

HOUSE BILL NO. HB0208

Brands.

Sponsored by: Representative(s) Wallis and Senator(s)
Schiffer

A BILL

for

1 AN ACT relating to brands; creating the Wyoming heritage
2 brand program; amending brand registrations; amending brand
3 recording and transfer fees as specified; providing for
4 brand transfer lists; providing an appropriation; and
5 providing for an effective date.

6

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

8

9 **Section 1.** W.S. 11-20-126 and 11-20-501 through
10 11-20-509 are created to read:

11

12 **11-20-126. Brand transfer listing.**

13

14 The board shall maintain a computer database list of brands
15 that are available for sale. Any brand owner wanting to
16 sell a brand may submit the brand and contact information

1 to the board along with a filing fee of fifty dollars
2 (\$50.00). The board shall post the available brand and
3 contact information on the board's website. Once the board
4 has processed a brand transfer, the board shall delete the
5 brand from its brand transfer list.

6

7

ARTICLE 5

8

WYOMING HERITAGE BRANDS

9

10 **11-20-501. Wyoming heritage brands.**

11

12 There is created the Wyoming heritage brand program to be
13 administered by the Wyoming livestock board. A Wyoming
14 heritage brand shall be used for decorative purposes only
15 and shall not be used on livestock.

16

17 **11-20-502. Wyoming heritage brands; application;**
18 **contents; recording fees; refund; disposition thereof.**

19

20 (a) Any person desiring to adopt a Wyoming heritage
21 brand to be used in this state, shall before using the
22 Wyoming heritage brand make application to the Wyoming
23 livestock board. The application shall contain a facsimile

1 or a description of the Wyoming heritage brand and shall be
2 on a form approved by the board.

3

4 (b) The application shall be accompanied by a one (1)
5 time recording fee of one hundred fifty dollars (\$150.00).
6 In the event a Wyoming heritage brand is not recorded,
7 twenty-five dollars (\$25.00) of the recording fee shall be
8 retained by the Wyoming livestock board and the balance of
9 the fee shall be refunded to the applicant. A certified
10 copy of the recorded Wyoming heritage brand shall be given
11 to the owner. All fees collected shall be deposited into
12 the account created by W.S. 11-20-405.

13

14 (c) Wyoming heritage brand applications under this
15 section may be charged a surcharge pursuant to W.S.
16 11-20-405(c).

17

18 **11-20-503. Brands; recording generally; records kept**
19 **by board.**

20

21 (a) Upon receipt of the application and fee the
22 Wyoming heritage brand shall be recorded in the state
23 Wyoming heritage brand database. If the Wyoming heritage
24 brand has been previously recorded the director shall

1 suggest a Wyoming heritage brand that can be recorded. The
2 director shall not record any Wyoming heritage brand which
3 in his opinion would conflict with any Wyoming heritage
4 brand of record.

5

6 (b) The board shall keep and maintain an accurate
7 record of all Wyoming heritage brands, the names of the
8 owners and their post office addresses, which shall be open
9 to public inspection.

10

11 **11-20-504. Recorded Wyoming heritage brand;**
12 **considered as property; subject to sale; written instrument**
13 **required; acknowledgment and recording.**

14

15 Any Wyoming heritage brand recorded as required by law is
16 the property of the person in whose name it is recorded,
17 and is subject to sale, assignment, transfer, devise and
18 descent as personal property. Instruments of writing
19 evidencing sale, assignment or transfer shall be
20 acknowledged and recorded in the office of the board.
21 Acknowledgment and recording of such instruments have the
22 same effect as to third parties as the acknowledgment and
23 recording of instruments affecting real estate.

24

1 **11-20-505. Recorded Wyoming heritage brand; bill of**
2 **sale; when title vests.**

3

4 Any recorded Wyoming heritage brand may be conveyed to
5 another by a bill of sale executed by the vendor, properly
6 acknowledged, but the conveyance is not complete nor does
7 title to the Wyoming heritage brand vest in the vendee
8 until the bill of sale is filed for record in the office of
9 the board.

10

11 **11-20-506. County clerk prohibited from recording**
12 **brands.**

13

14 It is unlawful for any county clerk in this state to record
15 any Wyoming heritage brand or bill of sale of any Wyoming
16 heritage brand.

17

18 **11-20-507. Use of unrecorded or abandoned brand**
19 **prohibited; failure to record deemed abandonment.**

20

21 No person shall claim or own any Wyoming heritage brand
22 which has not been recorded in the office of the Wyoming
23 livestock board. Failure to record a Wyoming heritage
24 brand is an abandonment of the same. No person shall claim

1 or use any abandoned Wyoming heritage brand until after he
2 has caused the same to be recorded as required by law.

3

4 **11-20-508. Fees for transfer of ownership or**
5 **alteration of Wyoming heritage brand; recording bill of**
6 **sale deemed renewal.**

7

8 (a) For recording a bill of sale or other instrument
9 transferring ownership of a recorded brand, including a
10 name or address change, and issuing a certificate of
11 transfer, fifty dollars (\$50.00) shall be charged for each
12 recorded Wyoming heritage brand.

13

14 (b) The fees collected pursuant to this section shall
15 be deposited in the account created by W.S. 11-20-405.

16

17 (c) Wyoming heritage brand transfers or alterations
18 under this section may be charged a surcharge pursuant to
19 W.S. 11-20-405(c).

20

21 **11-20-509. Wyoming heritage brand transfer listing.**

22

23 The board shall maintain a database list of Wyoming
24 heritage brands that are available for sale or transfer.

1 Any Wyoming brand owner may submit the Wyoming heritage
2 brand and contact information to the board along with a
3 filing fee of fifty dollars (\$50.00). The board shall post
4 the available Wyoming heritage brand and contact
5 information on the board's website. Once the board has
6 processed a Wyoming heritage brand transfer, the board
7 shall delete the Wyoming heritage brand from its brand
8 transfer list.

9

10 **Section 2.** W.S. 11-20-101(a) by creating a new
11 paragraph (ix), 11-20-103(b), 11-20-115(a) and by creating
12 a new subsection (d), 11-20-116(a) and (c) and 11-20-405(a)
13 are amended to read:

14

15 **11-20-101. Definitions.**

16

17 (a) As used in this act:

18

19 (ix) "Wyoming heritage brand" means a brand used
20 for decorative purposes only and shall not be used on
21 livestock.

22

23 **11-20-103. Brands; application; contents; recording**
24 **fees; refund; disposition thereof.**

1

2 (b) The application shall be accompanied by a one (1)
3 time recording fee of not less than ~~one hundred fifty~~
4 ~~dollars (\$150.00)~~ three hundred dollars (\$300.00) for the
5 first species of livestock and not less than ~~seventy-five~~
6 ~~dollars (\$75.00)~~ one hundred dollars (\$100.00) for each
7 additional species of livestock for which the brand is to
8 be used. In the event a brand is not recorded, twenty-five
9 percent (25%) of the recording fee shall be retained by the
10 Wyoming livestock board and the balance of the fee shall be
11 refunded to the applicant. A certified copy of the
12 recorded brand shall be given to the owner. All fees
13 collected shall be deposited into the account created by
14 W.S. 11-20-405.

15

16 **11-20-115. Rerecording; when required; notice;**
17 **abandonment.**

18

19 (a) Except as provided by ~~subsection~~ subsections (b)
20 and (d) of this section, every tenth year after recording a
21 brand, every owner of a brand shall rerecord the brand, and
22 failure to do so is an abandonment of the brand. At least
23 sixty (60) days preceding the expiration date of the brand,
24 the board shall notify by mail, at the address shown on the

1 brand records, the party owning the brand that the brand
2 must be rerecorded and if the brand has not been rerecorded
3 within sixty (60) days from the expiration date of the
4 brand will be declared abandoned and will be allowed to
5 other applicants.

6
7 (d) Effective January 1, 2010, when the brand comes
8 up for renewal under subsection (b) of this section, every
9 owner of a brand shall rerecord the brand one (1) time and
10 shall designate the brand as a livestock brand or as a
11 Wyoming heritage brand and shall pay the renewal fee
12 specified by W.S. 11-20-116 or 11-20-502(b). The board
13 shall promulgate rules and regulations necessary to carry
14 out the provisions of this subsection.

15
16 **11-20-116. Fees for renewal, transfer of ownership or**
17 **alteration of brand; recording bill of sale deemed renewal.**

18
19 (a) For ~~renewing~~rerecording any brand previously
20 recorded and issuing a certificate of renewal, the board
21 shall charge not less than three hundred dollars (\$300.00).
22 The fee shall cover any additional species of livestock for
23 which the brand was previously recorded.

24

1 (c) The recording of a bill of sale or other
2 instrument transferring ownership of a recorded brand
3 during any ~~renewal~~rerecording period shall not serve as a
4 ~~renewal~~rerecording of the brand. Transfer of ownership and
5 ~~renewal~~rerecording of a brand are separate transactions,
6 for each of which the appropriate fee will be collected.

7
8 **11-20-405. Collection and disposition.**

9
10 (a) Any funds appropriated by the legislature and all
11 fees collected pursuant to W.S. 11-20-101 through ~~11-20-124~~
12 11-20-126, 11-20-201 through 11-20-230, 11-20-401, and
13 11-20-402 and 11-20-501 through 11-20-509 shall be remitted
14 to the state treasurer for deposit in the inspection
15 account. Interest earned by the account shall be retained
16 in the account. Monies within the account are subject to
17 legislative review and appropriation for use and
18 expenditure by the board. Itemized vouchers shall be
19 submitted to the chief executive officer of the board for
20 approval. Upon approval, a warrant for the payment of each
21 voucher shall be issued by the state auditor for payment
22 from the inspection account. Notwithstanding W.S.
23 9-2-1022(a)(xi)(E), the board shall expend monies from the
24 account created by this section only for the purposes

1 authorized by W.S. 11-20-201 through 11-20-230, and
2 11-20-101 through 11-20-124 and 11-20-501 through
3 11-20-509.

4

5 **Section 3.**

6

7 (a) There is appropriated fifty thousand dollars
8 (\$50,000.00) from the general fund to the Wyoming livestock
9 board. This appropriation shall be for the period
10 beginning with the effective date of this act and ending
11 June 30, 2010. This appropriation shall only be expended
12 for the purpose of establishing the heritage brand program
13 provided under this act and to fund the contract position
14 authorized under subsection (b) of this section.
15 Notwithstanding any other provision of law, this
16 appropriation shall not be transferred or expended for any
17 other purpose and any unexpended, unobligated funds
18 remaining from this appropriation shall revert as provided
19 by law on June 30, 2010.

20

21 (b) There is authorized one (1) additional contract
22 position to the Wyoming livestock board for the purposes of
23 implementing the heritage brand program authorized under
24 this act.

1

2 (c) This appropriation shall not be included in the
3 Wyoming livestock board 2011-2012 standard biennial budget
4 request.

5

6 **Section 4.** This act is effective July 1, 2009.

7

8

(END)