

**HB0134**

**Livestock brands-amendments.**

Sponsored By: Representative(s) Sommers, Eklund, Greear, Hunt, Lindholm and Tass and Senator(s) Agar, Boner, Dockstader and Driskill

AN ACT relating to brands; amending procedures regarding brands as specified; creating a permanently recorded brand; requiring rulemaking; repealing unnecessary provisions; and providing for an effective date.

1/11/2019 Bill Number Assigned  
1/14/2019 H Received for Introduction  
1/14/2019 H Introduced and Referred to H05 - Agriculture  
1/24/2019 H05 - Agriculture:Recommend Amend and Do Pass 7-2-0-0-0

**ROLL CALL**

**Ayes:** Representative(s) Blake, Clausen, Haley, Henderson, Hunt, Simpson, Winter

**Nays:** Representative(s) Laursen, Tass

**Ayes** 7    **Nays** 2    **Excused** 0    **Absent** 0    **Conflicts** 0

1/24/2019 H Placed on General File

**HB0134HS001.01/ADOPTED**                    **[DIVIDED AMENDMENT]**  
**(CORRECTED COPY)**

Page 2-line 15                    Reinsert all stricken language.  
Page 2-line 16                    Delete all new language.  
Page 2-line 17                    Delete "three" and insert "two".  
Page 2-line 18                    Delete "(3)" and insert "(2)". HUNT, CHAIRMAN

**HB0134HS001.02/FAILED**                    **[DIVIDED AMENDMENT]**  
**(CORRECTED COPY)**

Page 2-lines 19 through 22                    Delete all new language. HUNT, CHAIRMAN

**HB0134HW001/ADOPTED**

Page 2-line 19                    After "abandoned." insert "As part of any rerecording notice sent under this subsection, the board shall offer the option to a party to rerecord all brands which the party owns upon payment of a prorated fee, whether or not the brand has reached its rerecording date.".  
HALEY

1/31/2019 H COW:Passed

**HB0134H2001/ADOPTED**

Page 2-line 21                    Delete "before paying".  
Page 2-line 22                    Delete line through "subsection" and insert "provided that payment in full of the recording fee and any delinquency fees required under this subsection is made at the time of sale.". SOMMERS

2/1/2019 H 2nd Reading:Passed  
2/4/2019 H 3rd Reading:Passed 55-3-2-0-0

**ROLL CALL**

**Ayes:** Representative(s) Barlow, Blackburn, Blake, Brown, Burkhart, Burlingame, Clausen, Clem, Clifford, Connolly, Crank, Dayton-Selman, Duncan, Edwards, Eklund, Eyre, Flitner, Freeman, Furphy, Gray, Greear, Haley, Hallinan, Harshman, Henderson, Hunt, Kinner, Kirkbride, Larsen, Lindholm, Loucks, MacGuire, Newsome, Nicholas, Obermueller, Olsen, Paxton, Pelkey, Piiparinen, Pownall, Roscoe, Salazar, Schwartz, Sommers, Stith, Styvar, Sweeney, Tass, Walters, Washut, Western, Wilson, Winter, Yin, Zwonitzer

**Nays:** Representative(s) Jennings, Laursen, Miller

**Excused:** Representative(s) Northrup, Simpson

**Ayes** 55      **Nays** 3      **Excused** 2      **Absent** 0      **Conflicts** 0

2/5/2019      S Received for Introduction  
2/5/2019      S Introduced and Referred to S05 - Agriculture  
2/8/2019      S05 - Agriculture:Recommend Amend and Do Pass 5-0-0-0-0

#### ROLL CALL

**Ayes:** Senator(s) Boner, Bouchard, Kost, Moniz, Steinmetz

**Ayes** 5      **Nays** 0      **Excused** 0      **Absent** 0      **Conflicts** 0

2/8/2019      S Placed on General File

#### HB0134SS001/ADOPTED (TO ENGROSSED COPY)

Page 2-line 1      After "mail" insert "and electronic mail if provided".  
Page 2-line 6      Strike "by certified mail".  
Page 2-line 23      Delete "use the".  
Page 3-line 1      Delete entirely.  
Page 3-line 2      Delete "provided that" and insert "provide".  
Page 3-line 3      Delete "is made".  
Page 3-line 4      Delete "sale" and insert "brand inspection". BONER, CHAIRMAN

#### HB0134SW001/ADOPTED (TO ENGROSSED COPY)

Page 1-line 2      After "specified;" insert "repealing unnecessary provisions;".  
Page 1-line 6      After "11-20-115(a)" insert ", c and by creating new subsections (d) and (e)".  
Page 1-line 11      After "(a)" strike balance of line.  
Page 1-line 12      Strike "section,".  
Page 2-line 9      After "brand." delete all new language.  
Page 2-lines 10 and 11      Delete entirely.  
Page 2-line 12      Delete "declaring the brand abandoned".  
Page 2-line 18      After "abandoned." insert "Not less than six (6) months before declaring a brand abandoned, the board shall send a notice of proposed brand abandonment to the party owning the brand at the address shown on the brand records."; delete "As part of any".  
Page 2-lines 19 through 23      Delete entirely including the Senate standing committee amendment (HB0134SS001/AE) to these lines.  
Page 3-lines 1 through 3      Delete entirely including the Senate standing committee amendment (HB0134SS001/AE) to these lines.  
Page 3-line 4      Delete the Senate standing committee amendment (HB0134SS001/AE) to this line; delete "the time of sale".  
Page 3-after line 7      Insert:  
" (c) ~~After the rerecording periods established by the board under subsection (b) of this section, The term of the rerecording period shall not exceed ten (10) years and the method of renewal shall be established by the~~

board. Every owner of a brand shall rerecord the brand every ten (10) years and shall pay the renewal fee specified by W.S. 11-20-116 which shall be prorated by the board for any renewal of less than ten (10) years.

(d) As part of any rerecording notice or abandonment notice sent under subsection (a) of this section, the board shall offer the option to a party to rerecord all brands that the party owns upon payment of a prorated fee, whether or not the brand has reached its rerecording date and provided that the rerecording period shall not exceed the ten (10) year term established by subsection (c) of this section.

(e) A party owning a brand declared delinquent under subsection (a) of this section may provide payment in full of the required recording fee and any delinquency fees at the time of brand inspection.

**Section 2.** W.S. 11-20-115(b) is repealed."

Page 3-line 9 Delete "**Section 2**" and insert "**Section 3**". STEINMETZ,  
BONER

2/14/2019 S COW:Passed

**HB0134S2001/FAILED (TO ENGROSSED COPY)**

Page 1-line 2 After "specified;" insert "creating a permanently recorded brand;".

Page 1-after line 4 Insert:  
"**Section 1.** W.S. 11-20-126 is created to read:  
**11-20-126. Permanently recorded brand.**

(a) Any person seeking to permanently record a new or existing brand shall apply to the Wyoming livestock board. The application shall include the information required under W.S. 11-20-103(a) and any other information the board may require.

(b) Any application under this section shall be accompanied by a recording fee of three thousand dollars (\$3,000.00). No additional recording fee for additional livestock species shall be required. In the event a brand is not recorded, 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.

(c) Any person with a brand that is permanently recorded under this section shall not be required to rerecord the brand as provided by W.S. 11-20-115.

(d) Any brand permanently recorded under this section shall exist for the life of the person who applied to permanently record the brand. If the person who applied to permanently record the brand is a corporation, the brand shall exist for the life of the corporation.

(e) No brand permanently recorded under this section shall be transferable to another person or corporation without the person or corporation receiving the transferred brand first paying the recording fee required under subsection (b) of this section or the recording fee required under W.S. 11-20-116(b)."

Page 1-line 6 Delete "**Section 1.**" and insert "**Section 2.**".

Page 1-line 12 In the Steinmetz et al. committee of the whole amendment (HB0134SW001/AE) to this line, after stricken "section,", insert "Except as provided in W.S. 11-20-126,".

Page 3-after line 7 In the Steinmetz et al. committee of the whole amendment (HB0134SW001/AE) to this line, delete "**Section 2.**" and insert "**Section 3.**".

Page 3-line 9 Delete the Steinmetz et al. committee of the whole amendment (HB0134SW001/AE) to this line; delete "**Section 2.**" and insert "**Section 4.**". DRISKILL

2/15/2019 S 2nd Reading:Passed

**HB0134S3001/ADOPTED (TO ENGROSSED COPY)**

Page 1-line 2 After "specified;" insert "creating a permanently recorded brand; requiring rulemaking;".

Page 1-after line 4 Insert:

"**Section 1.** W.S. 11-20-126 is created to read:

**11-20-126. Permanently recorded brand.**

(a) Any person may apply to permanently record a new or existing brand. The board shall promulgate rules necessary for providing for permanently recorded brands. Rules promulgated under this section shall establish:

(i) An application process for permanently recording a brand. The application shall include the information required under W.S. 11-20-103(a) and any other information the board may require;

(ii) Recording fees for permanently recording a brand, provided that:

(A) No recording fee shall exceed one thousand five hundred dollars (\$1,500.00) for each application filed under this section;

(B) No additional recording fee shall be charged for additional species or for rerecording;

(C) If a brand is not recorded, 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;

(D) All fees collected shall be deposited into the account created by W.S. 11-20-405.

(iii) The length of time the permanently recorded brand shall exist, provided that:

(A) The board may require owners of permanently recorded brands to provide notice of continuation of the permanently recorded brand to the board at least once every ten (10) years. The board shall not deem any brand abandoned because of lack of notice;

(B) If the board requires notice of continuation as provided in subparagraph (A) of this paragraph, the board shall prepare a form and shall send the notice of continuation form by mail to the address shown on the brand records, and by electronic mail if provided, at least sixty (60) days before the notice is due.

(b) 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) Any person with a brand that is permanently recorded under this section shall not be required to rerecord the brand as provided by W.S. 11-20-115.

(d) No brand permanently recorded under this section shall be transferable to another person or corporation without the person or corporation receiving the transferred brand first paying the recording fee required under this section or the recording fee required under W.S. 11-20-116(b).".

Page 1-line 6 Delete "**Section 1.**" and insert "**Section 2.**".

Page 1-line 12 In the Steinmetz et al. committee of the whole amendment (HB0134SW001/AE) to this line, after stricken "section,", insert "Except as provided in W.S. 11-20-126,".

Page 3-after line 7 In the Steinmetz et al. committee of the whole amendment (HB0134SW001/AE) to this line, delete "**Section 2.**" and insert "**Section 3.**".

Page 3-line 9 Delete the Steinmetz et al. committee of the whole amendment (HB0134SW001/AE) to this line; delete "**Section 2.**" and insert "**Section 4.**". STEINMETZ, DRISKILL, HICKS, AGAR

2/19/2019 S 3rd Reading:Passed 28-1-1-0-0

#### ROLL CALL

**Ayes:** Senator(s) Agar, Anderson, Anselmi-Dalton, Baldwin, Bebout, Biteman, Boner, Bouchard, Case, Coe, Dockstader, Driskill, Gierau, Hicks, Hutchings, James, Kinskey, Kost, Landen, Moniz, Nethercott, Pappas, Rothfuss, Schuler, Scott, Steinmetz, Von Flatern, Wasserburger

**Nays:** Senator Ellis

**Excused:** Senator Perkins

**Ayes** 28      **Nays** 1      **Excused** 1      **Absent** 0      **Conflicts** 0

2/19/2019 H Received for Concurrence

2/20/2019 H Concur:Failed 1-58-1-0-0

#### ROLL CALL

**Ayes:** Representative Laursen

**Nays:** Representative(s) Barlow, Blackburn, Blake, Brown, Burkhart, Burlingame, Clausen, Clem, Clifford, Connolly, Crank, Dayton-Selman, Duncan, Edwards, Eklund, Eyre, Flitner, Freeman, Furphy, Gray, Greear, Haley, Hallinan, Harshman, Henderson, Hunt, Jennings, Kinner, Kirkbride, Larsen, Lindholm, Loucks, MacGuire, Miller, Newsome, Nicholas, Obermueller, Olsen, Paxton, Pelkey, Piiparinen, Pownall, Roscoe, Salazar, Schwartz, Simpson, Sommers, Stith, Styvar, Sweeney, Tass, Walters, Washut, Western, Wilson, Winter, Yin, Zwonitzer

**Excused:** Representative Northrup

**Ayes** 1      **Nays** 58      **Excused** 1      **Absent** 0      **Conflicts** 0

2/20/2019 H Appointed JCC01 Members  
Representative(s) Sommers, Barlow, Greear

2/20/2019 S Appointed JCC01 Members  
Senator(s) Driskill, Agar, Steinmetz

2/22/2019 H Adopted HB0134JC001: 52-7-1-0-0

#### HB0134JC001/HADOPTED (TO ENGROSSED COPY)

Adopt the following Senate amendments:

HB0134SW001/AE

Delete the following Senate amendments:

HB0134SS001/AE

HB0134S3001/AE

Further amend the ENGROSSED COPY as follows:

Page 1-line 2 After "specified;" insert "creating a permanently recorded brand; requiring rulemaking;".

Page 1-after line 4 Insert:

"**Section 1.** W.S. 11-20-126 is created to read:

**11-20-126. Permanently recorded brand.**

(a) Any person may apply to permanently record a new or existing brand. The board shall promulgate rules necessary for providing for permanently recorded brands. Rules promulgated under this section shall establish:

(i) An application process for permanently recording a brand. The application shall include the information required under W.S. 11-20-103(a) and any other information the board may require;

(ii) Recording fees for permanently recording a brand, provided that:

(A) No recording fee shall exceed one thousand five hundred dollars (\$1,500.00) for each application filed under this section;

(B) No additional recording fee shall be charged for additional species or for rerecording;

(C) All fees collected shall be deposited into the account created by W.S. 11-20-405.

(iii) The length of time the permanently recorded brand shall exist, provided that:

(A) The board may require owners of permanently recorded brands to provide notice of continuation of the permanently recorded brand to the board at least once every ten (10) years. The board shall not deem any brand abandoned because of lack of notice;

(B) If the board requires notice of continuation as provided in subparagraph (A) of this paragraph, the board shall prepare a form and shall send the notice of continuation form by mail to the address shown on the brand records, and by electronic mail if provided, at least sixty (60) days before the notice is due.

(b) 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) Any person with a brand that is permanently recorded under this section shall not be required to rerecord the brand as provided by W.S. 11-20-115.

(d) No brand permanently recorded under this section shall be transferable to another person without the person receiving the transferred brand first paying the recording fee required under this section or the recording fee required under W.S. 11-20-116(b).".

Page 1-line 12 Before "every" insert "Except as provided in W.S. 11-20-126,".

Page 2-line 1 After "mail" insert "and electronic mail if provided".

Page 2-line 25 Delete "use the".

Page 3-line 1 Delete entirely.

Page 3-line 2 Delete "provided that" and insert "provide".

Page 3-line 3 Delete "is made".

Page 3-line 4 Delete "sale" and insert "brand inspection".

Renumber sections as necessary. SOMMERS, BARLOW, GREAR, DRISKILL, AGAR, STEINMETZ

#### ROLL CALL

**Ayes:** Representative(s) Barlow, Blackburn, Blake, Brown, Burkhart, Burlingame, Clausen, Clem, Clifford, Connolly, Crank, Dayton-Selman, Duncan, Eklund, Eyre, Flitner, Freeman, Furphy, Greear, Haley, Hallinan, Harshman, Henderson, Hunt, Kinner, Kirkbride, Larsen, Lindholm, Loucks, MacGuire, Newsome, Nicholas, Obermueller, Olsen, Paxton, Pelkey, Piiparinen, Pownall, Roscoe, Schwartz, Simpson, Sommers, Stith, Styvar, Sweeney, Tass, Walters, Washut, Western, Wilson, Winter, Zwonitzer

**Nays:** Representative(s) Edwards, Gray, Jennings, Laursen, Miller, Salazar, Yin

**Excused:** Representative Northrup

**Ayes** 52      **Nays** 7      **Excused** 1      **Absent** 0      **Conflicts** 0

**HB0134JC001/HADOPTEDSADOPTED (TO ENGROSSED COPY)**

Adopt the following Senate amendments:

HB0134SW001/AE

Delete the following Senate amendments:

HB0134SS001/AE

HB0134S3001/AE

Further amend the ENGROSSED COPY as follows:

Page 1-line 2                   After "specified;" insert "creating a permanently recorded brand; requiring rulemaking;".

Page 1-after line 4        Insert:

    "**Section 1.** W.S. 11-20-126 is created to read:

**11-20-126. Permanently recorded brand.**

    (a) Any person may apply to permanently record a new or existing brand. The board shall promulgate rules necessary for providing for permanently recorded brands. Rules promulgated under this section shall establish:

        (i) An application process for permanently recording a brand. The application shall include the information required under W.S. 11-20-103(a) and any other information the board may require;

        (ii) Recording fees for permanently recording a brand, provided that:

            (A) No recording fee shall exceed one thousand five hundred dollars (\$1,500.00) for each application filed under this section;

            (B) No additional recording fee shall be charged for additional species or for rerecording;

            (C) All fees collected shall be deposited into the account created by W.S. 11-20-405.

        (iii) The length of time the permanently recorded brand shall exist, provided that:

            (A) The board may require owners of permanently recorded brands to provide notice of continuation of the permanently recorded brand to the board at least once every ten (10) years. The board shall not deem any brand abandoned because of lack of notice;

            (B) If the board requires notice of continuation as provided in subparagraph (A) of this paragraph, the board shall prepare a form and shall send the notice of continuation form by mail to the address shown on the brand records, and by electronic mail if provided, at least sixty (60) days before the notice is due.

    (b) 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) Any person with a brand that is permanently recorded under this section shall not be required to rerecord the brand as provided by W.S. 11-20-115.

    (d) No brand permanently recorded under this section shall be transferable to another person without the person receiving the transferred brand first paying the recording fee required under this section or the recording fee required under W.S. 11-20-116(b).".

Page 1-line 12            Before "every" insert "Except as provided in W.S. 11-20-126,".

Page 2-line 1            After "mail" insert "and electronic mail if provided".

Page 2-line 23          Delete "use the".

Page 3-line 1            Delete entirely.

Page 3-line 2            Delete "provided that" and insert "provide".

Page 3-line 3            Delete "is made".

Page 3-line 4            Delete "sale" and insert "brand inspection".

Re-number sections as necessary.   SOMMERS, BARLOW, GREER, DRISKILL, AGAR, STEINMETZ

**ROLL CALL**

**Ayes:** Senator(s) Agar, Anderson, Anselmi-Dalton, Baldwin, Bebout, Biteman, Boner, Bouchard, Case, Coe, Dockstader, Driskill, Gierau, Hicks, Hutchings, James, Kinskey, Kost, Landen, Moniz, Nethercott, Pappas, Perkins, Rothfuss, Schuler, Scott, Steinmetz, Von Flatern, Wasserburger

**Nays:** Senator Ellis

**Ayes** 29      **Nays** 1      **Excused** 0      **Absent** 0      **Conflicts** 0

2/25/2019      Assigned Number HEA No. 0093  
2/25/2019      H Speaker Signed HEA No. 0093  
2/25/2019      S President Signed HEA No. 0093  
2/27/2019      Governor Signed HEA No. 0093  
2/27/2019      Assigned Chapter Number 148

Chapter No. 148      Session Laws of Wyoming 2019