

HOUSE BILL NO. HB0027

Brands.

Sponsored by: Joint Agriculture, Public Lands and Water
Resources Interim Committee

A BILL

for

1 AN ACT relating to brands; providing for seed stock or
2 exhibitor permits; modifying brand inspection fees;
3 expanding conditions for inspecting brands; making
4 conforming amendments; creating a task force to study the
5 brand inspection and brand reporting programs; providing
6 for membership; providing study requirements; providing an
7 appropriation; providing for a report; and providing for an
8 effective date.

9

10 *Be It Enacted by the Legislature of the State of Wyoming:*

11

12 **Section 1.** W.S. 11-20-230 is created to read:

13

14 **11-20-230. Livestock seed stock and exhibitors**
15 **permit; fees; transfers; reports; enforcement.**

16

1 (a) Any Wyoming livestock producer who raises and
2 markets livestock for the purpose of providing breeding
3 seed stock or exhibition animals, as defined by the board
4 for purposes of this section, may apply to the board for a
5 livestock seed stock or exhibition stock permit. The fee
6 shall be fifty dollars (\$50.00) per permit. The permit
7 shall be valid for the calendar year issued and no
8 transactions or shipments shall be authorized until a
9 permit has been issued.

10
11 (b) After receiving a certificate of inspection from
12 a Wyoming brand inspector, the livestock producer may sell
13 or change ownership of the livestock provided the livestock
14 are branded with the livestock producer's recorded Wyoming
15 brand and the animals can be individually identified by a
16 board approved method. The livestock may then be legally
17 shipped or removed from any county in Wyoming to any other
18 county, state or country, provided they are accompanied by
19 a board authorized bill of sale and a board issued fleet
20 permit which references the prior certificate of inspection
21 pursuant to W.S. 11-20-216.

22
23 (c) The permit holder shall report all transactions
24 and movements and shall pay any applicable fees authorized

1 pursuant to W.S. 11-6-210, 11-37-106 and 11-37-107 to the
2 brand inspector who issued the original brand certificate,
3 or any other designated agent of the board, within three
4 (3) working days of the transaction.

5
6 (d) Failure to comply with this section or any other
7 applicable law or board rule shall be grounds for the
8 revocation of the permit and shall be punished pursuant to
9 W.S. 11-1-103. Providing false proof of ownership shall be
10 grounds for the revocation of the permit and shall be
11 punished pursuant to W.S. 11-20-208. All livestock covered
12 under the permit authorized under this section are subject
13 to reinspection by a board authorized brand inspector and
14 any applicable fees shall be assessed.

15
16 **Section 2.** W.S. 11-1-103, 11-20-103(b) and by
17 creating a new subsection (c), 11-20-116 by creating a new
18 subsection (f), 11-20-203(a), 11-20-205(a), (b) and (c),
19 11-20-227, 11-20-229, 11-20-401(a)(iv) and by creating a
20 new subsection (b), 11-20-402(a)(ix), by creating a new
21 paragraph (xi) and by creating a new subsection (b),
22 11-20-404(a)(intro) and (i), 11-20-405 and 11-20-409 are
23 amended to read:

1 **11-1-103. Penalty for violations.**

2

3 A person who violates any of the following sections commits
4 a misdemeanor punishable by imprisonment for not more than
5 six (6) months, a fine of not more than seven hundred fifty
6 dollars (\$750.00), or both for the first offense, or by
7 imprisonment for not more than one (1) year, a fine of not
8 more than one thousand five hundred dollars (\$1,500.00), or
9 both for second or subsequent offenses: W.S. 11-6-210(a) or
10 (f), 11-18-112, 11-19-101, 11-19-102, 11-19-111, 11-19-401,
11 11-20-114, 11-20-117, 11-20-229, 11-20-230, 11-21-104,
12 11-22-118, 11-23-106, 11-23-207, 11-24-106 and 11-30-114. A
13 person who violates board rules promulgated pursuant to
14 W.S. 11-18-103(a)(v) shall be subject to the penalties
15 specified in this section.

16

17 **11-20-103. Brands; application; contents; recording**
18 **fees; refund; disposition thereof.**

19

20 (b) The application shall be accompanied by a
21 recording fee of one hundred dollars (\$100.00) for the
22 first species of livestock and fifty dollars (\$50.00) for
23 each additional species of livestock for which the brand is
24 to be used. In the event a brand is not recorded, twenty-

1 five dollars (\$25.00) of the recording fee shall be
2 retained by the Wyoming livestock board and the balance of
3 the fee shall be refunded to the applicant. A certified
4 copy of the recorded brand shall be given to the owner. All
5 fees collected shall be deposited into the account created
6 by W.S. 11-20-405.

7
8 (c) Brand applications under this section may be
9 charged a surcharge pursuant to W.S. 11-20-405(c).

10
11 **11-20-116. Fees for renewal, transfer of ownership or**
12 **alteration of brand; recording bill of sale deemed renewal.**

13
14 (f) Brand renewal, transfers or alterations under
15 this section may be charged a surcharge pursuant to W.S.
16 11-20-405(c).

17
18 **11-20-203. Inspection of brands at time of delivery**
19 **or removal; certificate required; lack thereof.**

20
21 (a) Except as hereafter provided or except as
22 provided in W.S. 11-20-224 and 11-20-230, it is unlawful
23 for any person, firm, partnership, corporation, or
24 association to sell, change ownership or to remove or cause

1 to be removed in any way from any county in Wyoming to any
2 other county, state or country, any livestock unless each
3 animal has been inspected for brands and ownership at the
4 time of delivery or removal by an authorized Wyoming brand
5 inspector and a proper certificate of inspection or
6 clearance has been issued.

7

8 **11-20-205. Procedures generally; estrays.**

9

10 (a) Except as otherwise provided, before selling,
11 changing ownership or removing any livestock from any
12 county of Wyoming, the person selling, changing ownership
13 or intending to cause removal shall notify the inspector of
14 the date of the intended removal and the time and place
15 when and where the required inspection for brands and
16 ownership can be made. The inspection shall be made within
17 a reasonable time prior to shipment. The person in charge
18 of the livestock shall hold the livestock at the place
19 designated until the livestock have been inspected and an
20 official certificate of inspection is issued. The person in
21 charge shall render the inspecting officer such assistance
22 as is practicable while the required inspection is being
23 made.

24

1 (b) Upon being notified of the intention of any
2 person to sell, change ownership or remove from the county
3 any livestock when a prior inspection is required by law,
4 the inspector notified shall go to the place designated at
5 the time agreed upon, and make an inspection for brands and
6 ownership of the livestock.

7
8 (c) The inspection shall ~~be made by daylight in such~~
9 ~~manner as to enable the inspecting officer to make a~~
10 ~~thorough and efficient inspection~~ only be done under
11 conditions that allow the inspector, at the sole discretion
12 of the inspector, to adequately view the livestock for the
13 purpose of determining brands. The inspector shall list by
14 classes the livestock, showing number of each class and all
15 brands, together with the names of owners of the brands, if
16 known. The inspector may require from the person in charge
17 proof of ownership of the livestock to be removed from the
18 county, by brand record, bill of sale or the affidavits of
19 at least two (2) responsible citizens of the county who are
20 not interested financially in the animals. If ownership of
21 any of the livestock is not claimed by the person intending
22 to remove them from the county, then written authorization
23 from the owner for such removal is required.

24

1 **11-20-227. Fraudulent use of inspection certificate**
2 **and movement permit; penalties.**

3

4 Fraudulent use of an inspection certificate and movement
5 permit issued pursuant to W.S. 11-20-224, ~~or~~ 11-20-225 or
6 11-20-230 is punishable by a fine of not more than one
7 hundred dollars (\$100.00) or by imprisonment for not more
8 than thirty (30) days, or both. The fraudulent use of an
9 inspection certificate and movement permit issued pursuant
10 to W.S. 11-20-224, ~~or~~ 11-20-225 or 11-20-230 is probable
11 cause to investigate the commission of a felony, and the
12 provisions of W.S. 11-20-228 may be invoked pending the
13 outcome of the investigation and court proceedings, if any.

14

15 **11-20-229. Penalties for violation of certain**
16 **provisions.**

17

18 Any violation of the provisions of W.S. 11-20-202 through
19 11-20-226 and 11-20-230 for which there is no specific
20 penalty prescribed is punishable as provided in W.S.
21 11-1-103.

22

23 **11-20-401. Brand inspection fees generally.**

24

1 (a) Except as otherwise provided, each livestock
2 inspector shall at the time of inspecting for brands and
3 ownership collect inspection fees in an amount established
4 by the livestock board but not to exceed:

5
6 (iv) Five dollar (\$5.00) surcharge per
7 inspection by the livestock inspector. This fee may be
8 waived if the livestock is brought to the livestock
9 inspector at an approved location, provided at the
10 discretion of the inspector, an adequate inspection can be
11 done at the approved location.

12
13 (b) Inspections under this section may be charged a
14 surcharge pursuant to W.S. 11-20-405(c).

15
16 **11-20-402. Miscellaneous inspection fees.**

17
18 (a) Except as otherwise provided, the board shall
19 establish and, through its authorized inspectors, shall
20 collect the following fees for services rendered but not to
21 exceed:

22
23 (ix) Five dollar (\$5.00) surcharge per
24 inspection by the livestock inspector. This fee may be

1 waived if the livestock is brought to the livestock
2 inspector at an approved location, provided at the
3 discretion of the inspector, an adequate inspection can be
4 done at the approved location;

5
6 (xi) Actual hourly cost plus mileage for any
7 nonmandatory inspections requested by a livestock owner.
8 The hourly cost shall be as determined by the board and the
9 mileage cost shall be as provided by W.S. 9-3-103.

10
11 (b) Inspections under this section may be charged a
12 surcharge pursuant to W.S. 11-20-405(c).

13
14 **11-20-404. Report of receipts and expenses.**

15
16 (a) The board shall on or before the first Monday in
17 ~~June~~ August each year present a written report to the
18 director of the state department of audit, which shall
19 contain:

20
21 (i) A statement of funds received from
22 inspection fees and other fees collected under W.S.
23 11-20-201 through ~~11-20-229~~ 11-20-230, 11-20-401 and
24 11-20-402;

1

2 **11-20-405. Collection and disposition.**

3

4 (a) Any funds appropriated by the legislature and all
5 fees collected pursuant to W.S. 11-20-101 through
6 11-20-124, 11-20-201 through ~~11-20-229~~ 11-20-230, 11-20-401
7 and 11-20-402 shall be remitted to the state treasurer for
8 deposit in the inspection account. Interest earned by the
9 account shall be retained in the account. Monies within the
10 account are subject to legislative review and appropriation
11 for use and expenditure by the board. Itemized vouchers
12 shall be submitted to the chief executive officer of the
13 board for approval. Upon approval, a warrant for the
14 payment of each voucher shall be issued by the state
15 auditor for payment from the inspection account.
16 Notwithstanding W.S. 9-2-1022(a)(xi)(E), the board shall
17 expend monies from the account created by this section only
18 for the purposes authorized by W.S. 11-20-201 through
19 ~~11-20-229~~ 11-20-230, and 11-20-101 through 11-20-124.

20

21 (b) After ~~July 1, 1996, all~~ March 1, 2006, all costs
22 of operating and administering the brand inspection and
23 recording programs shall be paid from any funds
24 appropriated by the legislature, any applicable grant funds

1 and the fees collected and deposited into the account
2 created by subsection (a) of this section.

3

4 (c) After April 1, 2006, the board may charge a
5 surcharge fee of up to fifty percent (50%) applied equally
6 on all fees collected pursuant to W.S. 11-20-101 through
7 11-20-124, 11-20-201 through 11-20-230, 11-20-401 and
8 11-20-402. These fees shall be remitted to the state
9 treasurer for deposit in the inspection account. This
10 subsection is repealed effective June 30, 2007.

11

12 **11-20-409. Issuance of certificate.**

13

14 All fees required by W.S. 11-6-210, 11-20-201 through
15 ~~11-20-229~~ 11-20-230, 11-20-401 and 11-20-402 shall be due
16 and payable upon the issuance of a certificate of brand
17 inspection or clearance. No fees required by W.S. 11-6-210
18 shall be collected on the same livestock more than once in
19 any twelve (12) month period.

20

21 **Section 3.**

22

23 (a) There is created a legislative-executive task
24 force to study the future direction of the brand inspection

1 and brand recording programs. The task force shall consist
2 of fourteen (14) members as follows:

3

4 (i) The governor;

5

6 (ii) Two (2) members of the senate appointed by
7 the president, who shall also appoint a cochairman of the
8 task force;

9

10 (iii) Two (2) members of the house of
11 representatives appointed by the speaker, who shall also
12 appoint a cochairman of the task force;

13

14 (iv) One (1) member shall be the director of the
15 department of agriculture, or his designee;

16

17 (v) Three (3) members of the Wyoming livestock
18 board appointed by the livestock board chairman;

19

20 (vi) Two (2) members representing the livestock
21 industry appointed by the governor;

22

23 (vii) One (1) member representing the livestock
24 markets appointed by the governor;

1

2 (viii) Two (2) members at large representing
3 livestock, to be appointed by the livestock board.

4

5 (b) Any necessary staff support, administrative and
6 technical assistance for the task force to carry out the
7 study authorized by this section shall be provided by the
8 Wyoming livestock board office and by any state agency upon
9 request.

10

11 (c) The task force shall:

12

13 (i) Conduct a comprehensive review of the brand
14 inspection program;

15

16 (ii) Conduct a comprehensive review of the brand
17 reporting program;

18

19 (iii) Determine any impacts on the brand
20 inspection or brand reporting programs from federal
21 regulations, emergency management, humane issues or impacts
22 from other sources.

23

1 (d) The task force shall report its findings to the
2 joint agriculture, public lands and water resources interim
3 committee not later than October 30, 2006. The report
4 shall include any recommendations for statutory changes.

5

6 (e) Members of the task force shall be paid as
7 follows:

8

9 (i) Legislators serving on the task force shall
10 be paid salary, per diem and travel expenses as provided in
11 W.S. 28-5-101 for their official duties as members of the
12 task force and shall be paid from the appropriation
13 provided by section 4 of this act;

14

15 (ii) State employees serving on the task force
16 shall receive no additional compensation for serving on the
17 task force, but shall be paid by their respective agencies
18 as provided in W.S. 9-3-102 and 9-3-103 for travel and per
19 diem expenses incurred for their official duties as members
20 of the task force;

21

22 (iii) All other members of the task force shall
23 receive a salary of fifty dollars (\$50.00) per day, shall
24 be paid as provided in W.S. 9-3-102 and 9-3-103 for travel

1 and per diem expenses incurred for their official duties as
2 members of the task force and shall be paid from the
3 appropriation provided by section 4 of this act.

4

5 (f) This section is repealed June 30, 2007.

6

7 **Section 4.** There is appropriated from the general
8 fund fifty thousand dollars (\$50,000.00), or as much
9 thereof as is necessary, to the Wyoming livestock board for
10 the purposes of this act.

11

12 **Section 5.** This act is effective immediately upon
13 completion of all acts necessary for a bill to become law
14 as provided by Article 4, Section 8 of the Wyoming
15 Constitution.

16

17 (END)