

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 may apply to the board for
4 a livestock seed stock or exhibition stock permit. The fee
5 shall be fifty dollars (\$50.00) per permit. The permit
6 shall be valid for the calendar year issued and no
7 transactions or shipments shall be authorized until a
8 permit has been issued.

9

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

21

22 (c) Under the permit authorized by this section, a
23 permit holder may sell or change ownership of five (5) or
24 fewer head of livestock in a thirty (30) day period without

1 a prior brand inspection by a Wyoming brand inspector,
2 provided the change in ownership is recorded on a board
3 authorized bill of sale and provided the livestock are
4 branded with the permit holder's recorded Wyoming brand and
5 the livestock can be individually identified by a board
6 approved method.

7

8 (d) The permit holder shall report all transactions
9 and movements and shall pay any applicable fees authorized
10 pursuant to W.S. 11-6-210, 11-37-106 and 11-37-107 to the
11 brand inspector who issued the original brand certificate,
12 or any other designated agent of the board, within three
13 (3) working days of the transaction.

14

15 (e) Failure to comply with this section or any other
16 applicable law or board rule shall be grounds for the
17 revocation of the permit and shall be punished pursuant to
18 W.S. 11-1-103. Providing false proof of ownership shall be
19 grounds for the revocation of the permit and shall be
20 punished pursuant to W.S. 11-20-208. All livestock covered
21 under the permit authorized under this section are subject
22 to reinspection by a board authorized brand inspector and
23 any applicable fees shall be assessed.

24

1 **Section 2.** W.S. 11-1-103, 11-20-103(b) and by
2 creating a new subsection (c), 11-20-116 by creating a new
3 subsection (f), 11-20-203(a), 11-20-205(a), (b) and (c),
4 11-20-227, 11-20-229, 11-20-401(a)(iv) and by creating a
5 new subsection (b), 11-20-402(a)(ix), by creating a new
6 paragraph (xi) and by creating a new subsection (b),
7 11-20-404(a)(intro) and (i), 11-20-405 and 11-20-409 are
8 amended to read:

9

10 **11-1-103. Penalty for violations.**

11

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

1

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

4

5 (b) The application shall be accompanied by a
6 recording fee of one hundred dollars (\$100.00) for the
7 first species of livestock and fifty dollars (\$50.00) for
8 each additional species of livestock for which the brand is
9 to be used. In the event a brand is not recorded, twenty-
10 five dollars (\$25.00) of the recording fee shall be
11 retained by the Wyoming livestock board and the balance of
12 the fee shall be refunded to the applicant. A certified
13 copy of the recorded brand shall be given to the owner. All
14 fees collected shall be deposited into the account created
15 by W.S. 11-20-405.

16

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

19

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

22

23 (f) Inspections under this section may be charged a
24 surcharge pursuant to W.S. 11-20-405(c).

1

2 **11-20-203. Inspection of brands at time of delivery**
3 **or removal; certificate required; lack thereof.**

4

5 (a) Except as hereafter provided or except as
6 provided in W.S. 11-20-224 and 11-20-230, it is unlawful
7 for any person, firm, partnership, corporation, or
8 association to sell, change ownership or to remove or cause
9 to be removed in any way from any county in Wyoming to any
10 other county, state or country, any livestock unless each
11 animal has been inspected for brands and ownership at the
12 time of delivery or removal by an authorized Wyoming brand
13 inspector and a proper certificate of inspection or
14 clearance has been issued.

15

16 **11-20-205. Procedures generally; estrays.**

17

18 (a) Except as otherwise provided, before selling,
19 changing ownership or removing any livestock from any
20 county of Wyoming, the person selling, changing ownership
21 or intending to cause removal shall notify the inspector of
22 the date of the intended removal and the time and place
23 when and where the required inspection for brands and
24 ownership can be made. The inspection shall be made within

1 a reasonable time prior to shipment. The person in charge
2 of the livestock shall hold the livestock at the place
3 designated until the livestock have been inspected and an
4 official certificate of inspection is issued. The person in
5 charge shall render the inspecting officer such assistance
6 as is practicable while the required inspection is being
7 made.

8

9 (b) Upon being notified of the intention of any
10 person to sell, change ownership or remove from the county
11 any livestock when a prior inspection is required by law,
12 the inspector notified shall go to the place designated at
13 the time agreed upon, and make an inspection for brands and
14 ownership of the livestock.

15

16 (c) The inspection shall ~~be made by daylight in such~~
17 ~~manner as to enable the inspecting officer to make a~~
18 ~~thorough and efficient inspection~~ only be done under
19 conditions that allow the inspector to adequately view the
20 livestock for the purpose of determining brands. The
21 inspector shall list by classes the livestock, showing
22 number of each class and all brands, together with the
23 names of owners of the brands, if known. The inspector may
24 require from the person in charge proof of ownership of the

1 livestock to be removed from the county, by brand record,
2 bill of sale or the affidavits of at least two (2)
3 responsible citizens of the county who are not interested
4 financially in the animals. If ownership of any of the
5 livestock is not claimed by the person intending to remove
6 them from the county, then written authorization from the
7 owner for such removal is required.

8

9 **11-20-227. Fraudulent use of inspection certificate**
10 **and movement permit; penalties.**

11

12 Fraudulent use of an inspection certificate and movement
13 permit issued pursuant to W.S. 11-20-224, ~~or~~ 11-20-225 or
14 11-20-230 is punishable by a fine of not more than one
15 hundred dollars (\$100.00) or by imprisonment for not more
16 than thirty (30) days, or both. The fraudulent use of an
17 inspection certificate and movement permit issued pursuant
18 to W.S. 11-20-224, ~~or~~ 11-20-225 or 11-20-230 is probable
19 cause to investigate the commission of a felony, and the
20 provisions of W.S. 11-20-228 may be invoked pending the
21 outcome of the investigation and court proceedings, if any.

22

23 **11-20-229. Penalties for violation of certain**
24 **provisions.**

1

2 Any violation of the provisions of W.S. 11-20-202 through
3 11-20-226 and 11-20-230 for which there is no specific
4 penalty prescribed is punishable as provided in W.S.
5 11-1-103.

6

7 **11-20-401. Brand inspection fees generally.**

8

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

13

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

20

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

23

24 **11-20-402. Miscellaneous inspection fees.**

1

2 (a) Except as otherwise provided, the board shall
3 establish and, through its authorized inspectors, shall
4 collect the following fees for services rendered but not to
5 exceed:

6

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

13

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

18

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

21

22 **11-20-404. Report of receipts and expenses.**

23

1 (a) The board shall on or before the first Monday in
2 ~~June~~ August each year present a written report to the
3 director of the state department of audit, which shall
4 contain:

5

6 (i) A statement of funds received from
7 inspection fees and other fees collected under W.S.
8 11-20-201 through ~~11-20-229~~ 11-20-230, 11-20-401 and
9 11-20-402;

10

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

12

13 (a) Any funds appropriated by the legislature and all
14 fees collected pursuant to W.S. 11-20-101 through
15 11-20-124, 11-20-201 through ~~11-20-229~~ 11-20-230, 11-20-401
16 and 11-20-402 shall be remitted to the state treasurer for
17 deposit in the inspection account. Interest earned by the
18 account shall be retained in the account. Monies within the
19 account are subject to legislative review and appropriation
20 for use and expenditure by the board. Itemized vouchers
21 shall be submitted to the chief executive officer of the
22 board for approval. Upon approval, a warrant for the
23 payment of each voucher shall be issued by the state
24 auditor for payment from the inspection account.

1 Notwithstanding W.S. 9-2-1022(a)(xi)(E), the board shall
2 expend monies from the account created by this section only
3 for the purposes authorized by W.S. 11-20-201 through
4 ~~11-20-229~~ 11-20-230, and 11-20-101 through 11-20-124.

5
6 (b) After ~~July 1, 1996, all~~ March 1, 2006, costs of
7 operating and administering the brand inspection and
8 recording programs shall be paid from any funds
9 appropriated by the legislature, any applicable grant funds
10 and the fees collected and deposited into the account
11 created by subsection (a) of this section.

12
13 (c) After March 1, 2006, the board may charge a
14 surcharge fee of up to fifty percent (50%) applied equally
15 on all fees collected pursuant to W.S. 11-20-101 through
16 11-20-124, 11-20-201 through 11-20-230, 11-20-401 and
17 11-20-402. These fees shall be remitted to the state
18 treasurer for deposit in the inspection account. This
19 subsection is repealed effective June 30, 2007.

20
21 **11-20-409. Issuance of certificate.**

22
23 All fees required by W.S. 11-6-210, 11-20-201 through
24 ~~11-20-229~~ 11-20-230, 11-20-401 and 11-20-402 shall be due

1 and payable upon the issuance of a certificate of brand
2 inspection or clearance. No fees required by W.S. 11-6-210
3 shall be collected on the same livestock more than once in
4 any twelve (12) month period.

5

6 **Section 3.**

7

8 (a) There is created a legislative-executive task
9 force to study the future direction of the brand inspection
10 and brand recording programs. The task force shall consist
11 of fourteen (14) members as follows:

12

13 (i) The governor;

14

15 (ii) Two (2) members of the senate appointed by
16 the president, who shall also appoint a cochairman of the
17 task force;

18

19 (iii) Two (2) members of the house of
20 representatives appointed by the speaker, who shall also
21 appoint a cochairman of the task force;

22

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

1

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

4

5 (vi) Two (2) members representing the livestock
6 industry appointed by the governor;

7

8 (vii) One (1) member representing the livestock
9 markets appointed by the governor;

10

11 (ix) Two (2) members at large representing
12 livestock, to be appointed by the livestock board.

13

14 (b) Any necessary staff support, administrative and
15 technical assistance for the task force to carry out the
16 study authorized by this section shall be provided by the
17 Wyoming livestock board office and by any state agency upon
18 request.

19

20 (c) The task force shall:

21

22 (i) Conduct a comprehensive review of the brand
23 inspection program;

24

1 (ii) Conduct a comprehensive review of the brand
2 reporting program;

3

4 (iii) Determine any impacts on the brand
5 inspection or brand reporting programs from federal
6 regulations, emergency management, humane issues or impacts
7 from other sources.

8

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

13

14 (e) This section is repealed June 30, 2007.

15

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

20

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

5

6

(END)