

CHAPTER 9
BRAND INSPECTION AND BRAND RECORDING FEES

Section 1. Authority.

(a) Pursuant to the authority vested in the Wyoming Livestock Board by virtue of WS §11-18-103(v), WS §11-20-101 through WS §11-20-116, WS §11-20-201 through WS §11-20-229 and WS §11-20-401 through WS §11-20-409 the following rules and regulations are hereby promulgated.

Section 2. Purpose.

(a) The purpose of these rules is to define the fees charged for brand recording and brand inspection services as authorized and established by WS §11-20-101 through WS §11-20-116, WS §11-20-201 through WS §11-20-229 and WS §11-20-401 through WS §11-20-409.

Section 3. Definitions.

(a) For the purposes of implementing the brand inspection program, the definitions in WS §11-20-101 and the following definitions are applicable:

(i) “Agent of the Board” means a Brand Inspector, Brand Inspection District Supervisor, Senior Brand Inspection Supervisor, Brand Commissioner, an Investigator, the Wyoming State Veterinarian or Agency Director or any Assistant State Veterinarian.

(ii) “Bona Fide Owner” means one who possesses a bill of sale, a sale barn receipt of ownership, a brand evidencing ownership, or other proof of ownership for livestock.

(iii) “Bona Fide Wyoming Resident” means a United States citizen who has been a resident of Wyoming and domiciled in Wyoming for not less than one (1) year and who has not claimed residency elsewhere for any purpose during that one (1) year period. Having a Wyoming mailing address shall not alone prove Wyoming residency. “Resident” also includes any legal alien who has resided continuously in Wyoming for at least one (1) year.

(iv) “Board” means the Wyoming Livestock Board; State Agency 051.

(v) “Brand Inspection Forms” means a document or brand inspection certificate created and issued by the Board for the purpose of implementing the Brand Inspection Program as proscribed by W.S. 11-20-201 et seq. Brand inspection forms include:

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(v) “Brand Inspection Forms” means a document or brand inspection certificate created and issued by the Board for the purpose of implementing the Brand Inspection Program as proscribed by W.S. 11-20-201 et seq. Brand inspection forms include:

A Form - A document created by the Board and used for intrastate and/or interstate movement of livestock; also issued when a change of ownership occurs. The blue copy of this form is considered title to the livestock as described on the form.

B Form - A document created by the Board and issued at licensed Wyoming livestock markets as title and clearance to destination. The blue copy of this form is considered title to the livestock as described on the form.

D Form - A document created by the Board and issued for intrastate and interstate movement of hides.

G Form - A document created by the Board and issued for the intrastate movement of livestock to a Wyoming livestock market, and for interstate movement of cattle and horses to any Board approved out-of-state livestock market where Wyoming Brand inspection is maintained.

H Form – A document created by the Board and issued for intrastate movement of work, show or rodeo stock for one year from the date of issue.

L Form – A document created by the Board and issued as a permanent or lifetime inspection to the owner of livestock used for rodeo, show, racing, pleasure or Wyoming farm or ranch work. The blue copy of this form is considered title to the livestock as described on the form and is void upon change of ownership.

- (vi) “Brand Inspector” means an agent or employee of the Board authorized to perform brand inspections pursuant to W.S. 11-20-201 et seq.
- (vii) “Commercial Feedlot” means a confined dry lot area for feeding of cattle, bison, or sheep on concentrated feed with no facilities for pasturing or grazing.
- (viii) “Livestock” means cattle, sheep, horses, mules, and asses.
- (ix) “Non-mandatory inspections” mean those brand inspections on livestock for brands or ownership, pursuant to W.S. 11-20-402 (a) (xi), that are requested by an owner, or his agent, but are not required by law.

Section 4. Predatory Animal Control Fees.

- (a) Except for out-of-state sheep and cattle consigned for immediate sale or slaughter in a licensed or exempted market facility the predatory animal control fee shall be set by

each County Predatory Animal Board at their annual meeting as proscribed by W.S. 11-6-210.

(b) As proscribed by W.S. 11-6-210 (a), the predator control fee shall not be collected more than once every twelve (12) months regardless of ownership on any cattle or sheep inspected. It is the responsibility of the livestock owner to provide the brand inspector with documentation that the predator control fee has been previously collected.

(c) Sheep and cattle taken out-of-state and re-branded with a brand recorded in another state or province prior to being shipped back into the state shall be considered out-of-state sheep, goats and cattle and shall be subject to any applicable predatory animal control fees as proscribed by W.S. 11-6-210.

Section 5. **Bonding.**

(a) Any private agency empowered or directed to collect funds under WS §11-6-210, WS §11-20-201, WS §11-20-203, WS §11-20-212, WS §11-20-217, WS §11-20-222, WS §11-20-223, WS §11-20-224, WS §11-20-225, WS §11-20-401 and WS §11-20-402, shall execute to the state a blanket bond or individual bonds with good and sufficient surety in an amount determined by the board.

Section 6. **Brand Inspection Fees.**

(a) Pursuant to WS §11-20-401(a), the general brand inspection fees shall be:

(i) One dollar and fifty cents (\$1.50) for all cattle, including any hide or carcass, inspected on A and B forms, except those which qualify for the G form authorized by WS §11-20-217 and the accustomed range permits authorized by WS §11-20-212 and WS §11-20-223.

(ii) Thirty Cents (\$0.30) per head on all sheep, including any hide or carcass, inspected on A and B forms.

(iii) Ten dollars and fifty cents (\$10.50) per head for the first ten head of horses, asses or mules, including any hide or carcass, inspected on the A and B forms and one dollar fifty cents (\$1.50) for each additional horse, ass or mule, including any hide or carcass, inspected at the same time and place.

(iv) Nine dollars and no cents (\$9.00) surcharge per inspection except when no mileage is incurred by the brand inspector or the inspection is done at an approved location or licensed livestock market.

(b) Pursuant to WS §11-20-402(a), the miscellaneous brand inspection fees shall be:

(i) Eighteen dollars and no cents (\$18.00) for each L Form issued pursuant to WS §11- 20-224.

(ii) Twelve Dollars and no cents (\$12.00) per animal for each H Form for the first ten (10) head inspected and one-dollar and fifty cents (\$1.50) for each additional head inspected pursuant to WS §11-20-225.

(iii) Nine dollars and no cents (\$9.00) surcharge per inspection except when no mileage is incurred by the brand inspector or the inspection is done at an approved location or licensed livestock market.

(iv) One dollar and fifty cents (\$1.50) for each certificate issued to a hide buyer as required by W.S. 11-23-204.

(v) Actual hourly cost of twelve dollars and no cents (\$12.00) per hour, plus mileage costs as provided by W.S. 9-3-103 for any non-mandatory inspections requested by a livestock owner or his agent.

Section 7. Certificates and Agreements In Lieu Of Inspection.

(a) Pursuant to WS §11-20-217, the fee is:

(i) Ninety cents (\$0.90) for cattle moving interstate to any Board approved out of state livestock markets where Wyoming Brand inspection is maintained.

(ii) Ninety cents (\$0.90) for horses moving interstate to any Board approved out of state livestock markets where Wyoming Brand inspection is maintained.

Section 8. Range Permits.

(a) Pursuant to WS §11-20-212, and WS §11-20-402 (a) (x), the fee for an In-state range movement permit is sixty dollars and no cents (\$60.00).

(b) Pursuant to WS §11-20-223 and WS §11-20-402 (a) (viii), Out-of-state accustomed range permit inspection fees are:

(i) An amount equal to thirty percent (30%) of the inspection fees established by the Board in Section 6 per head for cattle, horses, asses and mules.

(ii) An amount equal to thirty percent (30%) of the inspection fees established by the Board in Section 6 per head for sheep.

Section 9. Brand Recording Fees.

(a) Pursuant to WS §11-20-103 (b) the application fee for recording a brand shall be one hundred fifty dollars and no cents (\$150.00) for the first species of livestock and seventy five dollars and no cents (\$75.00) for each additional species of livestock for which the brand is used. Of this fee, thirty-seven dollars and fifty cents (\$37.50) shall be retained by the Livestock Board for the first species of livestock researched and eighteen dollars and seventy-five cents (\$18.75) for each additional species of livestock researched, in the event the brand is not recorded.

(b) Pursuant to WS §11-20-116 (a) the fee for renewing a previously recorded brand shall be three hundred dollars and no cents (\$300.00) and shall cover any additional species of livestock for which the brand was previously recorded.

(c) Pursuant to WS §11-20-116 (b) the fee for recording a bill of sale or other instrument transferring ownership of a recorded brand shall be one hundred dollars and no cents (\$100.00) for each recorded brand.

Section 10. Penalty for a Violation of Rules

(a) Penalties for a violation of these rules will be pursuant to law.

A Form - A document created by the Board and used for intrastate and/or interstate movement of livestock; also issued when a change of ownership occurs. The blue copy of this form is considered title to the livestock as described on the form.

B Form - A document created by the Board and issued at licensed Wyoming livestock markets as title and clearance to destination. The blue copy of this form is considered title to the livestock as described on the form.

D Form - A document created by the Board and issued for intrastate and interstate movement of hides.

G Form - A document created by the Board and issued for the intrastate movement of livestock to a Wyoming livestock market, and for interstate movement of cattle and horses to any Board approved out-of-state livestock market where Wyoming Brand inspection is maintained.

H Form – A document created by the Board and issued for intrastate movement of work, show or rodeo stock for one year from the date of issue.

L Form – A document created by the Board and issued as a permanent or lifetime inspection to the owner of livestock used for rodeo, show, racing, pleasure or Wyoming farm or ranch work. The blue copy of this form is considered title to the livestock as described on the form and is void upon change of ownership.

(vi) “Brand Inspector” means an agent or employee of the Board authorized to perform brand inspections pursuant to W.S. 11-20-201 et seq.

(vii) “Commercial Feedlot” means a confined dry lot area for feeding of cattle, bison, or sheep on concentrated feed with no facilities for pasturing or grazing.

(viii) “Livestock” means cattle, sheep, horses, mules, and asses, ~~goats, llamas and alpacas.~~

(ix) “Non-mandatory inspections” mean those brand inspections on livestock for brands or ownership, pursuant to W.S. 11-20-402 (a) (xi), that are requested by an owner, or his agent, but are not required by law.

Section 4. **Predatory Animal Control Fees.**

(a) Except for out-of-state sheep, ~~goats~~ and cattle consigned for immediate sale or slaughter in a licensed or exempted market facility the predatory animal control fee shall

be set by each County Predatory Animal Board at their annual meeting as proscribed by W.S. 11-6-210.

(b) As proscribed by W.S. 11-6-210 (a), the predator control fee shall not be collected more than once every twelve (12) months regardless of ownership on any cattle, ~~goats~~ or sheep inspected. It is the responsibility of the livestock owner to provide the brand inspector with documentation that the predator control fee has been previously collected.

(c) Sheep, ~~goats~~, and cattle taken out-of-state and re-branded with a brand recorded in another state or province prior to being shipped back into the state shall be considered out-of-state sheep, goats and cattle and shall be subject to any applicable predatory animal control fees as proscribed by W.S. 11-6-210.

Section 5. **Bonding.**

(a) Any private agency empowered or directed to collect funds under WS §11-6-210, WS §11-20-201, WS §11-20-203, WS §11-20-212, WS §11-20-217, WS §11-20-222, WS §11-20-223, WS §11-20-224, WS §11-20-225, WS §11-20-401 and WS §11-20-402, shall execute to the state a blanket bond or individual bonds with good and sufficient surety in an amount determined by the board.

Section 6. **Brand Inspection Fees.**

(a) Pursuant to WS §11-20-401(a), the general brand inspection fees shall be:

(i) One dollar and fifty cents (\$1.50) for all cattle, including any hide or carcass, inspected on A and B forms, except those which qualify for the G form authorized by WS §11-20-217 and the accustomed range permits authorized by WS §11-20-212 and WS §11-20-223.

(ii) Thirty Cents (\$0.30) per head on ~~all goats, llamas, alpacas and~~ all sheep, including any hide or carcass, inspected on A and B forms.

(iii) Ten dollars and fifty cents (\$10.50) per head for the first ten head of horses, asses or mules, including any hide or carcass, inspected on the A and B forms and one dollar fifty cents (\$1.50) for each additional horse, ass or mule, including any hide or carcass, inspected at the same time and place.

(iv) Nine dollars and no cents (\$9.00) surcharge per inspection except when no mileage is incurred by the brand inspector or the inspection is done at an approved location or licensed livestock market.

(b) Pursuant to WS §11-20-402(a), the miscellaneous brand inspection fees shall be:

(i) Eighteen dollars and no cents (\$18.00) for each L Form issued pursuant to WS §11- 20-224.

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(iv) One dollar and fifty cents (\$1.50) for each certificate issued to a hide buyer as required by W.S. 11-23-204.

(v) Actual hourly cost of twelve dollars and no cents (\$12.00) per hour, plus mileage costs as provided by W.S. 9-3-103 for any non-mandatory inspections requested by a livestock owner or his agent.

Section 7. Certificates and Agreements In Lieu Of Inspection.

(a) Pursuant to WS §11-20-217, the fee is:

(i) ~~Seventy five cents (\$0.75)~~ Ninety cents (\$0.90) for cattle moving interstate to any Board approved out of state livestock markets where Wyoming Brand inspection is maintained.

(ii) ~~Seventy five cents (\$0.75)~~ Ninety cents (\$0.90) for horses moving interstate to any Board approved out of state livestock markets where Wyoming Brand inspection is maintained.

Section 8. Range Permits.

(a) Pursuant to WS §11-20-212, and WS §11-20-402 (a) (x), the fee for an In-state range movement permit is ~~fifty dollars and no cents (\$50.00)~~ sixty dollars and no cents (\$60.00).

(b) Pursuant to WS §11-20-223 and WS §11-20-402 (a) (viii), Out-of-state accustomed range permit inspection fees are:

(i) An amount equal to ~~twenty five percent (25%)~~ thirty percent (30%) of the inspection fees established by the Board in Section 6 per head for cattle, horses, asses and mules.

(ii) An amount equal to ~~twenty-five percent (25%)~~ thirty percent (30%) of the inspection fees established by the Board in Section 6 per head for sheep, ~~goats, llamas and alpacas.~~

Section 9. Brand Recording Fees.

(a) Pursuant to WS §11-20-103 (b) the application fee for recording a brand shall be one hundred fifty dollars and no cents (\$150.00) for the first species of livestock and seventy five dollars and no cents (\$75.00) for each additional species of livestock for which the brand is used. Of this fee, thirty-seven dollars and fifty cents (\$37.50) shall be retained by the Livestock Board for the first species of livestock researched and eighteen dollars and seventy-five cents (\$18.75) for each additional species of livestock researched, in the event the brand is not recorded.

(b) Pursuant to WS §11-20-116 (a) the fee for renewing a previously recorded brand shall be three hundred dollars and no cents (\$300.00) and shall cover any additional species of livestock for which the brand was previously recorded.

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Section 10. Penalty for a Violation of Rules

(a) Penalties for a violation of these rules will be pursuant to law.

10 draft rule

CHAPTER XI

THE G FORM AND LIVESTOCK SHIPMENTS TO APPROVED OUT OF STATE MARKETS

Section 1. Authority. Pursuant to the authority vested in the Wyoming Livestock Board under W.S. 11-20-202 and 11-2-217, the following rules and regulations are hereby promulgated.

Section 2. Definitions. In construing the rules drafted for this chapter, the following terms are applicable:

(a) "Approved market" means a livestock market in a state contiguous to Wyoming where brand inspection is maintained and which has been approved by the Wyoming Livestock Board, and the Wyoming Chief Brand Inspector. An approved market must sign a Memorandum of Agreement with the Board.

(b) "Board" means the Wyoming Livestock Board, Herschler Building, 3 East, 122 West 25th Street, Cheyenne, Wyoming 82002.

(c) "Brand clearance" means a Wyoming A Form, G Form or B Form.

(d) "G Form" means the certificate and agreement in lieu of inspection authorized by W.S. 11-20-217.

(e) "Livestock" means horses, mules, cattle.

(f) "Proof of ownership" means a recorded brand or bill of sale or brand clearance.

(g) "Reciprocity" means the laws of Wyoming extend the rights and privileges to citizens of another contiguous state to use the G Form, if such state grants similar privileges to citizens of Wyoming.

Section 3. Application.

(a) A livestock market located in a brand inspection area in a contiguous state which has declared reciprocity with the State of Wyoming may apply for "approved market status" with the Board. The market shall be approved by the Board and Chief Brand Inspector and sign a Memorandum of Agreement, renewed annually, establishing the following terms and conditions:

(i) Inspections conducted in the market must comply with the Wyoming inspection standards listed in Section 4 below.

(ii) The Wyoming Chief Brand Inspector or his designee shall be permitted to enter the market unannounced to make periodic observations to assure compliance with the terms of the written agreement.

Section 4. Brand Inspection Requirement.

(a) Livestock consigned to approved markets must be accompanied by a proper Wyoming brand clearance, Form A, Form G or Form B, showing the actual destination of the shipment.

(i) Proceeds from the sale of livestock which arrive at a market without a brand clearance or proof of ownership shall be held by the market for sixty (60) days. The Wyoming Brand Inspector, at the point of origin of the consigned livestock, shall be notified within forty-eight (48) hours of arrival.

(b) All livestock shall be inspected individually and only during daylight hours. No inspections shall be conducted in trucks or trailers or under artificial light.

(c) After the sale and prior to the transfer of consigned livestock, the seller must show proof of ownership by recorded brand or bill of sale.

(d) If the seller is unable to produce proof of ownership, the proceeds from the sale of the livestock shall be held by the market for sixty (60) days.

(e) If the seller fails to present proof of ownership, the proceeds from the sale of the livestock shall be sent to the Wyoming Livestock Board or its designated agent, presently the Wyoming Stock Growers Association.

(f) The brand inspector at the approved market shall tally the sale of all Wyoming livestock on a form provided by the Board and forward the tally to the Board monthly.

Section 5. Revocation, Breach of Contract.

(a) Approved market status may be revoked, following a hearing conducted under the Administrative Procedures Act, if:

(i) The state, by statute or regulation or policy or practices, breaches the reciprocity agreement with the State of Wyoming, or

(ii) The market violates the terms of the written agreement stated in Sections 3 and 4.