

ENROLLED ACT NO. 64, HOUSE OF REPRESENTATIVES

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING
2007 GENERAL SESSION

AN ACT relating to livestock; expanding the definition of livestock; modifying brand recording and inspection fees; limiting fee increases as specified; modifying county line inspections; modifying in-state range movement permits; modifying permanent brand inspections; repealing a requirement for bulls on open range; modifying and repealing certain inspection and transportation requirements relating to livestock; making conforming amendments; requiring a budget and report; and providing for an effective date.

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

Section 1. W.S. 6-3-602(c)(i), 11-20-101(a)(iv), 11-20-103(b), 11-20-116(a) and (b), 11-20-203(a) and by creating a new subsection (c), 11-20-206(a), 11-20-212(a), 11-20-224, 11-20-226, 11-20-401(a), 11-20-402(a)(intro), (iii), (v), (vi), (viii), (ix) and (x), 11-20-408, 11-21-102, 11-21-104 and 11-22-109 are amended to read:

6-3-602. Forgery; penalties.

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

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

11-20-101. Definitions.

(a) As used in this act:

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

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

(b) The application shall be accompanied by a recording fee of ~~one hundred dollars (\$100.00)~~ not less than one hundred fifty dollars (\$150.00) for the first species of livestock and ~~fifty dollars (\$50.00)~~ not less than seventy-five dollars (\$75.00) for each additional species of livestock for which the brand is to be used. In the event a brand is not recorded, ~~twenty five dollars (\$25.00)~~ twenty-five percent (25%) of the recording fee shall be retained by the Wyoming livestock board and the balance of the fee shall be refunded to the applicant. A certified copy of the recorded brand shall be given to the owner. All fees collected shall be deposited into the account created by W.S. 11-20-405.

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

(a) For renewing any brand previously recorded and issuing a certificate of renewal, the board shall charge ~~eighty dollars (\$80.00)~~ not less than three hundred dollars (\$300.00). The fee shall cover any additional species of livestock for which the brand was previously recorded.

(b) For recording a bill of sale or other instrument transferring ownership of a recorded brand and issuing a certificate of transfer, ~~fifty dollars (\$50.00)~~ not less

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than one hundred dollars (\$100.00) shall be charged for each recorded brand.

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

(a) Except as hereafter provided or except as provided in W.S. 11-20-211, 11-20-224 and 11-20-230, it is unlawful for any person, firm, partnership, corporation, or association to sell, change ownership or to remove or cause to be removed in any way from any county in Wyoming to any other ~~county,~~ state or country, any livestock unless each animal has been inspected for brands and ownership at the time of delivery or removal by an authorized Wyoming brand inspector and a proper certificate of inspection or clearance has been issued.

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

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

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

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

(a) The board may issue an in-state range movement permit for the movement of livestock from a location in Wyoming to a noncontiguous location in another county provided the applicant and the ranch meet the requirements of this subsection and criteria established by rules of the board. ~~An in state range movement of livestock within a ten (10) mile radius from a location in Wyoming shall not be required to obtain a permit under this section unless the movement is for the purpose of changing ownership of livestock.~~ The movement shall be for the purpose of pasturing, grazing, feeding the livestock, veterinary care, commercial lease or use or other board approved movement that is considered necessary for normal ranch management

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operating conditions. The movement shall not be for the purpose of changing ownership. A permit under this section may be issued only to bona fide owners or Wyoming resident lessees of qualified ranch lands headquartered within Wyoming or their authorized employees. As used in this section, a "qualified ranch" means a ranch that has been used for a period of time or purpose specified by the board and which use can be verified by brand inspection records. A permit may be denied by the board after a finding that the person applying for a permit has violated a brand inspection law, including a provision of this section or a board rule or regulation.

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

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

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

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

11-20-401. Brand inspection fees generally.

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

(i) ~~One dollar (\$1.00)~~ One dollar and twenty-five cents (\$1.25) per head on all cattle including unbranded animals, and including the hide or carcass;

(ii) ~~Twenty cents (\$0.20)~~ Twenty-five cents (\$0.25) per head on all sheep, goats, llamas and alpacas, including any hide or carcass; ~~except unbranded and undocked lambs running with their mothers; and~~

(iii) ~~Seven dollars (\$7.00)~~ Nine dollars (\$9.00) per head for the first ten (10) head of horses, asses or mules inspected, including any hide or carcass and ~~one dollar (\$1.00)~~ one dollar and twenty-five cents (\$1.25) for

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each additional horse, hide or carcass inspected at the same time and place; and

(iv) ~~Five dollar (\$5.00)~~ A six dollar and twenty-five cent (\$6.25) surcharge per inspection by the livestock inspector. ~~This fee may be waived if the livestock is brought to the livestock inspector at an approved location, provided at the discretion of the inspector, an adequate inspection can be done at the approved location~~ The livestock board shall promulgate rules and regulations to identify conditions under which this surcharge may be waived.

11-20-402. Miscellaneous inspection fees.

(a) Except as otherwise provided, the board shall establish and, through its authorized inspectors, shall collect fees for the following ~~fees for services rendered but not to exceed~~ of not less than:

(iii) ~~One dollar (\$1.00)~~ One dollar and twenty-five cents (\$1.25) for each certificate issued to a hide buyer as required by W.S. 11-23-204;

(v) ~~Twelve dollars (\$12.00)~~ Fifteen dollars (\$15.00) for each permanent brand inspection and movement permit issued pursuant to W.S. 11-20-224;

(vi) ~~Seven dollars (\$7.00) per horse~~ Twelve dollars (\$12.00) for the first ten (10) head of livestock inspected and ~~one dollar (\$1.00)~~ one dollar and fifty cents (\$1.50) for each additional head inspected under the annual ~~horse~~ brand inspection and movement permit issued pursuant to W.S. 11-20-225;

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(viii) For an accustomed range permit under W.S. 11-20-223, ~~up to twenty five cents (\$.25) per head for cattle and horses and up to five cents (\$.05) per head for sheep~~ an amount equal to twenty-five percent (25%) of the inspection fees as established by the board pursuant to W.S. 11-20-401(a)(i) through (iii);

(ix) ~~Five dollar (\$5.00)~~ A six dollar and twenty-five cent (\$6.25) surcharge per inspection by the livestock inspector. ~~This fee may be waived if the livestock is brought to the livestock inspector at an approved location, provided at the discretion of the inspector, an adequate inspection can be done at the approved location~~ The livestock board shall promulgate rules and regulations to identify conditions under which this surcharge may be waived;

(x) The fee for an accustomed range permit under W.S. 11-20-212, ~~a fee of twenty five dollars (\$25.00)~~ not less than fifty dollars (\$50.00);

11-20-408. Examination of agency records; report.

(a) The director of the state department of audit or his designee shall examine the records and accounts of any agency appointed by the board to administer the brand inspection laws, and report to the governor in the same manner as for the examination of records and accounts of public officers.

(b) The board shall adopt an annual fiscal year budget for the brand registration and inspection program. The budget shall include any deficit amount from the prior year and may include an operating reserve not to exceed one (1) year for that portion of the program to be funded by user fees. Based on the budget adopted under this

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subsection, the board shall set the user fees for all activities under the program at no less than the minimum fees provided for in this chapter. Each fee may be adjusted not more than one (1) time per fiscal year and by not more than twenty percent (20%) in any one (1) fiscal year. Beginning November 1, 2008, the board shall report annually by November 1 to the joint agriculture, state and public lands and water resources interim committee with respect to the budget adopted and fees set under this subsection.

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

Any operator or other person in control of any vehicle transporting livestock, swine or domestic fowls, or the carcasses thereof, upon demand of any peace officer of Wyoming, shall exhibit his permit to carry the animals or domestic fowls, or carcasses thereof, ~~or in lieu of such permit, shall make a written statement containing the same information as is specified in W.S. 11-21-101.~~

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

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

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

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

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

Section 3. The brand recording and inspection fees specified in this act shall remain at the levels in effect on July 1, 2007, and shall not be adjusted before December 31, 2007. After December 31, 2007, the board may adjust the fees specified in this act subject to the limitations specified in W.S. 11-20-408(b).

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Section 4. This act is effective July 1, 2007.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk