee shall consist of five members of the Board of Trustees of which no more than three can be currently sitting on the Executive Committee. This committee shall monitor the investment program of the association on a periodic basis, review the income and expense reports monthly, prepare and submit to the Board of Trustees for approval an annual operating budget, and review proposed capital expenditures for approval or recommendation to the Board.

## **SECTION 6**

### **Meetings**

#### **A. Membership Meetings:**

1. An Annual Membership Meeting shall be held once in every fiscal year with a maximum time of eighteen (18) months between meetings. The time and place shall be designated by the Board of Trustees. The Association will provide notice of the Annual Membership Meeting to all Active members at least thirty (30) days prior to such meeting. Special business shall be mentioned in the notice of the meeting.
2. A quorum for an Annual Membership Meeting shall consist of the Active members, in good standing, present.
3. Standard parliamentary procedure will be followed at all meetings of the Association membership and at all meetings of the Board of Trustees.
4. Special Membership Meetings may be held at the discretion of the Board of Trustees. The Association will provide notice of any Special Membership Meeting to all members at least thirty (30) days prior to the meeting date. The special business shall be mentioned in the notice of the meeting and no other business shall be transacted.

5. Only Active Members who are in good standing and whose memberships are paid up are entitled to vote at any Association meeting.
6. Active members may also vote for proposed amendments to the Rules and ByLaws in person, by mail or by electronic ballot. The proposed amendments shall be delivered to every active member as follows:

a. Mailing: The proposed amendments shall be mailed to the member with the words “Yes” and “No” printed underneath with directions to return in an enclosed envelope, upon which will be printed the words “Ballot for Amendment.” The envelope shall have the signature of the voter and his ASA number on it and be sealed and enclosed in another envelope addressed to the Chairman of the Tellers as designated by the American Simmental Association. The envelopes must be received in the Teller’s office no less than ten (10) days prior to the date of the annual meeting; or

b. Electronic Ballot: If a member consents to the receipt of an electronic ballot, the proposed amendments shall be delivered to the member utilizing the member’s authenticated electronic identification in a manner which allows the member to vote “Yes” or “No” and which will create an electronic or digital record of the member’s vote.

Amendments to the proposed ByLaw or Rule amendment from the floor not changing the intent (e.g. grammar, spelling, etc.) or a motion to table may be voted on by those Active Members present at the Annual Meeting but will require a two-thirds vote for passage.

B. Board of Trustees’ Meetings:

1. A regular meeting of the Board of Trustees shall be held each year in conjunction with and at the same place as the Annual Membership Meeting. Notice of the Membership Meeting shall contain a notice of the Trustee meeting.
2. In addition to the meeting provided for in paragraph 1. above, the Trustees shall meet annually at a time and place to be selected by the Board of Trustees, which meeting shall occur approximately six (6) months prior to the next Membership Meeting.
3. Special meetings of the Board of Trustees may be held on call of the Chairman of the Board by giving ten (10) days notice in writing of the time, place and purpose.
4. A majority of Trustees shall constitute a quorum at any Trustees’ meeting.

## **SECTION 7 Amendments**

A. By Laws Amendments:

The By Laws of the Association may be amended by an affirmative three-fourths ( $\frac{3}{4}$ ) of the active members voting at any Annual Membership Meeting. Notice of all proposed amendments from members must be made in writing to the Executive Vice President in the form of a petition and must contain the signatures of two percent (2%) of Active Members as of the start of ASA’s current fiscal year. The petition must be in the American Simmental Association office at least one hundred (100) days prior to any membership meeting. The Board of Trustees may also suggest By Law amendments; however, any proposed amendment must be included in the notice calling the meeting.

B. Rules Amendments:

The Board of Trustees shall have the power to amend the Rules of this organization by a majority vote of the Trustees with three-fourths ( $\frac{3}{4}$ ) of the Trustees present.

1. Any amendments to the Rules by the Board of Trustees shall become effective immediately.
2. Any such action of this Board must be subject to the approval of the Active membership voting at the next regular Annual Membership Meeting.

## **SECTION 8 State Associations**

- A. State organizations of the members of the American Simmental Association may be approved by the Board of Trustees for the purpose of engaging in local activities for the promotion of the Simmental breed of cattle.
- B. Members of the American Simmental Association desiring to have a state Simmental organization shall submit to the American Simmental Association Trustees in writing an application for charter, accompanied by:
  1. Articles of Incorporation.
  2. Rules and By Laws.

3. Names of Directors and Officers.
  4. A list of members.
  5. A statement of the plan of organization and proposed activities of the state association.
- C. State Simmental Associations shall be confined solely to their own state interests and shall in no way conflict with the aims and objectives of the American Simmental Association.
- D. No more than one (1) state Simmental association will be recognized in any state without authorization of the American Simmental Association Board of Trustees.

## **SECTION 9**

### **Genetic Abnormalities**

- A. The ASA office shall receive, keep on file and monitor information which might affect a breeding animal's use or value in a manner defined by the Board of Trustees. The ASA Board of Trustees shall determine those deleterious genetic factors that are considered undesirable. The Board shall further formulate a system of classification of animals based on specified testing procedures.
- B. The Association, without it or any of its officers or members becoming liable in damages therefore, may release or publish in the National Simmental Sire Summary and/or any other official ASA publication such information as it pertains to any Simmental animal or animals.

## **RULES**

### **AMERICAN SIMMENTAL ASSOCIATION**

**19 January 2019**

#### **RULE I**

#### **Simmental Registry**

A. General:

The Association shall maintain a complete set of records known as the Simmental Registry pertaining to the registration of purebred Simmental and Simmental-cross cattle. The source information relating to these records will be maintained for a reasonable period of time as determined by the Board of Trustees.

1. Purebred and Simmental-Cross Registry: The Executive Vice President shall cause to be kept and preserved in the office of the Association a full and complete record known as the American Simmental Association Registry, hereinafter referred to as ASA Registry, containing a record of:
  - a. Permanent private herd number (brand/tattoo and location), sex, breeder, date of birth, owner, sire and dam of every purebred Simmental and likewise the private herd number (brand/tattoo and location), sex, breeder, date of birth, owner, sire and dam (including their breeding) of every Simmental-cross animal accepted for entry in said American Simmental Association Purebred Registry and Simmental-Cross Registry in accordance with the rules and regulations governing entries herein; and
  - b. All subsequent transfers of ownership of animals so registered.
2. Foreign Simmental from countries recognized by the World Simmental Federation are eligible for entry into the ASA Herdbook if (1) the animal is registered with a breed association herdbook in the foreign country; (2) a copy of the registration certificate from the foreign country is filed with the ASA office; and (3) the party requesting registration completes and signs an application form furnished by the ASA.
3. Foreign Simmental from countries not yet recognized by the World Simmental Federation are eligible for entry into the ASA Herdbook if (1) the animal is registered with a breed association herdbook in the foreign country; (2) a copy of the registration certificate from the foreign country is filed with the ASA office; (3) the party requesting registration completes and signs an application form furnished by the ASA; and (4) the ASA Board of Trustees has recognized the breed association herdbook in which the registration certificate is issued.

A foreign Simmental is defined as any registered Simmental whose parents are not registered in the American Simmental Association Registry.

B. Animals with Foreign Ancestry:

Certificates of Registration may be issued that identify an animal whose parentage traces only to foreign ancestry.

1. When a mating occurs between two animals whose parentage originates solely from qualified foreign registry, the resulting offspring shall be eligible for the designation of Fullblood.
2. Only animals whose ancestors originate from the herdbooks of countries recognized by the World Simmental Federation are eligible for this designation. Satisfactory evidence that the animal has no known ancestry of another breed must be provided to the American Simmental Association prior to registration. (All existing Herdbook entries in the ASA Registry that currently are designated as Fullblood shall retain that status.)
3. Upon payment of the appropriate fee, a breeder may request a pedigree search for animals which enter the ASA Herdbook from any herdbook other than those noted above to determine if the animal in question qualified for the designation of Fullblood.

## RULE II Standards for Registration

### A. Eligibility for registration of American Simmental (Purebred):

American Simmental registration shall extend to and be available to all females and males having not less than seven-eighths (7/8) Simmental blood provided that:

- 1) The sire and dam are registered.
- 2) Proof of origin satisfactory to the Board of Trustees must be furnished for imported Simmental when no herdbook exists in the exporting country.
- 3) Sufficient proof of parentage shall be filed with the American Simmental Association office on all American Simmentals resulting from embryo transplants.

### B. Eligibility for Registration of American SimGenetics (Simmental-cross) and Foundation Cattle:

- 1) To be eligible for registration, an animal must be the progeny of a registered ASA sire and a registered ASA dam with the exception of American SimGenetic animals that have one-half (1/2) or less Simmental blood where either parent must be an ASA-registered American Simmental or American SimGenetic animal.
- 2) American SimGenetic animals produced by sires from another breed are only eligible for registration if the sire is registered as a foundation animal or the SimGenetic animal is a steer at the time of registration. The dam from another breed producing an American SimGenetic animal may be registered as a foundation animal. A copy of the registration certificate from an ASA-recognized breed association, along with an application form and the proper registration fee, must be submitted to ASA before the sire or dam will be eligible for registration as a foundation animal.
- 3) American Simmental and American SimGenetics' Percentage Chart:

Parents	0	FND	1/8	1/4	3/8	1/2	5/8	3/4	pb
0	0	0	0	1/8	1/4	1/4	3/8	3/8	1/2
FND	0	FND	FND	1/8	1/4	1/4	3/8	3/8	1/2
1/8	0	FND	1/8	1/4	1/4	3/8	3/8	1/2	1/2
1/4	1/8	1/8	1/4	1/4	3/8	3/8	1/2	1/2	5/8
3/8	1/4	1/4	1/4	3/8	3/8	1/2	1/2	5/8	5/8
1/2	1/4	1/4	3/8	3/8	1/2	1/2	5/8	5/8	3/4
5/8	3/8	3/8	3/8	1/2	1/2	5/8	5/8	5/8	3/4
3/4	3/8	3/8	1/2	1/2	5/8	5/8	5/8	3/4	pb
pb	1/2	1/2	1/2	5/8	5/8	3/4	3/4	pb	pb

### C. Multiple Sires:

The American Simmental Association does not routinely recognize the use of multiple sires. If multiple sires are used, the resulting progeny cannot be registered except as noted below. A multiple sire mating is defined as any mating in which the cow was bred in the same heat period to two (2) or more bulls, whether it be artificial or natural, including mixing or blending of semen from two (2) or more sires.

Exceptions to the above restriction can be made for breeding programs where:

1. Cows are to be exposed or bred to multiple sires and DNA will be used to identify the sires of resulting calves. In these instances, the following rules will apply:
  - a. Prior to breeding, a notice of intent and accompanying fee must be submitted to ASA listing the sires intended for use in the breeding program.
  - b. A blood sample or other approved sample must be submitted to ASA's approved lab on each bull that is used, at applicant's expense, to extract DNA

- c. A DNA analysis must be done on each calf to determine the sire. A calf cannot be registered until an unique sire is identified.
- d. If a sire of a calf cannot be uniquely identified, further testing will be required at the applicant's expense.

D. Artificial Insemination and Embryo Transplant:

1. Artificial Insemination:

- a. Registration will be accomplished under the same requirements whether the animal to be registered is the result of artificial or natural breeding. A breeder does not have to own any interest in the bull in order to register his progeny.
- b. A blood-type or DNA type record of all sires used in artificial insemination must be on file with the American Simmental Association.

2. Embryo Transfer:

- a. All embryo transfer calves produced from a flush collected after December 31, 1999, and being registered by someone other than the breeder (owner or lessee of the donor at the time of the flush) must be parentage verified through an ASA-approved laboratory at owner's expense.

3. Registration of Clones:

- a. General Definition of a Clone. A clone is a genetic copy of an existing genotype arising from (a) splitting a fertilized egg; or (b) the fusion of a donor animal's cell nucleus with a recipient oocyte (unfertilized egg). Clones transmit nearly identical genetic value to their offspring as compared with the original animal.
- b. Eligibility for Registration.
  1. Only clones created via replication of cells shall be eligible for registration. Genetically modified animals shall not be eligible. A clone must meet all other applicable ASA standards for registrations.
  2. Clones may be created from fertilized eggs, cells from live animals or cells from deceased animals.
  3. The original animal or embryo must be DNA tested and registered with the ASA.
  4. A clone must be DNA typed to the original animal or embryo in the manner determined by the ASA to be eligible for registration.
- c. Identification of Breeder. The breeder of the cell-donor animal or embryo will be identified as the breeder of the cloned offspring.
- d. Identification of Owner. For clones obtained via nuclear transfer, the owner of record of the original animal, on the date of cloning, will be designated as the first owner of the clone. For clones obtained via the division of a fertilized egg, the owner of the divided embryo will be designated as the first owner of the clone.
- e. Registration.
  1. The first owner will be responsible for the registration and DNA verification of the original animal and clone.
  2. Registration of clones shall be made on a special application for registration and the owner must designate that the animal is a clone. All cloned animals will be charged regular registration and transfer fees plus an additional fee as determined by the Board of Trustees.
  3. Registration certificates for clones shall be so designated. The registration number of the original animal shall also be identified on the registration certificate.
  4. The registered name of individual clones must include the cell-cloned family name.
  5. All other standard registration requirements must be met.
- f. Retained Genetic Material. Nothing set forth herein should be construed as an indication that the ASA takes any position as to the ownership rights, if any, of retained cell material. That is a separate matter reserved for discussion or negotiation between the buyer and seller.

E. Performance Testing Records and Reporting:

The American Simmental Association subscribes to the standards established by the Beef Improvement Federation for uniform performance-testing programs. These standards are in effect except when specific deviations have been approved by the Board of Trustees. The Association reserves the right to determine the style, format, character and composition of performance records to be used for processing of member herd records and the subsequent reporting of this information in

either herd records or for breed-wide evaluation purposes. Specific details regarding the BIF standards, ASA procedures, calculation methods, reporting or other information can be obtained from the Association Headquarters.

1. Applications for registration of animals must be typed or printed in ink (blue or black) on forms obtained from the Association, and must give:
  - a. The name of the animal (see Rule II, H. Names of Animals).
  - b. The sex of the animal, color and horned/poled status.
  - c. The date of birth: month, day, year.
  - d. The permanent individual private herd number (brand or tattoo) and location. All private herd numbers (brand or tattoo) shall include the International Year/Letter Designation.
  - e. Breeders wishing to use herd letters in conjunction with a brand or tattoo or in the name of an animal must first get approval from and register their herd letters with the Association.

**NOTE:**

**Due to the ASA processing edits, there can be NO duplicate cow identification number, NO duplicate calf identification numbers, and NO duplicate cow-calf identification numbers (brand or tattoo) in a herd in any given year.**

- f. The ASA number of the sire, or, if not registered, his individual private herd number.
  - g. The ASA number of the dam, or, if not registered, her individual private herd number.
  - h. The signature of the owner of the animal at the time of registering verifies that all the data on the applications are true and valid to the best of his knowledge. Only the owner of a registered female can register her calves unless the calf is not of registrable age when sold. The owner will then furnish the purchaser with a duly filled out and signed application for registration. (See Transfer Section, Rule III, Transfer of Animals, D., E., F., G., H., I.)
  - i. The signature of the breeder. The breeder is the owner or lessee of the dam at the time the dam was served.
  - j. Leasing of females. If a Simmental female is leased for breeding purposes, both the lessor and lessee shall sign and submit the required information on forms available from the Association. The effective initiation and termination dates must be included on the form at the time it is submitted. The lessee shall be considered the breeder of any calves which result from breeding that takes place on a leased cow during the time periods covered by the lease. A lease recordation fee will be charged to the lessor when the form is submitted.
  - k. The percentage of Simmental blood contained therein. (See Rule II, B., 1 through 4).
    1. The percentage and name of other breeds contained therein.
2. Application forms described hereinabove will be available from the Association office. No registrations can be processed except upon one of these forms.
  3. The American Simmental Association may accept all individual animal, herd, pedigree and within-herd performance data by means of disks, tapes, keypunch cards or other computerized methods if the applicant signs a required computer agreement form available from the American Simmental Association.
  4. Cattle owned by any corporation, partnership or firm can be registered only in the name of the membership as issued.

**CAUTION:**

**The Association recommends that all blank spaces be crossed out on applications for registration so that additional animals cannot be added.**

**F. Deceased or Commercial Registered Animals:**

Upon the death or sale for commercial purposes of a registered Simmental animal, it is the responsibility of the owner to report the deceased or commercial animal to the ASA office and return the registration certificate for nullification. Upon nullification, the certificate will be returned to the owner if he so requests.

**G. Multiple Births:**

When applying for registration of twins, or one member of twins, the animal must be coded as twin and the sex of the other twin must be given. Unless this is done, no application for registration of the other twin will be accepted. The word "Twin" or multiple birth status should appear on each pedigree, with the exception of a female born twin to a bull when "Twin to a Bull" will appear on each pedigree.

#### H. Names of Animals:

1. The names of animals being registered shall not be more than thirty (30) letters, numbers and/or spaces. This also includes prefixes and dashes or slashes.
2. Names of imported animals shall be the same as shown on the certificate of registry from the country of origin.
3. The non-prefix portion of the name of a registered animal may be changed upon application provided that the ASA Registration Certificate is returned, the name desired is not already in use, and the appropriate fee is paid. An increased fee will be charged for an animal over 24 months (see fee schedule). The prefix portion of an animals' name may not be changed.
4. An unnamed animal may be named upon written application to the Executive Vice President, provided that the ASA registration certificate is returned, the name desired is not already in use and the correction fee is paid.

#### I. Horned — Polled — Scurred:

If a calf is reported to be polled or scurred when both parents are recorded as horned, a valid certificate will be issued with a statement which says, "Either this calf is not genetically polled, or a polled parent has been incorrectly reported as horned, or a rare mutation has occurred." The breeder or owner will then be given an opportunity to recheck his animal, or its parents, and upon advising the ASA office in writing that the animal is indeed polled and returning the incorrect certificate, a new certificate will be issued without the message and the pedigree information will be revised for the standard correction fee.

##### **NOTE:**

**"Horned" is defined as an animal with a horn growth affixed to the skull that has or has not been removed.**

**"Polled/Scurred" is defined as an animal with rudimentary horn growth that will not develop into a horn.**

**The rudimentary horn growth may or may not become firmly attached to the skull at an older age.**

**"Polled" is defined as an animal with absence of horn growth. (An animal can have scurs and still be genetically polled).**

**"Smooth Polled" is defined as an animal which has no scurs and does not develop scurs later in its life.**

#### J. Breeder's Records:

It shall be the duty of each member or other person registering cattle in the Simmental Herdbook to keep accurately, on all service-age females in the herd that are registered or eligible for registry, a complete and consecutive record showing date(s) of service or insemination, name and registration number of animal served or inseminated, name and ASA number of sire used, date of calving, sex and identification of offspring.

#### K. Correction of Certificates:

When new certificates are received from the Association, they should be checked immediately to determine if correct. If an error is found or correction found necessary, it should be returned to the Association office for correction. If the error is that of the applicant, the applicant will pay the correction fee. If the error was caused by the ASA office, the correction will be made at no charge. Any writing on the certificate not made in the Association office will invalidate the certificate and necessitate the issuance of a duplicate at a cost to the holder at the regular fee.

No alterations of any kind should be made on a certificate except in the Association office because it will not then conform to the copy kept on file by the Association.

#### L. Duplicate/Copy Certificates:

A duplicate certificate can be obtained by the owner of record submitting a written request stating that such certificate has been lost or destroyed and that, if and when such papers are found, they will become the property of the ASA and be immediately returned to the Association office.

Special forms for securing duplicate certificates may be obtained from the Association office upon request. The regular correction charge will be made and the word "duplicate" will be printed on the certificate.

Photostatic copies of original certificates may be obtained from the Association upon request. A charge will be made per the current fee schedule and the words "copy – not negotiable" will be printed on the reproduction.

**NOTE:**

**“Duplicate” is defined as a reproduction of an original registration certificate reissued by the ASA. A “Duplicate” is negotiable.**

**“Copy” is defined as a photostatic reproduction of an original registration certificate. A “Copy” is not negotiable.**

**M. DNA Analysis and Expunging Records:**

1. If, after registry of an animal in the Herdbook, anything shall be learned which raises a doubt as to the propriety of such registration, the Executive Vice President may cause the matter to be investigated and he shall have power to suspend such registration pending said investigation. If, upon due hearing by the Executive Committee, it shall be found that an animal has been improperly registered, they shall cause the registry to be expunged and take such other steps or measures as the nature of the case in their judgment may require, subject, however, to an appeal to the Board of Trustees either by the owner of said animal or by any person financially interested in maintaining its registry or by any two (2) members of the Board itself under appeal procedure similar to that provided in Subsection G of Section 2 of the By Laws.
2. The Executive Vice President may, with cause, investigate or cause to be investigated, examined, identified or DNA typed, any animal or herd of registered Simmental cattle and may examine the breeding and herd records maintained for the purpose of verifying the applications and records on file in his office or for the purpose of investigating other matters in which the Association may be interested.
3. Where parentage is questioned by the ASA, DNA typing will be required and the Association will stand the cost. In other cases, the breeder will pay the DNA typing fee. (An example would be a bull for use for artificial insemination.) DNA typing must be processed at a DNA laboratory approved by the American Simmental Association Board of Trustees.
4. ASA may initiate a program of DNA typing on a random sampling basis from a specified number of animals registered each year. The number to be sampled will be determined by the ASA Board of Trustees.
5. All sires used in an embryo transfer program or whose semen is frozen for the first time for A.I. use and any donor dams placed in embryo transfer for the first time, must be DNA typed at owner's expense. The results must be filed with the Association prior to the distribution of semen or the performing of any embryo transplant procedures.
6. Any DNA sample from an animal registered in the ASA Herdbook that is received by the ASA approved Serology Lab may be checked at that time for parentage verification if the records for one or both parents are on file.

**N. Genetic Testing:**

1. The ASA Board of Trustees reserves the right to require genetic testing on any animal through an ASA-approved laboratory at the owner's expense.

**RULE III  
Transfer of Animals**

**A. Application for Transfer:**

Applications for transfer shall be signed by the seller and submitted to the Association for processing. Every application for transfer of an animal shall be taken as a guarantee of the owner that the animal is as represented and that all matters stated in the application are true.

Sale Managers are authorized to sign transfers (not registration applications) as the agent for the owner if they print the owner's name on the transferor's line, print the sale management firm, sign the transfer personally and list the sale involved with the date.

**B.** The transfer application must give the printed name and address of the new owner and date of sale.

**C.** The transfer application will be a part of the registration certificate.

**D. Application for Transfer of a Registered Female:**

The application must include whether animal is bred or open. If bred, the application must contain the service dates, ASA number of the sire and the dates of any pasture exposure. This data will allow the new owner to register the resulting progeny in his name and will list the seller as the breeder.

**E. Application for Transfer of a Registered Female with Calf at Side:**

The application must include the calf's birth date, permanent ID. number (brand/tattoo and location), sex and the sire's ASA number. The application must also state whether the female is open or bred back. If bred, applications must contain information in Rule III, D. This data will allow the calf to be registered to the seller and then transferred to the buyer. If the pair is split prior to the calf being registered, the identity of the buyer of the calf must be provided to the ASA so that the calf can be registered to the seller and transferred to the buyer.

F. Application for Transfer of a Registered Female with Calf at Side which is of Registrable Age:

The breeding data on the cow must be completed as set forth in Rule III, D., and the calf at side registered by the seller and transferred to the new owner.

G. An application for transfer must specify to whom the registration certificate is to be sent after transfer is properly recorded in the Association. If not specified, the transferred certificate will be sent to the buyer.

A transfer of registration entered on an application or certificate of registration or on the records of the Association shall not be construed as the conveyance of legal title by the Association. The Association shall in no way be involved in or assume liability for the purchase, sale or terms of a sale of registered animals or the passage of legal title thereto.

H. Duty of Seller on Transfer and Fees:

In case of a change of ownership, it shall be the duty of the record owner of an animal to file with the Association the necessary application for the transfer and pay the transfer fee.

I. Leasing of Females: (See Rule II, E., 1. j.)

## **RULE IV Breed Promotion**

In breed promotion, the American Simmental Association will place emphasis on performance for production and profitability.

## **RULE V Fees**

The American Simmental Association Board of Trustees sets all fees and the terms and conditions for payment of all fees and other charges.

**NOTE:**

**A schedule of current fees may be obtained by contacting the ASA office.**

## **RULE VI Erroneous Entry**

- A. Should any animal be admitted to entry or transferred through error, misrepresentation or fraud, the Executive Committee on discovery of same shall declare the entry or transfer void, together with any entries that may have been made of descendants of such animal. When an animal shall have been transferred or entered through misrepresentation or fraud, the Executive Committee may direct the Executive Vice President to refuse for record any subsequent entry or transfer dependent upon the signature of any person implicated in such fraudulent entry or transfer.
- B. Notwithstanding anything herein contained, the Association assumes no responsibility, financial or otherwise, for any loss or damage that may be sustained by any individual, partnership, firm or corporation by reason of the suspension, cancellation or correction of any registration, transfer or other documents or by reason of the rejection of any application for membership in the Association.

## **RULE VII National Simmental/Simbrah Summaries**

The American Simmental Association may publish summaries of all animals in the Simmental/Simbrah registry including their performance records and ownership and the performance records of their progeny. The summaries shall be made available pursuant to conditions set by the Board of Trustees.

**RULE VIII**  
**Simbrah Registry**

A. General:

The Association shall maintain a complete set of records known as the Simbrah Registry pertaining to the registration of purebred Simbrah and Simbrah-cross cattle. The source information relating to these records will be maintained for a reasonable period of time as determined by the Board of Trustees.

1. The Executive Vice President shall cause to be kept and preserved in the office of the Association a full and complete record of cattle known as Simbrah as a part of the ASA Registry. The same requirements apply for this record as for Simmental under Rules I through VII with the exceptions spelled out in Rule VIII. The Simbrah Registry shall contain a record of:
  - a. Permanent private herd number (brand/tattoo and location), sex, breeder, date of birth, owner, sire and dam (including their breeding), and within-herd performance records of every Simbrah animal accepted for entry in said ASA Registry in accordance with the rules and regulations governing entries herein; and
  - b. All subsequent transfers of ownership of animals so registered.
2. All ASA Active, Associate and Nonmembers are eligible to register Simbrah cattle.

B. Standard for Registration Eligibility:

1. Simbrah registration requirements are the same for the performance testing measurements and pedigree information as is necessary for all Simmental registrations.
2. ASA does not recognize the use of multiple sires except under the exceptions noted in the previously-stated Rule on Multiple Sires. (see Rule II, C).
3. The registration of cattle resulting from Simmental-Simmental cross and Brahman-Brahman cross parents shall extend to and be available to male and female cattle having not less than one-eighth (1/8) Simmental blood and one-eighth (1/8) Brahman (or equivalent) blood and not over three-eighths (3/8) maximum of other breeds. When calculating the percentage of breeds, the Simmental percentage will be determined using the SimGenetics Percentage chart (Rule II, B, 3) using the Simmental percentage of the ASA registered parents. The percentage Brahman and the percentage other breeds will be determined by averaging the breed percentages of the animal's sire and dam rounded to the nearest 1/8. Multiple breeds with percentages below one-eighth (1/8) will be combined and listed as "mixed".

**NOTE:**

**To qualify for the Simbrah Registry an animal must have a combination of Simmental and Brahman blood not less than five-eighths (5/8) and not more than three-eighths (3/8) other breeds.**

a. Purebred Simbrah:

A purebred Simbrah is a Simbrah that results from a mating of an ASA-registered male to an ASA-registered female so that the percentage of Simmental is five-eighths (5/8) and the percentage of Brahman is three-eighths (3/8).

b. Brahman Qualifications:

The following percentage of indigenous tropical breeds will be used for calculation purposes in the Simbrah Registry unless otherwise specified by the Board of Trustees:

Barzona . . . . .	37.5% Brahman	Charbray . . . . .	12.5% Brahman
Beefmaster . . . . .	50.0% Brahman	Red Brangus . . . . .	37.5% Brahman
Braford . . . . .	50.0% Brahman	Sabre . . . . .	12.5% Brahman
Brangus . . . . .	37.5% Brahman	Santa Gertrudis . . . . .	37.5% Brahman
		Senepol . . . . .	50.0% Brahman

C. Animals from a Foreign Herdbook:

1. Imported Simbrah registered in a recognized Foreign Herdbook may be eligible for registration with ASA if the owner of the animal to be registered submits a copy of the registration certificate from the foreign country of origin to the ASA office and the proper fee is paid.
2. Imported Simbrah from an exporting country where no herdbook exists may be eligible for registration in ASA if satisfactory proof of origin is furnished to the ASA Trustees and the proper fee is paid.

D. Multi-Generation Simbrah:

Multi-generation Simbrah are defined as registered Simbrah produced by the mating of a registered Simbrah parent to another registered Simbrah parent. Generations will only be identified and recognized to the fifth level. Multi-generation Simbrah may be purebred Simbrah ( $\frac{5}{8}$  Sm,  $\frac{3}{8}$  Br) or any recognized percentage Simbrah meeting the requirements for the Simbrah Registry (not less than  $\frac{3}{8}$  Simmental and  $\frac{1}{4}$  Brahman). The resulting generation will be one generation higher than the lowest generation parent.

Multi-Generation Chart

		P A R E N T 1				
		1S	2S	3S	4S	5S
P A R E N T 2	1S	2S	2S	2S	2S	2S
	2S	2S	3S	3S	3S	3S
	3S	2S	3S	4S	4S	4S
	4S	2S	3S	4S	5S	5S
	5S	2S	3S	4S	5S	5S

1S = first-generation registered Simbrah  
 2S = second-generation registered Simbrah  
 3S = third-generation registered Simbrah  
 4S = fourth-generation registered Simbrah  
 5S = fifth-generation registered Simbrah

E. Optional data:

Information not mandatory for registration of a foundation Brahman bull or female, but which, if furnished, will be printed on their Simbrah registration certificate includes: name, horned/polled/scurred, sheath score and applicable within-herd performance data.

F. Optional scoring:

Sheath scores for males and navel skin fold scores for females may be coded by applicants. If a sheath score is reported, it will be listed on the Simbrah registration certificate (T = Tight, M = Medium, L = Loose).

G. Fees:

1 The American Simmental Association Board of Trustees sets all fees and the terms and conditions for payment of all fees and other charges.

NOTE: A schedule of current fees may be obtained by contacting the ASA office.

American  
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