

HOUSE BILL NO. HB0275

Brands.

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

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 ~~one hundred dollars (\$100.00)~~ three  
4 hundred dollars (\$300.00) for the first species of  
5 livestock and ~~fifty dollars (\$50.00)~~ one hundred dollars  
6 (\$100.00) for each additional species of livestock for  
7 which the brand is to be used. In the event a brand is not  
8 recorded, ~~twenty five dollars (\$25.00)~~ fifty dollars  
9 (\$50.00) 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, 2008, 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 rerecording, transfer of**  
17 **ownership or alteration of brand; recording bill of sale**  
18 **not deemed rerecording.**

19  
20 (a) For ~~renewing~~rerecording any brand previously  
21 recorded and issuing a certificate of renewal, the board  
22 shall charge ~~eighty dollars (\$80.00)~~two hundred dollars  
23 (\$200.00). The fee shall cover any additional species of  
24 livestock for which the brand was previously recorded.

1

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

8

9 **11-20-405. Collection and disposition.**

10

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

1 account created by this section only for the purposes  
2 authorized by W.S. 11-20-201 through 11-20-230, ~~and~~  
3 11-20-101 through 11-20-124 and 11-20-501 through  
4 11-20-509.

5

6 **Section 3.** There is authorized one (1) additional  
7 contract position to the livestock board for the purposes  
8 of implementing this act. There is appropriated to the  
9 livestock board fifty thousand dollars (\$50,000.00) or as  
10 much thereof as is necessary from the general fund for the  
11 period beginning with the effective date of this act and  
12 ending June 30, 2008.

13

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

15

16

(END)