

WORKING DRAFT

HOUSE BILL NO. _____

Livestock and brands.

Sponsored by: SDRAFT

A BILL

for

1 AN ACT relating to livestock; expanding the definition of
2 livestock; modifying brand recording and inspection fees;
3 modifying county line inspections; modifying in-state range
4 movement permits; modifying permanent brand inspections;
5 repealing a requirement for bulls on open range; modifying
6 and repealing certain inspection and transportation
7 requirements relating to livestock; making conforming
8 amendments; and providing for an effective date.

9

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

11

12 **Section 1.** W.S. 6-3-602(c)(i), 11-20-101(a)(iv),
13 11-20-103(b), 11-20-116(a) and (b), 11-20-203(a) and by
14 creating a new subsection (c), 11-20-206(a), 11-20-212(a),
15 11-20-224, 11-20-226, 11-20-401, 11-20-402(a)(intro),

1 (iii), (v), (vi), (viii), (ix) and (x), 11-21-102,
2 11-21-104 and 11-22-109 are amended to read:

3

4 **6-3-602. Forgery; penalties.**

5

6 (c) Forgery is a misdemeanor punishable by
7 imprisonment for not more than six (6) months, a fine of
8 not more than seven hundred fifty dollars (\$750.00), or
9 both, if the writing is a:

10

11 (i) Permit required by W.S. ~~11-21-101~~ 11-21-102
12 through 11-21-104; or

13

14 **11-20-101. Definitions.**

15

16 (a) As used in this act:

17

18 (iv) "Livestock" means cattle, horses, mules,
19 asses, ~~and~~ sheep, goats, llamas and alpacas. The board
20 acting in conjunction with the game and fish commission may
21 designate individual bison or identifiable herds of bison
22 as wildlife;

23

1 **11-20-103. Brands; application; contents; recording**
2 **fees; refund; disposition thereof.**

3
4 (b) The application shall be accompanied by a
5 recording fee of ~~one hundred dollars (\$100.00)~~ not less
6 than one hundred fifty dollars (\$150.00) for the first
7 species of livestock and ~~fifty dollars (\$50.00)~~ not less
8 than seventy-five dollars (\$75.00) [Note: without an upper
9 limit this raises issues of unlawful delegation of
10 legislative authority.] for each additional species of
11 livestock for which the brand is to be used. In the event
12 a brand is not recorded, twenty-five dollars (\$25.00) of
13 the recording fee shall be retained by the Wyoming
14 livestock board and the balance of the fee shall be
15 refunded to the applicant. A certified copy of the
16 recorded brand shall be given to the owner. All fees
17 collected shall be deposited into the account created by
18 W.S. 11-20-405.

19
20 **11-20-116. Fees for renewal, transfer of ownership or**
21 **alteration of brand; recording bill of sale deemed renewal.**

22
23 (a) For renewing any brand previously recorded and
24 issuing a certificate of renewal, the board shall charge

1 ~~eighty dollars (\$80.00)~~ not less than three hundred dollars
2 (\$300.00) [Note: without an upper limit this raises issues
3 of unlawful delegation of legislative authority.]. The fee
4 shall cover any additional species of livestock for which
5 the brand was previously recorded.

6
7 (b) For recording a bill of sale or other instrument
8 transferring ownership of a recorded brand and issuing a
9 certificate of transfer, ~~fifty dollars (\$50.00)~~ not less
10 than one hundred dollars (\$100.00) [Note: without an upper
11 limit this raises issues of unlawful delegation of
12 legislative authority.] shall be charged for each recorded
13 brand.

14
15 **11-20-203. Inspection of brands at time of delivery**
16 **or removal; certificate required; lack thereof.**

17
18 (a) Except as hereafter provided or except as
19 provided in W.S. 11-20-211, 11-20-224 and 11-20-230, it is
20 unlawful for any person, firm, partnership, corporation, or
21 association to sell, change ownership or to remove or cause
22 to be removed in any way from any county in Wyoming to any
23 other ~~county,~~ state or country, any livestock unless each
24 animal has been inspected for brands and ownership at the

1 time of delivery or removal by an authorized Wyoming brand
2 inspector and a proper certificate of inspection or
3 clearance has been issued.

4
5 (c) Except as hereafter provided or except as provided
6 in W.S. 11-20-211, 11-20-217, 11-20-224 and 11-20-230, it is
7 unlawful for any person, firm, partnership, corporation or
8 association to remove or cause to be removed in any way from
9 any county in Wyoming to any other county, any livestock
10 unless each animal has been inspected for brands and
11 ownership at the time of delivery or removal by an
12 authorized Wyoming brand inspector and a proper certificate
13 of inspection or clearance has been issued, except where the
14 board has established brand inspection zones for each
15 species of livestock. Brand inspection zones may encompass
16 an area based on multiple contiguous counties or the entire
17 state, as determined by the board. Brand inspection zones
18 shall be reviewed and reauthorized annually by the board and
19 shall be in effect for a calendar year.

20
21 **11-20-206. Certificate of inspection generally;**
22 **distribution of copies; failure to exhibit; justification**
23 **to hold vehicle and livestock.**

1 (a) Any inspector, upon completing an inspection of
2 livestock for brands and ownership, shall record the
3 inspection upon a form furnished by the Wyoming livestock
4 board. When completed and signed by ~~him~~ the inspector and
5 the owner of the livestock or the owner's designee, the
6 form is a certificate of inspection authorizing the removal
7 from the county of the livestock listed. The inspector
8 shall deliver a copy of the certificate to the person in
9 charge of the livestock. ~~If movement is to be by railroad,~~
10 ~~a copy of the inspection certificate shall be delivered by~~
11 ~~the person in charge to the railroad agent to be attached~~
12 ~~to the waybill.~~ If movement is to be by truck, a copy of
13 the certificate shall be delivered by the person in charge
14 of the animals to the driver or person in charge of the
15 truck or trucks, and shall be kept in the latter's
16 possession until the livestock are delivered at the final
17 destination as shown on the certificate of inspection, and
18 shall be exhibited upon request to any person authorized to
19 enforce the brand inspection laws of this state.

20

21 **11-20-212. In-state range movement permits.**

22

23 (a) The board may issue an in-state range movement
24 permit for the movement of livestock from a location in

1 Wyoming to a noncontiguous location in another county
2 provided the applicant and the ranch meet the requirements
3 of this subsection and criteria established by rules of the
4 board. ~~An in-state range movement of livestock within a ten~~
5 ~~(10) mile radius from a location in Wyoming shall not be~~
6 ~~required to obtain a permit under this section unless the~~
7 ~~movement is for the purpose of changing ownership of~~
8 ~~livestock.~~ The movement shall be for the purpose of
9 pasturing, grazing, feeding the livestock, veterinary care,
10 commercial lease or use or other board approved movement
11 that is considered necessary for normal ranch management
12 operating conditions. The movement shall not be for the
13 purpose of changing ownership. A permit under this section
14 may be issued only to bona fide owners or Wyoming resident
15 lessees of qualified ranch lands headquartered within
16 Wyoming or their authorized employees. As used in this
17 section, a "qualified ranch" means a ranch that has been
18 used for a period of time or purpose specified by the board
19 and which use can be verified by brand inspection records.
20 A permit may be denied by the board after a finding that
21 the person applying for a permit has violated a brand
22 inspection law, including a provision of this section or a
23 board rule or regulation.

24

1 **11-20-224. Permanent brand inspection certificate;**
2 **application; surrender to board.**

3
4 The owner of livestock used for rodeo, show, racing,
5 pleasure or Wyoming farm or ranch work purposes may obtain
6 a permanent brand inspection certificate authorizing
7 movement of the livestock intrastate or interstate, valid
8 for the life of the livestock or until a change of
9 ownership takes place, upon approval of a proper
10 application in writing by an authorized Wyoming brand
11 inspector. The application shall contain, or be accompanied
12 by, valid proof of ownership of the livestock by the
13 applicant, and shall ~~state~~include a thorough physical
14 description including all brands carried by the livestock
15 and all distinguishing marks or markings. The possession of
16 a valid permanent brand inspection certificate shall
17 constitute prima facie evidence of ownership. Upon any
18 change in ownership,~~the owner shall transfer in writing~~
19 ~~the permanent brand inspection certificate to the new owner~~
20 ~~who shall obtain an inspection within seven (7) days of the~~
21 ~~transfer, or~~ the certificate is void..~~and shall be~~
22 ~~immediately surrendered to the board.~~

1 **11-20-226. Certificates to be signed and in**
2 **possession.**

3
4 The inspection certificate and movement permit issued
5 pursuant to W.S. 11-20-224 or 11-20-225 is not valid unless
6 signed by an authorized representative of the board and by
7 the permit holder. The certificate ~~must~~shall be in the
8 possession of the person transporting the horse and ~~must~~
9 shall be shown on request to any person authorized to
10 enforce the brand inspection laws. ~~Each certificate shall~~
11 ~~be executed in triplicate, one (1) copy to be forwarded by~~
12 ~~the inspector to the board, one (1) copy to be retained by~~
13 ~~the inspector and the original to be retained by the~~
14 ~~certificate holder.~~

15
16 **11-20-401. Brand inspection fees generally.**

17
18 (a) Except as otherwise provided, each livestock
19 inspector shall at the time of inspecting for brands and
20 ownership collect inspection fees per head in an amount
21 established by the livestock board ~~but not to exceed~~ for
22 [Note: without limits this raises issues of unlawful
23 delegation of legislative authority.]:

1 (i) ~~One dollar (\$1.00) per head on~~ All cattle
2 including unbranded animals, and including the hide or
3 carcass;

4
5 (ii) ~~Twenty cents (\$0.20) per head on~~ All sheep, goats, llamas and alpacas,
6 including any hide or carcass; ~~except unbranded and undocked lambs running with their~~
7 ~~mothers;~~ and

9
10 (iii) ~~Seven dollars (\$7.00) per head for the~~
11 ~~first ten (10) head of~~ All applicable horses, asses or
12 mules inspected, including any hide or carcass; ~~and one~~
13 ~~dollar (\$1.00) for each additional horse, hide or carcass~~
14 ~~inspected at the same time and place;~~

15
16 (iv) ~~Five dollar (\$5.00)~~ Any surcharge per
17 inspection by the livestock inspector. This fee may be
18 waived if the livestock is brought to the livestock
19 inspector at an approved location, provided at the
20 discretion of the inspector, an adequate inspection can be
21 done at the approved location.

22
23 (b) ~~Inspections~~ Any inspection fees established by
24 the board under this section ~~may be charged a surcharge~~

1 ~~pursuant to W.S. 11-20-405(c)~~ shall be reviewed and
2 reauthorized biannually by the board.

3
4 **11-20-402. Miscellaneous inspection fees.**

5
6 (a) Except as otherwise provided, the board shall
7 establish and, through its authorized inspectors, shall
8 collect fees for the following: [Note: without limits this
9 raises issues of unlawful delegation of legislative
10 authority.] ~~fees for services rendered but not to exceed:~~

11
12 (iii) ~~One dollar (\$1.00)~~ For each certificate
13 issued to a hide buyer as required by W.S. 11-23-204;

14
15 (v) ~~Twelve dollars (\$12.00)~~ For each permanent
16 brand inspection and movement permit issued pursuant to
17 W.S. 11-20-224;

18
19 (vi) ~~Seven dollars (\$7.00) per horse~~ For the
20 first ten (10) each head of livestock inspected ~~and one~~
21 ~~dollar (\$1.00) for each additional head inspected~~ under the
22 annual ~~horse~~ brand inspection and movement permit issued
23 pursuant to W.S. 11-20-225;

1 (viii) For an accustomed range permit under W.S.
2 11-20-223, ~~up to twenty five cents (\$.25)~~ inspection fees
3 per head for ~~cattle and horses and up to five cents (\$.05)~~
4 ~~per head for sheep~~ all livestock;

5
6 (ix) ~~Five dollar (\$5.00)~~ Any 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 (x) The fee for an accustomed range permit under
14 W.S. 11-20-212, ~~a fee of twenty five dollars (\$25.00)~~ no
15 less than one hundred dollars (\$100.00);

16
17 **11-21-102. Display of permit to peace officer;**
18 **written statement in lieu of permit.**

19
20 Any operator or other person in control of any vehicle
21 transporting livestock, swine or domestic fowls, or the
22 carcasses thereof, upon demand of any peace officer of
23 Wyoming, shall exhibit his permit to carry the animals or
24 domestic fowls, or carcasses thereof. ~~, or in lieu of such~~

1 ~~permit, shall make a written statement containing the same~~
2 ~~information as is specified in W.S. 11-21-101.~~

4 **11-21-104. Prohibited acts; penalties for violations.**

6 Any person who makes a false statement as specified in W.S.
7 ~~11-21-101~~ or 11-21-102, or who knowingly exhibits or causes
8 to be exhibited to any peace officer any false or forged
9 permit or statement, or who, upon request of any peace
10 officer of Wyoming, refuses or neglects to exhibit a permit
11 or make a statement, shall be punished as provided in W.S.
12 11-1-103.

14 **11-22-109. Investigations of sales; filing charges;**
15 **hearing; notice thereof.**

17 The executive officer of the board may make or have an
18 investigation made of the sales and transactions of any
19 livestock market and the conditions under which its
20 business is conducted. If he finds ~~it proper~~ probable
21 cause, he shall file charges against the licensee and
22 operator with the board, and the charges shall be set down
23 for hearing before the board upon ten (10) days notice
24 served upon the licensee.

1

2 **Section 2.** W.S. 11-20-123, 11-20-213, 11-20-215,
3 11-20-218, 11-20-402 (a) (i), 11-21-101 and 11-23-205 are
4 repealed.

5

6 **Section 3.** This act is effective July 1, 2007.

7

8 (END)