

ENROLLED ACT NO. 10, HOUSE OF REPRESENTATIVES

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2006 BUDGET SESSION

AN ACT relating to brands; providing for seed stock or exhibitor permits; modifying brand inspection fees; expanding conditions for inspecting brands; making conforming amendments; creating a task force to study the brand inspection and brand reporting programs; providing for membership; providing study requirements; providing an appropriation; providing for a report; and providing for an effective date.

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

Section 1. W.S. 11-20-230 is created to read:

11-20-230. Livestock seed stock and exhibitors permit; fees; transfers; reports; enforcement.

(a) Any Wyoming livestock producer who raises and markets livestock for the purpose of providing breeding seed stock or exhibition animals, as defined by the board for purposes of this section, may apply to the board for a livestock seed stock or exhibition stock permit. The fee shall be fifty dollars (\$50.00) per permit. The permit shall be valid for the calendar year issued and no transactions or shipments shall be authorized until a permit has been issued.

(b) After receiving a certificate of inspection from a Wyoming brand inspector, the livestock producer may sell or change ownership of the livestock provided the livestock are branded with the livestock producer's recorded Wyoming brand and the animals can be individually identified by a board approved method. The livestock may then be legally shipped or removed from any county in Wyoming to any other county, state or country, provided they are accompanied by a board authorized bill of sale and a board issued fleet

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permit which references the prior certificate of inspection pursuant to W.S. 11-20-216.

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

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

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

11-1-103. Penalty for violations.

A person who violates any of the following sections commits 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 for the first offense, or by imprisonment for not more than one (1) year, a fine of not

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more than one thousand five hundred dollars (\$1,500.00), or both for second or subsequent offenses: W.S. 11-6-210(a) or (f), 11-18-112, 11-19-101, 11-19-102, 11-19-111, 11-19-401, 11-20-114, 11-20-117, 11-20-229, 11-20-230, 11-21-104, 11-22-118, 11-23-106, 11-23-207, 11-24-106 and 11-30-114. A person who violates board rules promulgated pursuant to W.S. 11-18-103(a)(v) shall be subject to the penalties specified in this section.

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) for the first species of livestock and fifty dollars (\$50.00) 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) 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.

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

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

(f) Brand renewal, transfers or alterations under this section may be charged a surcharge pursuant to W.S. 11-20-405(c).

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

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(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.

11-20-205. Procedures generally; estrays.

(a) Except as otherwise provided, before selling, changing ownership or removing any livestock from any county of Wyoming, the person selling, changing ownership or intending to cause removal shall notify the inspector of the date of the intended removal and the time and place when and where the required inspection for brands and ownership can be made. The inspection shall be made within a reasonable time prior to shipment. The person in charge of the livestock shall hold the livestock at the place designated until the livestock have been inspected and an official certificate of inspection is issued. The person in charge shall render the inspecting officer such assistance as is practicable while the required inspection is being made.

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

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(c) The inspection shall ~~be made by daylight in such manner as to enable the inspecting officer to make a thorough and efficient inspection~~ only be done under conditions that allow the inspector, at the sole discretion of the inspector, to adequately view the livestock for the purpose of determining brands. The inspector shall list by classes the livestock, showing number of each class and all brands, together with the names of owners of the brands, if known. The inspector may require from the person in charge proof of ownership of the livestock to be removed from the county, by brand record, bill of sale or the affidavits of at least two (2) responsible citizens of the county who are not interested financially in the animals. If ownership of any of the livestock is not claimed by the person intending to remove them from the county, then written authorization from the owner for such removal is required.

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

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

11-20-229. Penalties for violation of certain provisions.

Any violation of the provisions of W.S. 11-20-202 through 11-20-226 and 11-20-230 for which there is no specific

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penalty prescribed is punishable as provided in W.S.
11-1-103.

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:

(iv) Five dollar (\$5.00) 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.

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

11-20-402. Miscellaneous inspection fees.

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

(ix) Five dollar (\$5.00) 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;

(xi) Actual hourly cost plus mileage for any nonmandatory inspections requested by a livestock owner.

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The hourly cost shall be as determined by the board and the mileage cost shall be as provided by W.S. 9-3-103.

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

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

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

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

11-20-405. Collection and disposition.

(a) Any funds appropriated by the legislature and all fees collected pursuant to W.S. 11-20-101 through 11-20-124, 11-20-201 through ~~11-20-229~~11-20-230, 11-20-401 and 11-20-402 shall be remitted to the state treasurer for deposit in the inspection account. Interest earned by the account shall be retained in the account. Monies within the account are subject to legislative review and appropriation for use and expenditure by the board. Itemized vouchers shall be submitted to the chief executive officer of the board for approval. Upon approval, a warrant for the payment of each voucher shall be issued by the state auditor for payment from the inspection account. Notwithstanding W.S. 9-2-1022(a)(xi)(E), the board shall expend monies from the account created by this section only for the purposes authorized by W.S. 11-20-201 through ~~11-20-229~~11-20-230, and 11-20-101 through 11-20-124.

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

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

11-20-409. Issuance of certificate.

All fees required by W.S. 11-6-210, 11-20-201 through ~~11-20-229~~ 11-20-230, 11-20-401 and 11-20-402 shall be due and payable upon the issuance of a certificate of brand inspection or clearance. No fees required by W.S. 11-6-210 shall be collected on the same livestock more than once in any twelve (12) month period.

Section 3.

(a) There is created a legislative-executive task force to study the future direction of the brand inspection and brand recording programs. The task force shall consist of fourteen (14) members appointed by April 1, 2006, as follows:

(i) The governor or his designee;

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

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

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

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

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

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

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

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

(c) The task force shall:

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

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

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

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

(e) Members of the task force shall be paid as follows:

(i) Legislators serving on the task force shall be paid salary, per diem and travel expenses as provided in W.S. 28-5-101 for their official duties as members of the task force and shall be paid from the appropriation provided by section 4 of this act;

(ii) State employees serving on the task force shall receive no additional compensation for serving on the task force, but shall be paid by their respective agencies as provided in W.S. 9-3-102 and 9-3-103 for travel and per diem expenses incurred for their official duties as members of the task force;

(iii) All other members of the task force shall receive compensation in the amount of fifty dollars (\$50.00) per day, shall be paid as provided in W.S. 9-3-102 and 9-3-103 for travel and per diem expenses incurred for their official duties as members of the task force and shall be paid from the appropriation provided by section 4 of this act.

(f) This section is repealed June 30, 2007.

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Section 4. There is appropriated from the general fund fifty thousand dollars (\$50,000.00), or as much thereof as is necessary, to the Wyoming livestock board for the expenses of the task force created by this act.

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

(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