



## Notice of Intent to Adopt Rules

Revised July 2013

### 1. General Information

a. Agency/Board Name		
b. Agency/Board Address	c. City	d. Zip Code
e. Name of Contact Person	f. Contact Telephone Number	
g. Contact Email Address		
h. Date of Public Notice	i. Comment Period Ends	
j. Program		

### 2. Rule Type and Information: For each chapter listed, indicate if the rule is New, Amended, or Repealed.

If "New," provide the Enrolled Act numbers and years enacted:

a. Provide the Chapter Number, Short Title, and Rule Type of Each Chapter being Created/Amended/Repealed  
*Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification.*

Chapter Number:	Short Title:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
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c.  The Statement of Reasons is attached to this certification.

d.  N/A     In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Section 5 of the Rules on Rules).

e. A copy of the proposed rules\* may be obtained:

By contacting the Agency at the physical and/or email address listed in Section 1 above.  
 At the following URL: \_\_\_\_\_

\* If Item "d" above is not checked, the proposed rules shall be in strike and underscore format.

**3. Public Comments and Hearing Information**

a. A public hearing on the proposed rules has been scheduled.  Yes  No

	If "Yes:"	Date:	Time:	City:	Location:

b. What is the manner in which interested persons may present their views on the rulemaking action?  
 By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.  
 At the following URL: \_\_\_\_\_

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted:  
 To the Agency at the physical and/or email address listed in Section 1 above.  
 At the following URL: \_\_\_\_\_

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Contact Person listed in Section 1 above.

**4. Federal Law Requirements**

a. These rules are created/amended/revoked to comply with federal law or regulatory requirements.  Yes  No

	If "Yes:"	Applicable Federal Law or Regulation Citation:

Indicate one (1):  
 The proposed rules meet, but do not exceed, minimum federal requirements.  
 The proposed rules exceed minimum federal requirements.

Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:  
 To the Agency at the physical and/or email address listed in Section 1 above.  
 At the following URL: \_\_\_\_\_

**5. State Statutory Requirements**

a. Indicate one (1):  
 The proposed rule change *MEETS* minimum substantive statutory requirements.  
 The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b. Indicate one (1):  
 The Agency has complied with the requirements of W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:  
 By contacting the Agency at the physical and/or email address listed in Section 1 above.  
 At the following URL: \_\_\_\_\_  
 Not Applicable.

**6. Authorization**

a. I certify that the foregoing information is correct.

<i>Printed Name of Authorized Individual</i>	
<i>Title of Authorized Individual</i>	
<i>Date of Authorization</i>	

Distribution List:

- Attorney General and LSO: Hard copy of Notice of Intent; Statement of Reasons; clean copy of the rules; and strike-through and underline version of rules (if applicable). *Optional:* electronic copies of all items noted (in addition to hard copies) may be emailed to LSO at [Criss.Carlson@wyoleg.gov](mailto:Criss.Carlson@wyoleg.gov).
- Secretary of State: Electronic version of Notice of Intent sent to [Rules@wyo.gov](mailto:Rules@wyo.gov).

## **Statement of Reasons**

### **Chapters 17, 18, and 19 rules**

#### **Consolidation of rules into Chapter 17 and repeal of Chapters 18 and 19**

In compliance with the Governor's rules initiative, the Wyoming Livestock Board has been reviewing all its rules. Each set of rules are being evaluated to see which chapters can be simplified, consolidated, or repealed. The Wyoming Livestock Board had been reviewing Chapter 17 before the initiative began. These rules needed to be updated and clarified due to changes in the Wyoming Statutes.

After careful review, the Board believes that chapters 17, 18, and 19 should be combined into one set of rules. Currently each chapter specifies the issuance of a different type of Board issued permit: In-State Range Movement permit; Out-of-State Accustomed Range permit; and Seasonal Brand permit. These separate rules utilize largely common definitions and other sections and only differ materially in the content of the criteria and qualifications for the individual permits.

There is no reason that the criteria and provisions of each permit could not be covered in one simplified set of rules. Accordingly, the Wyoming Livestock Board intends to repeal the current chapters 18 and 19 rules concurrently with the consolidation and modification of its chapter 17 rules.

There should be no adverse impact to the Wyoming livestock industry if these rules are combined.

## **Brand Inspection and Recording Permits**

### **CHAPTER 17**

#### **Section 1. Authority to Create Rules.**

(a) Pursuant to the authority vested in the Wyoming Livestock Board by virtue of W.S. 11-20-212(d), W.S. 11-20-223(d), W.S. 11-20-125(c), and W.S. 11-20-402, the following rules are hereby promulgated.

#### **Section 2. Purpose of Rules.**

The purpose of these rules is to define the terms and procedures for establishing eligibility and criteria for In-State Range Movement Permits, Out-of-State Accustomed Range Permits, and Seasonal Brand Permits.

#### **Section 3. Definitions**

(a) For the purpose of implementing these rules, the definitions in W.S. 11-20-101 and the following definitions are applicable.

(i) “Accustomed Range” means a range or ranch which has been used for at least two (2) or more consecutive years for such purposes as specified in W.S. 11-20-223 including, but not limited to, pasturing, grazing, ranging or feeding of the livestock and can be verified with Brand Inspection Records for the last two (2) years.

(ii) “Agency Director” means Chief Executive Officer of the Wyoming Livestock Board; is empowered to act on their behalf (subject to their review) and to supervise and manage the employees of the agency.

(iii) “Authorized Agent” means a manager, employee, or an agent of the bona fide owner who has the authority to act on the behalf of the owner.

(iv) “Bona Fide Owner” means one who controls through ownership or lease ranch lands headquartered within Wyoming and owns a registered Wyoming Brand that is used on livestock.

(v) “Bona Fide Wyoming Resident Lessee” means a United States citizen who has a valid Wyoming Drivers License or Wyoming State issued identification and 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. Bona Fide Wyoming Resident Lessee also includes any legal alien who has resided continuously in Wyoming for at least one (1) year.

(vi) “Brand Commissioner” means the division administrator who directs the state Brand Inspection and Brand Recording Programs.

(vii) “Brand Inspection District Supervisor” means those brand inspectors that are appointed to supervise one of the state brand inspection districts.

(viii) “Commercial Lease or Use” means any business practices in which a livestock owner would receive financial compensation for the use or lease of his livestock which does not include a sale or change of ownership.

(ix) “Designated Agent of the Board” means a Brand Inspection District Supervisor, Brand Commissioner, State Veterinarian, or Agency Director.

(x) “Estray Livestock” means any livestock found in the Permit Holder’s herd whose ownership is either determined to belong to a party other than the Permit Holder or any livestock for which there is no sufficient proof of ownership found upon inspection by a brand inspector.

(xi) “Home County” means the Wyoming county in which the Wyoming ranch headquarters is located.

(xii) “In-State Range Movement” means the movement of eligible livestock from a location in Wyoming to a noncontiguous location in another Wyoming county.

(xiii) “Movement History” means a history of movement of livestock from a location in Wyoming to a noncontiguous location in another county for at least two (2) or more consecutive years for the purposes of pasturing, grazing, ranging or feeding the livestock, veterinary care, commercial lease or use, or other Board approved movement that is deemed necessary for normal ranch management operating conditions and can be verified with brand inspection records for the last two (2) years.

(xiv) “Normal Ranch Management Operating Conditions” mean those business practices or procedures, which are considered by the Board to be normal and customary for the operation of a livestock enterprise.

(xv) “Original permit” means the official owner’s copy of the Livestock Board permit with original signatures.

(xvi) “Out-of-State Brand” means a brand or mark evidencing ownership, and is legally registered in a state or province other than Wyoming.

(xvii) “Permit Holder/Permittee” means the individual or entity that has been issued an In-State Movement permit, Out of State Accustomed Range permit, or a Seasonal Brand permit.

(xviii) “Producer” means an owner or manager of livestock.

(xix) “Qualified Ranch” means a livestock producing business that operates from a specific location headquartered in Wyoming and has operated as a livestock business for at least two consecutive years, which can be verified by brand inspection records, and meets all other legal requirements to qualify for an In-State Range Movement Permit. A qualified ranch may include more than one location in more than one county within Wyoming.

(xx) “Ranch Headquarters” means the primary Wyoming location of the ranch operation.

(xxi) “Ranch Unit” means livestock that are managed as a single herd.

(xxii) “Seasonal Brand” means a livestock brand that is legally registered in another state or province and has been approved by the Board for use on cattle in Wyoming.

(xxiii) “State Veterinarian” means the veterinary official of the State authorized to supervise and perform the official animal health work of the State of Wyoming.

#### **Section 4. Penalty for a Violation of Rules.**

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

#### **Section 5. In-State Range Movement Permit, Conditions, Qualifications.**

(a) After a determination by the Brand Inspection District Supervisor or other designated agent of the Board that the applicant qualifies for the permit pursuant to this section, an In-State Range Movement Permit may be issued for the movement of livestock from the Qualified Ranch in Wyoming to a noncontiguous location in another county provided the livestock owner owns or leases a Qualified Ranch and meets certain criteria established as provided herein. Pursuant to W.S. 11-20-212(a), any applicant who wants to move livestock from his home county to multiple counties must apply for a separate permit for **each** county they desire to move to under the In-State Range Movement Permit. Multiple counties shall not be allowed on a permit.

(b) Each permit shall be made in triplicate. The original shall be given to the Permittee, one (1) copy shall be retained by the Brand Inspection District Supervisor, and one (1) copy shall be forwarded and filed with the office of the agency.

(c) The movement must be for the purpose of:

(i) Pasturing, grazing, ranging or feeding the livestock;

(ii) Veterinary care;

(iii) Commercial lease or use; or

(iv) Other Board approved movement that is deemed necessary for normal ranch management operating conditions. No movement on the permit shall be allowed if there is a change of ownership.

(d) In-State Range Movement Permits under this section shall be issued only to bona fide owners of ranch lands headquartered within Wyoming or to qualified Wyoming resident lessees of ranch lands headquartered within Wyoming or their authorized agents. A permit applicant must have a history of moving livestock from the qualified ranch to any noncontiguous location in another county for a Board approved activity for at least two (2) calendar years prior to qualifying for a permit. The two-year movement requirement provision may be waived by the Board or its designee provided the applicant requests a waiver from the Board in writing.

(e) A grazing Association shall not be considered an eligible permittee unless the livestock to be moved under the permit carry the grazing association's registered Wyoming Brand.

(f) If an applicant qualifies, the Board or designated agent of the Board may issue to the owner or his agent In-State Range Movement Permit and collect the fee imposed by W.S. 11-20-402.

(g) Each permit shall be good for the calendar year in which it is issued unless revoked for cause by the agency.

(h) Each permit shall be nontransferable.

(i) A permit copy shall be in the possession of the person in charge of any livestock being transported, trailed, or driven, and shall be shown upon request to any person authorized to enforce the brand inspection laws. If any person authorized to enforce the brand inspection laws requests the original permit, the permit holder must produce the original permit within 24 hours.

(j) The permit holder must apply to the Board for an In-State Range Movement Permit each calendar year.

(k) The In-State Range Movement Permit shall specify on the permit application the species of livestock to be moved, the place of origin and the destination county of all livestock to be moved, and evidence of ownership by brand record. Livestock moved under the permit must be branded with the Wyoming brand or Wyoming brands recorded on the permit. Failure to brand the livestock covered under this permit is a violation of the permit. A single permit may be issued to include more than one brand as long as the livestock covered by the permit are managed as a single ranch unit, and the owners of the brands have agreed in writing to issuance of the permit.

(l) All livestock included in the permit are subject to inspection at any time by any person authorized to enforce the brand inspection laws or designated agent of the Board and the person in charge of the livestock shall render the inspecting officer such assistance as is practicable during the requested inspection. The livestock shall be inspected without any additional charge if an

authorized agent of the Board requests an inspection **or** if no estray livestock from the home county are found to have been moved under the permit. If estray livestock are found during the inspection and such livestock were moved under the terms of the permit, then all applicable inspection fees authorized under W.S. 11-20-402 shall be charged and collected from the permit holder.

(m) Any bona fide owner or bona fide Wyoming resident lessee or his authorized agent or designated agent of the Board may request that the livestock be inspected for brands and ownership at any time under the permit, and if requested the livestock shall be inspected. If no estray animals are found to have been moved under the permit during the inspection, any applicable fees authorized under W.S. 11-20-402 may be charged and collected from the party requesting the inspection. If estray livestock are found during the inspection, then all applicable inspection fees authorized under W.S. 11-20-402 shall be charged and collected from the permit holder.

(n) A permit holder must notify a Brand Inspector from the District where the permit was issued, via phone, fax or in electronic or written form, prior to moving any livestock on the permit for the purposes as stated in section 5(c). After notification, the Brand Inspection District Supervisor may require in writing that no person shall move animals under an In-State Range Movement Permit without prior inspection, if the Brand Inspection District Supervisor has cause to believe livestock not owned by the permit holder are intermingled with livestock owned by the permit holder.

(o) The permittee shall not ship any livestock bearing any other brands than those specified by the original permit.

(p) In applying for and accepting the permit, the permit-holder shall agree that due care will be taken to avoid including estray animals with any livestock removed from the county, and it shall be the responsibility of the permit holder that any estrays removed from their home range will be returned to the rightful owners. The permit holder shall be responsible for any expenses incurred while returning the estray animals to their rightful owner.

(q) If a change of ownership occurs before the livestock are returned to the county of origin of the In-State Range Movement Permit, the owner shall notify a brand inspector as soon as possible for an inspection of the livestock and shall pay all fees imposed under W.S. 11-6-210 and 11-20-401.

(r) No In-State Range Movement Permit is required for livestock that qualify under W.S. 11-20-211.

(s) The holder of an In-State Range Movement Permit must comply with all applicable state brand and animal health laws, rules, and orders.

(t) Failure to comply with these provisions is cause for revocation of the permit.



## Section 6. **Out-Of-State Accustomed Range Permit; Conditions, Qualifications.**

(a) If any eligible permittee is moving livestock to an accustomed range in another state and the movement is not permissible under W.S. 11-20-211, the producer may apply to the Board for an Out-of-State Accustomed Range Permit. After a determination by the Brand Inspection District Supervisor or other designated agent of the Board that the applicant qualifies for the permit pursuant to this section, an Out-of-State Accustomed Range Permit may be issued to a producer for the movement of livestock from an accustomed range or qualified ranch in Wyoming to a noncontiguous accustomed range or qualified ranch properties in another state provided the livestock owner owns or leases a qualified ranch and meets certain criteria established herein.

(b) Each permit shall be made in triplicate. The original permit shall be given to the permittee, one (1) permit copy shall be retained by the Brand Inspection District Supervisor, and one (1) permit copy shall be forwarded and filed with the office of the agency.

(c) The movement must be for the purpose of:

(i) Pasturing, grazing, ranging or feeding the livestock; or

(ii) Other Board approved movement that is deemed necessary for normal ranch management operating conditions.

(d) Out-of-State Accustomed Range Permits under this section shall be issued only to bona fide owners of ranch lands headquartered within Wyoming or to bona fide Wyoming resident lessees of ranch lands headquartered within Wyoming or their authorized agents. A permit applicant must have moved livestock from a location in one county to a noncontiguous location in another state for at least two (2) calendar years prior to qualifying for a permit.

(e) Each permit shall be good for the calendar year in which it is issued unless revoked for cause by the agency.

(f) Each permit shall be nontransferable.

(g) It is the responsibility of the permit holder to apply to the Board for an Out-of-State Accustomed Range Permit each calendar year.

(h) Each Out-of-State Accustomed Range Permit shall specify on the permit application the species of livestock to be moved, the place of origin, and the destination of all livestock to be moved.

(i) No person shall move livestock under an Out-of-State Accustomed Range Permit unless an inspection for brands and ownership has been made by an authorized Wyoming Brand Inspector. The Permit number shall be recorded on the Brand Inspection Certificate. The permit holder shall pay all applicable fees imposed by W.S. 11-20-402 and W.S. 11-6-210.

(j) The owner of livestock moved under the permit shall attest in writing that the livestock will be returned to this state prior to a change in ownership, and if a change of ownership occurs before the livestock are returned to the home county of the Out-of-State Accustomed Range Permit, the owner shall notify a brand inspector of the numbers and types of the livestock sold and shall pay the balance due of all fees imposed under W.S. 11-6-210 and 11-20-401.

(k) The holder of an Out-of-State Accustomed Range Permit shall comply with all applicable state brand and animal health laws, rules, and orders.

(l) Failure to comply with these provisions is cause for revocation of the permit.

#### **Section 7. Seasonal Brand Permit; Conditions, Qualifications.**

(a) Applicants shall submit a request for a seasonal brand to the Board. The Board may issue a permit after the application has been researched by the Brand Recording Unit for possible conflicts and after receiving a recommendation by a Brand Inspection District Supervisor that the seasonal brand does not conflict with a registered Wyoming Brand, or that if it does conflict, it is determined that the use of the seasonal brand does not constitute a risk of misidentification that is deemed unacceptable by the Board with cattle branded with a registered Wyoming brand.

(b) The applicant shall show proof that the out-of-state brand is currently registered either by a brand card or a brand certificate from the state or province of issue.

(c) Eligible permittees are those individuals or entities that have a legally recorded brand in another state or province and are:

(i) Pasturing or grazing calves born to cows imported for seasonal grazing purposes. Calves to be branded with a seasonal brand must be less than six months old and running at their mother's side;

(ii) Importing yearling, feeder, or stocker cattle for seasonal feeding or grazing; or

(iii) Feeding cattle consigned to a commercial feedlot.

(d) Each permit shall be made in triplicate. The original shall be given to the permittee, one (1) copy shall be retained by the Brand Inspection District Supervisor, and one (1) copy shall be forwarded and filed with the office of the agency.

(e) The seasonal permit shall specify on the permit application the approximate number of cattle to be branded, the place of origin, and the Wyoming destination of all cattle to be imported.

(f) If a permit is issued, a Brand Inspector shall examine all brand clearances on all applicable cattle prior to the use of a seasonal brand. The permit holder must also notify a Brand

Inspector prior to branding the cattle, and the inspector may, at his or her discretion, examine the cattle during the branding. The cattle to be branded must not be mixed with other cattle prior to branding. The permit holder shall show the Seasonal Brand Permit to the brand inspector at the time of brand inspection. The permit holder shall provide proof of ownership of the cattle and pay all necessary brand inspection fees as prescribed by law.

(g) The seasonal brand may only be applied in the geographical location specified on the permit.

(h) Each permit shall be good for one-hundred eighty (180) days in the calendar year in which it is issued unless revoked for cause by the agency.

(i) Each permit shall be nontransferable.

(j) The permit holder is responsible to apply to the Board for a seasonal brand each calendar year. Applications must be received at least ninety (90) days prior to the intended use of the permit. Applications shall be researched for eligibility each year.

(k) A copy of the permit shall be in the possession of the person in charge of any cattle branded with the seasonal brand being transported, trailed, or driven, and shall be shown upon request to any person authorized to enforce the brand inspection laws.

(l) The permit holder shall comply with all applicable state brand laws, rules, and orders.

(m) Failure to comply with these provisions is cause for revocation of the permit.

#### **Section 8: Fees.**

(a) The fee for an In-State Range Movement Permit shall be in accordance with W.S. 11-20-402(a)(x) and Wyoming Livestock Board Chapter 9 rules. Any applicable Predatory Animal Control fees under W.S. 11-6-210 shall also be paid.

(b) The fee for an Out-of-State Accustomed Range Permit shall be in accordance with W.S. 11-20-402(a)(viii) and Wyoming Livestock Board Chapter 9 rules. Any applicable Predatory Animal Control Fees under W.S. 11-6-210 shall be also paid by the livestock owner prior to leaving the state. All livestock present in this state thirty (30) days or more shall pay the full fee imposed pursuant to W.S. 11-6-210.

(c.) The fee for issuing a Seasonal Brand permit shall be in accordance with W.S. 11-20-125, W.S. 11-20-103 and Wyoming Livestock Board Chapter 9 rules. Any applicable Predatory Animal Control Fees under W.S. 11-6-210 shall also be paid.

#### **Section 9. Denial, Suspension Revocation or Requalification of a Permit.**

(a) If the Agency Director determines that the public health, safety, or welfare requires emergency action against the permit holder, the permit may immediately be revoked or suspended.

(b) The Board shall investigate any allegation of violation of the terms of a permit if:

(i) A Brand Inspection District Supervisor or Law Enforcement Investigator reports a suspected violation, or;

(ii) Written complaints are received from three (3) or more bona fide affected parties.

(c) If a board investigation is pending regarding an allegation of a permit violation, no livestock may be moved on an In-State Range Movement Permit without a prior brand inspection, pursuant to Section 5(l) of these rules and no action will be taken on any new permit. A permit violation can include, but is not limited to, documentable evidence that the permit holder failed to comply with the provisions of the permit or has violated a brand inspection or animal health law, rule, or order.

(d) The Board may suspend or revoke an existing permit and may deny the issuance of a In-State Range Movement Permit, an Out-of-State Accustomed Range Permit and Seasonal Brand permit upon a Board finding of a violation of any of the brand inspection or animal health laws, rules, or orders. After a finding by the Board of a permit violation, the applicant will be notified by certified letter of the finding of a violation. Any Board action concerning suspension or reinstatement of a permit and any future applications for a permit by that applicant will be conducted at a Board meeting and the applicant will be notified by certified letter of any such meeting and will be afforded an opportunity to address this issue before the board.

(e) Upon Board action that leads to a first time denial, suspension, or revocation of a permit, the applicant may re-qualify for the permit under the provisions of Section 5, 6, or 7 of these rules. Permit applicants who have had their permits denied, suspended, or revoked two or more times by the Board, shall not qualify for a permit pursuant to W.S. 11-20-212, W.S. 11-20-223, or W.S. 11-20-125 for a five year period.

**Issuance and Use of In-State Range Movement Permits**  
**Brand Inspection and Recording Permits**

**CHAPTER 17**

**Section 1. Authority to Create Rules.**

(a) Pursuant to the authority vested in the Wyoming Livestock Board by virtue of W.S. 11-20-212(d), W.S. 11-20-223(d), W.S. 11-20-125(c), and W.S. 11-20-402, the following rules are hereby promulgated.

**Section 2. Purpose of Rules.**

~~(a)~~ The purpose of these rules is to define the terms and procedures for establishing eligibility and criteria for In-State Range Movement Permits, Out-of-State Accustomed Range Permits, and Seasonal Brand Permits, ~~for In-State Range movement of livestock.~~

**Section 3. Definitions ~~Used in the Rules.~~**

(a) For the purpose of implementing these rules, the definitions in W.S. 11-20-101 and the following definitions are applicable.

(i) “Accustomed Range” means a range or ranch which has been used for at least two (2) or more consecutive years for such purposes as specified in W.S. 11-20-223 including, but not limited to, pasturing, grazing, ranging or feeding of the livestock and can be verified with Brand Inspection Records for the last two (2) years.

(ii) “Agency Director” means ~~Secretary~~ Chief Executive Officer ~~to~~ the Wyoming Livestock Board; is empowered to act on their behalf (subject to their review) and to supervise and manage the employees of the agency.

(iii) “Authorized Agent” means a manager, employee, ~~for~~ or an agent of the bona fide owner who has the authority to act on the behalf of the owner.

~~(iii) “Bona Fide Affected Party” means any party that owns or manages livestock that may run contiguous to or may commingle with the livestock of the applicant or permittee.~~

(iv) “Bona Fide Owner” means one who ~~possesses~~ controls through ownership or lease ranch lands headquartered within Wyoming and owns a registered Wyoming Brand that is used on livestock.

(v) “Bona Fide Wyoming Resident Lessee” means a United States citizen who has a valid Wyoming Drivers License or Wyoming State issued identification and 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. Bona Fide Wyoming Resident Lessee also includes any legal alien who has resided continuously in Wyoming for at least one (1) year.

(vi) “Brand Commissioner” means the division executive administrator who directs the state Brand Inspection and Brand Recording Programs.

(vii) “Brand Inspection District Supervisor” means those brand inspectors that are appointed to supervise one of the state brand inspection districts.

(viii) “Commercial Lease or Use” means any business practices in which a livestock owner would receive financial compensation for the use or lease of his livestock which does not include a sale or change of ownership.

(ix) “Designated Agent of the Board” means a Brand Inspection District Supervisor, ~~Senior Supervisor~~, Brand Commissioner, State Veterinarian, ~~Deputy State Veterinarian~~, or Agency Director.

(x) “Estray Livestock” means any livestock found in the Permit Holder’s herd whose ownership is either determined to belong to a party other than the Permit Holder or any livestock for which there is no sufficient proof of ownership found upon inspection by a brand inspector.

~~(xi)~~ (xi) “Home County” means the Wyoming county in which the Wyoming ranch headquarters is located.

~~(xii)~~ (xii) “In-State Range Movement” means the movement of eligible livestock from a location in Wyoming to a noncontiguous location in another Wyoming county.

~~(xiii)~~ (xiii) “Movement History” means a history of movement of livestock from a location in Wyoming to a noncontiguous location in another county for at least two (2) or more consecutive years for the purposes of pasturing, grazing, ranging or feeding the livestock, veterinary care, commercial lease or use, or other Board approved movement that is deemed necessary for normal ranch management operating conditions and can be verified with brand inspection records for the last two (2) years.

~~(xiv)~~ (xiv) “Normal Ranch Management Operating Conditions” mean those business practices or procedures, which are considered by the Board to be normal and customary for the operation of a livestock enterprise.

~~(xv)~~ (xv) “Original permit” means the official owner’s copy of the Livestock Board permit with original signatures.

(xvi) “Out-of-State Brand” means a brand or mark evidencing ownership, and is legally registered in a state or province other than Wyoming.

~~(xv) “Permit Copies” means photocopies, facsimiles, or other Board approved copies of the original permit that must accompany each shipment of livestock.~~

(xvii) “Permit Holder/Permittee” means the individual or entity that has been issued an In-State Movement permit, Out of State Accustomed Range permit, or a Seasonal Brand permit.

~~(xvi)~~ (xviii) “Producer” means an owner or manager of livestock.

~~(xvii)~~ (xix) “Qualified Ranch” means a livestock producing business that operates from a specific location headquartered in Wyoming and has operated as a livestock business for at least two consecutive years, which can be verified by brand inspection records, and meets all other legal requirements to qualify for an In-State Range Movement Permit. A qualified ranch may include more than one location in more than one county within Wyoming.

~~(xix)~~ (xx) “Ranch Headquarters” means the primary Wyoming location of the ranch operation.

~~(xx)~~ (xxi) “Ranch Unit” means livestock that are managed as a single herd.

(xxii) “Seasonal Brand” means a livestock brand that is legally registered in another state or province and has been approved by the Board for use on cattle in Wyoming.

~~(xxi) “Senior Supervisor” means the brand inspector who is appointed to supervise all of the state brand inspection districts.~~

~~(xxii)~~ (xxiii) “State Veterinarian” means the ~~Chief Executive Officer of the Board.~~ veterinary official of the State authorized to supervise and perform the official animal health work of the State of Wyoming.

~~(xxiii) “Ten-mile Radius” means an area of ten (10) miles from the exterior boundary of the qualified ranch property.~~

~~(xxiii) “Ten-mile Radius Exempt Movement” means an In-State Range range movement from the qualified ranch properties to a noncontiguous location in another county that is within a ten-mile area of the exterior boundary of the qualified ranch property.~~

#### **Section 4. Penalty for a Violation of Rules.**

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

#### **Section 5. In-State Range Movement Permit; Conditions, Qualifications.**

(a) After a determination by the Brand Inspection District Supervisor or other designated agent of the Board that the applicant qualifies for the permit pursuant to this section, ~~a Brand~~

~~Inspection District Supervisor or other designated agent of the Board may issue an In-State Range Movement Permit~~ may be issued for the movement of livestock from the Qualified Ranch in Wyoming to a noncontiguous location in another county provided the livestock owner owns or leases a Qualified Ranch and meets certain criteria established as provided herein. Pursuant to W.S. 11-20-212(a), any applicant who wants to move livestock from his home county to multiple counties must apply for a separate permit for each county they desire to move to under the In-State Range Movement Permit. Multiple counties shall not be allowed on a permit.

(b) Each permit shall be made in triplicate. The original shall be given to the ~~p~~Permittee, one (1) copy shall be retained by the ~~District-Brand Inspection~~ District Supervisor, and one (1) copy shall be forwarded and filed with the office of the agency.

(c) The movement must be for the purpose of:

(i) Pasturing, grazing, ranging or feeding the livestock;

(ii) Veterinary care;

(iii) Commercial lease or use; or

(iv) Other Board approved movement that is deemed necessary for normal ranch management operating conditions. No movement on the permit shall be allowed if there is a change of ownership.

(d) In-State Range Movement Permits under this section shall be issued only to bona fide owners of ranch lands headquartered within Wyoming ~~or to their authorized employees and or to~~ qualified Wyoming resident lessees of ~~the~~ ranch lands headquartered within Wyoming ~~or their authorized agents~~. A permit applicant must have a history of moving livestock from the qualified ranch to any noncontiguous location in another county for a Board approved activity for at least two (2) calendar years prior to qualifying for a permit. The two-year movement requirement provision may be waived by the Board or its designee provided the applicant requests a waiver from the Board in writing.

(e) A grazing Association shall not be considered an eligible permittee unless the livestock to be moved under the permit carry the grazing association's registered Wyoming Brand.

(f) If an applicant qualifies, the Board or designated agent of the Board may issue to the owner or his agent In-State Range Movement Permit and collect the fee imposed by W.S. 11-20-402.

(g) Each permit shall be good for the calendar year in which it is issued unless revoked for cause by the agency.

(h) Each permit shall be nontransferable.



(i) A permit copy shall be in the possession of the person in charge of any livestock being transported, trailed, or driven, and shall be shown upon request to any person authorized to enforce the brand inspection laws. If any person authorized to enforce the brand inspection laws requests the original permit, the permit holder must produce the original permit within 24 hours.

(j) The permit holder must apply to the Board for an In-State Range Movement Permit each calendar year.

(k) The In-State Range Movement Permit shall specify on the permit application the species of livestock to be moved, the place of origin and the destination county of all livestock to be moved, and evidence of ownership by brand record. Livestock moved under the permit must be branded with the Wyoming brand or Wyoming brands recorded on the permit. Failure to brand the livestock covered under this permit is a violation of the permit. A single permit may be issued to include more than one brand as long as the livestock covered by the permit are managed as a single ranch unit, and the owners of the brands have agreed in writing to issuance of the permit.

(l) All livestock included in the permit are subject to inspection at any time by any person authorized to enforce the brand inspection laws or designated agent of the Board and the person in charge of the livestock shall render the inspecting officer such assistance as is practicable during the requested inspection. ~~If an authorized agent of the Board requests an inspection, the livestock shall be inspected without any additional charge.~~ The livestock shall be inspected without any additional charge if an authorized agent of the Board requests an inspection or if no estray livestock from the home county are found to have been moved under the permit. If estray livestock are found during the inspection and such livestock were moved under the terms of the permit, then all applicable inspection fees authorized under W.S. 11-20-402 shall be charged and collected from the permit holder.

(m) Any bona fide owner or bona fide Wyoming resident lessee or his authorized agent or ~~authorized~~ designated agent of the Board may request that the livestock be inspected for brands and ownership at any time under the permit, and if requested the livestock shall be inspected. If no estray animals are found to have been moved under the permit during the inspection, any applicable fees authorized under W.S. 11-20-402 may be charged and collected from the party requesting the inspection. If estray livestock are found during the inspection, then all applicable inspection fees authorized under W.S. 11-20-402 shall be charged and collected from the permit holder.

(n) A permit holder must notify a Brand Inspector from the District where the permit was issued, via phone, fax or in electronic or written form, prior to moving any livestock on the permit for the purposes as stated in section 5(c). ~~After notification, the~~ A Brand Inspection District Supervisor may request ~~require~~ in writing that no person shall move animals under an In-State Range Movement Permit without prior inspection unless advance notice of the proposed movement has been made to an authorized brand inspector, if the Brand Inspection District Supervisor has cause to believe livestock not owned by the permit holder are intermingled with livestock owned by the permit holder, ~~or there is a finding of a permit violation.~~

(o) The permittee shall not ship any livestock bearing any other brands than those specified by the original permit.

(p) In applying for and accepting the permit, the permit-holder shall agree that due care will be taken to avoid including stray animals with any livestock removed from the county, and it shall be the responsibility of the permit holder that any strays removed from their home range will be returned to the rightful owners. The permit holder shall be responsible for any expenses incurred while returning the stray animals to their rightful owner.

(q) If a change of ownership occurs before the livestock are returned to the county of origin of the In-State Range Movement Permit, the owner shall notify a brand inspector as soon as possible for an inspection of the livestock and shall pay all fees imposed under W.S. 11-6-210 and 11-20-401.

~~(r) A list of all In-State Range Movement Permit holders will be made available upon request.~~

~~(rs) No In-State Range Movement Permit is required for livestock that qualify under W.S. 11-20-211.~~

~~(t) No In-State Range Movement Permit is required for the movement of livestock pursuant to the ten-mile radius exempt movement as allowed by statute W.S. 11-20-212 (a) and these rules. Livestock qualifying under the ten-mile radius clause of W.S. 11-20-212 (a) may only be moved to the qualified ranch properties for the purpose of pasturing, grazing, feeding, veterinary care, commercial lease or use, or other Board approved movement.~~

~~(u) (s) The holder of an In-State Range Movement Permit must comply with all applicable state brand and animal health laws, and rules, and orders.~~

~~(v) (t) Failure to comply with these provisions is cause for revocation of the permit.~~

#### **Section 6. Fees.**

~~(a) The fee imposed by W.S. 11-20-402 (a)(x) shall be collected at the time of issuance of the permit.~~

~~(b) Any applicable Predatory Animal Control Fees under W.S. 11-6-210 shall be paid.~~

#### **Section 7. Denial, Suspension or Revocation of Permit.**

~~(a) An In-State Range Movement Permit may be denied, suspended, or revoked by the Board after a finding that the person to whom the permit is granted has violated any of the brand inspection laws or any provision of these rules.~~

~~(b) The District Supervisor or other designated agent of the Board shall check with the proper Law Enforcement personnel to determine if the applicant has violated any brand~~

inspection laws or Agency rules. If there is any doubt as to the qualifications of the applicant, the Board shall decide whether the permit will be issued.

~~(e) If there are written complaints from three (3) or more bona fide affected parties to the Board, the Board will investigate the complaints and take appropriate action as specified by statute.~~

~~(d) If the Chief Executive Officer of the Board determines that the public health, safety or welfare requires emergency action against the permit holder, the permit may immediately be revoked or suspended.~~

### **Section 6. Out-Of-State Accustomed Range Permit; Conditions, Qualifications.**

(a) If any eligible permittee is moving livestock to an accustomed range in another state and the movement is not permissible under W.S. 11-20-211, the producer may apply to the Board for an Out-of-State Accustomed Range Permit. After a determination by the Brand Inspection District Supervisor or other designated agent of the Board that the applicant qualifies for the permit pursuant to this section, an Out-of-State Accustomed Range Permit may be issued to a producer for the movement of livestock from an accustomed range or qualified ranch in Wyoming to a noncontiguous accustomed range or qualified ranch properties in another state provided the livestock owner owns or leases a qualified ranch and meets certain criteria established herein.

(b) Each permit shall be made in triplicate. The original permit shall be given to the permittee, one (1) permit copy shall be retained by the Brand Inspection District Supervisor, and one (1) permit copy shall be forwarded and filed with the office of the agency.

(c) The movement must be for the purpose of:

(i) Pasturing, grazing, ranging or feeding the livestock; or

(ii) Other Board approved movement that is deemed necessary for normal ranch management operating conditions.

(d) Out-of-State Accustomed Range Permits under this section shall be issued only to bona fide owners of ranch lands headquartered within Wyoming or to bona fide Wyoming resident lessees of ranch lands headquartered within Wyoming or their authorized agents. A permit applicant must have moved livestock from a location in one county to a noncontiguous location in another state for at least two (2) calendar years prior to qualifying for a permit.

(e) Each permit shall be good for the calendar year in which it is issued unless revoked for cause by the agency.

(f) Each permit shall be nontransferable.

(g) It is the responsibility of the permit holder to apply to the Board for an Out-of-State Accustomed Range Permit each calendar year.

(h) Each Out-of-State Accustomed Range Permit shall specify on the permit application the species of livestock to be moved, the place of origin, and the destination of all livestock to be moved.

(i) No person shall move livestock under an Out-of-State Accustomed Range Permit unless an inspection for brands and ownership has been made by an authorized Wyoming Brand Inspector. The Permit number shall be recorded on the Brand Inspection Certificate. The permit holder shall pay all applicable fees imposed by W.S. 11-20-402 and W.S. 11-6-210.

(j) The owner of livestock moved under the permit shall attest in writing that the livestock will be returned to this state prior to a change in ownership, and if a change of ownership occurs before the livestock are returned to the home county of the Out-of-State Accustomed Range Permit, the owner shall notify a brand inspector of the numbers and types of the livestock sold and shall pay the balance due of all fees imposed under W.S. 11-6-210 and 11-20-401.

(k) The holder of an Out-of-State Accustomed Range Permit shall comply with all applicable state brand and animal health laws, rules, and orders.

(l) Failure to comply with these provisions is cause for revocation of the permit.

### **Section 7. Seasonal Brand Permit; Conditions, Qualifications.**

(a) Applicants shall submit a request for a seasonal brand to the Board. The Board may issue a permit after the application has been researched by the Brand Recording Unit for possible conflicts and after receiving a recommendation by a Brand Inspection District Supervisor that the seasonal brand does not conflict with a registered Wyoming Brand, or that if it does conflict, it is determined that the use of the seasonal brand does not constitute a risk of misidentification that is deemed unacceptable by the Board with cattle branded with a registered Wyoming brand.

(b) The applicant shall show proof that the out-of-state brand is currently registered either by a brand card or a brand certificate from the state or province of issue.

(c) Eligible permittees are those individuals or entities that have a legally recorded brand in another state or province and are:

(i) Pasturing or grazing calves born to cows imported for seasonal grazing purposes. Calves to be branded with a seasonal brand must be less than six months old and running at their mother's side;

(ii) Importing yearling, feeder, or stocker cattle for seasonal feeding or grazing; or

(iii) Feeding cattle consigned to a commercial feedlot.

(d) Each permit shall be made in triplicate. The original shall be given to the permittee, one (1) copy shall be retained by the Brand Inspection District Supervisor, and one (1) copy shall be forwarded and filed with the office of the agency.

(e) The seasonal permit shall specify on the permit application the approximate number of cattle to be branded, the place of origin, and the Wyoming destination of all cattle to be imported.

(f) If a permit is issued, a Brand Inspector shall examine all brand clearances on all applicable cattle prior to the use of a seasonal brand. The permit holder must also notify a Brand Inspector prior to branding the cattle, and the inspector may, at his or her discretion, examine the cattle during the branding. The cattle to be branded must not be mixed with other cattle prior to branding. The permit holder shall show the Seasonal Brand Permit to the brand inspector at the time of brand inspection. The permit holder shall provide proof of ownership of the cattle and pay all necessary brand inspection fees as prescribed by law.

(g) The seasonal brand may only be applied in the geographical location specified on the permit.

(h) Each permit shall be good for one-hundred eighty (180) days in the calendar year in which it is issued unless revoked for cause by the agency.

(i) Each permit shall be nontransferable.

(j) The permit holder is responsible to apply to the Board for a seasonal brand each calendar year. Applications must be received at least ninety (90) days prior to the intended use of the permit. Applications shall be researched for eligibility each year.

(k) A copy of the permit shall be in the possession of the person in charge of any cattle branded with the seasonal brand being transported, trailed, or driven, and shall be shown upon request to any person authorized to enforce the brand inspection laws.

(l) The permit holder shall comply with all applicable state brand laws, rules, and orders.

(m) Failure to comply with these provisions is cause for revocation of the permit.

#### Section 8: Fees.

(a) The fee for an In-State Range Movement Permit shall be in accordance with W.S. 11-20-402(a)(x) and Wyoming Livestock Board Chapter 9 rules. Any applicable Predatory Animal Control fees under W.S. 11-6-210 shall also be paid.

(b) The fee for an Out-of-State Accustomed Range Permit shall be in accordance with W.S. 11-20-402(a)(viii) and Wyoming Livestock Board Chapter 9 rules. Any applicable Predatory Animal Control Fees under W.S. 11-6-210 shall be also paid by the livestock owner

prior to leaving the state. All livestock present in this state thirty (30) days or more shall pay the full fee imposed pursuant to W.S. 11-6-210.

(c.) The fee for issuing a Seasonal Brand permit shall be in accordance with W.S. 11-20-125, W.S. 11-20-103 and Wyoming Livestock Board Chapter 9 rules. Any applicable Predatory Animal Control Fees under W.S. 11-6-210 shall also be paid.

#### **Section 9. Denial, Suspension Revocation or Requalification of a Permit.**

(a) If the Agency Director determines that the public health, safety, or welfare requires emergency action against the permit holder, the permit may immediately be revoked or suspended.

(b) The Board shall investigate any allegation of violation of the terms of a permit if:

(i) A Brand Inspection District Supervisor or Law Enforcement Investigator reports a suspected violation, or;

(ii) Written complaints are received from three (3) or more bona fide affected parties.

(c) If a board investigation is pending regarding an allegation of a permit violation, no livestock may be moved on an In-State Range Movement Permit without a prior brand inspection, pursuant to Section 5(l) of these rules and no action will be taken on any new permit. A permit violation can include, but is not limited to, documentable evidence that the permit holder failed to comply with the provisions of the permit or has violated a brand inspection or animal health law, rule, or order.

(d) The Board may suspend or revoke an existing permit and may deny the issuance of a In-State Range Movement Permit, an Out-of-State Accustomed Range Permit and Seasonal Brand permit upon a Board finding of a violation of any of the brand inspection or animal health laws, rules, or orders. After a finding by the Board of a permit violation, the applicant will be notified by certified letter of the finding of a violation. Any Board action concerning suspension or reinstatement of a permit and any future applications for a permit by that applicant will be conducted at a Board meeting and the applicant will be notified by certified letter of any such meeting and will be afforded an opportunity to address this issue before the board.

(e) Upon Board action that leads to a first time denial, suspension, or revocation of a permit, the applicant may re-qualify for the permit under the provisions of Section 5, 6, or 7 of these rules. Permit applicants who have had their permits denied, suspended, or revoked two or more times by the Board, shall not qualify for a permit pursuant to W.S. 11-20-212, W.S. 11-20-223, or W.S. 11-20-125 for a five year period.

*Effective: 3/2/07*

**~~Issuance and Use of Brand Inspection Out-Of-State  
Accustomed Range Permits~~**

**~~CHAPTER 18~~**

**~~Section 1. Authority to Create Rules.~~**

~~(a) Pursuant to the authority vested in the Wyoming Livestock Board by virtue of W.S. 11-20-223 the following rules are hereby promulgated.~~

**~~Section 2. Purpose of Rules.~~**

~~(a) The purpose of these rules is to define the terms and procedures for establishing eligibility and criteria for issuing Out of State Accustomed Range Permits for the movement of livestock from a location in Wyoming to a noncontiguous location in another state.~~

**~~Section 3. Definitions.~~**

~~(a) For the purposes of implementing these rules, the definitions in W.S. 11-20-101 and the following definitions are applicable.~~

~~(i) "Agency Director" means the Secretary to the Wyoming Livestock Board; is empowered to act on their behalf (subject to their review) and to supervise and manage the employees of the agency.~~

~~(ii) "Accustomed Range" means a range or ranch which has been used for at least two (2) or more consecutive years for such purposes as specified in W.S. 11-20-223 including, but not limited to, pasturing, grazing, ranging or feeding of the livestock and can be verified with Brand Inspection Records for the last two (2) years.~~

~~(iii) "Authorized Agent" means a manager or an agent of the Bona fide owner who has the authority to act on behalf of the owner.~~

~~(iv) "Bona Fide Affected Party" means any party that owns or manages livestock that may run contiguous to or may commingle with the livestock of the applicant or permittee.~~

~~(v) "Bona Fide Owner" means one who possesses ranch lands headquartered within Wyoming and owns a registered Wyoming Brand that is used on livestock.~~

~~(vi) "Bona Fide Wyoming Resident Lessee" means a United States citizen who has a valid Wyoming Drivers License or Wyoming State issued identification and 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. Bona Fide Wyoming Resident Lessee also includes any legal alien who has resided continuously in Wyoming for at least one (1) year.~~

~~(vii) "Brand Commissioner" means the executive administrator who directs the state Brand Inspection and Brand Recording Programs.~~

~~(viii) “Brand Inspection District Supervisor” means those brand inspectors that are appointed to supervise one of the state brand inspection districts.~~

~~(ix) “Designated Agent of the Board” means a Brand Inspection District Supervisor, Senior Supervisor, Brand Commissioner, State Veterinarian, Deputy State Veterinarian or Agency Director.~~

~~(x) “Home County” means the Wyoming county in which the ranch headquarters is located.~~

~~(xi) “Movement History” means a history of movement of livestock from a location in Wyoming to a noncontiguous location in another state for at least two (2) or more consecutive years for the purposes of pasturing, grazing, ranging or feeding the livestock, or other Board approved movement that is deemed necessary for normal ranch management operating conditions and can be verified with brand inspection records for the last two (2) years.~~

~~(xii) “Normal Ranch Management Operating Conditions” mean those business practices or procedures, which are considered by the Board to be normal and customary for the operation of a livestock enterprise.~~

~~(xiii) “Original permit” means the official owner’s copy of the Livestock Board permit with original signatures.~~

~~(xiv) “Permit Copies” means photocopies, facsimiles, or other Board approved copies of the original permit that must accompany each shipment of livestock.~~

~~(xv) “Producer” means an owner or manager of livestock.~~

~~(xvi) “Qualified Ranch” means a livestock producing business that operates from a specific location headquartered in Wyoming and has operated as a livestock business for at least two consecutive years, which can be verified by brand inspection records, and meets all other legal requirements to qualify for an Out of State Accustomed Range Permit. A qualified ranch may include more than one location in more than one county within Wyoming.~~

~~(xvii) “Qualified Ranch Properties” means those ranch lands owned or leased by the qualified ranch.~~

~~(xviii) “Ranch Headquarters” means the primary location of the ranch operation.~~

~~(xiv) “Ranch Unit” means livestock that are managed as a single herd.~~

~~(xx) “Senior Supervisor” means the brand inspector who is appointed to supervise all of the state brand inspection districts.~~

~~(xxi) “State Veterinarian” means the Chief Executive Officer of the Board.~~



**Section 4. ~~Penalty for a Violation of Rules.~~**

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

**Section 5. ~~Conditions, Eligibility and Qualifications for Issuing and Using An Out-Of-State Accustomed Range Permit.~~**

~~(a) If any eligible permittee is moving the livestock to an accustomed range in another state and the movement is not permissible under W.S. 11-20-211, the producer may apply to the Board for an Out of State Accustomed Range Permit. The permit may be issued after a determination by the Brand District Supervisor or other designated agent of the Board that the applicant qualifies for the permit pursuant to this section, a Brand Inspection District Supervisor or other designated agent of the Board may issue an Out of State Accustomed Range Permit to a producer for the movement of livestock from an accustomed range or qualified ranch in Wyoming to a noncontiguous accustomed range or qualified ranch properties ranch in another state provided the livestock owner owns or leases a qualified ranch and meets certain criteria established herein.~~

~~(b) Each permit shall be made in triplicate. The original permit shall be given to the permittee, one (1) permit copy shall be retained by the District Brand Inspection Supervisor, and one (1) permit copy shall be forwarded and filed with the office of the agency.~~

~~(c) The movement must be for the purpose of:~~

~~(i) Pasturing, grazing, ranging or feeding the livestock; or~~

~~(ii) Other Board approved movement that is deemed necessary for normal ranch management operating conditions.~~

~~(d) Out of State Accustomed Range Permits under this section shall be issued only to bona fide owners of ranch lands headquartered within Wyoming, to bona fide Wyoming resident lessees of ranch lands headquartered within Wyoming or their authorized employees. A permit applicant must have moved livestock from a location in one county to a noncontiguous location in another state for at least two (2) calendar years prior to qualifying for a permit.~~

~~(e) Each permit shall be good for the calendar year in which it is issued unless revoked for cause by the agency.~~

~~(f) Each permit shall be nontransferable.~~

~~(g) It is the responsibility of the permit holder to apply to the Board for an Out of State Accustomed Range Permit each calendar year.~~

~~(h) Each Out of State Accustomed Range Permit shall specify on the permit application the species of livestock to be moved, the place of origin, and the destination of all livestock to be moved.~~

~~(i) No person shall move livestock under an Out of State Accustomed Range Permit unless an inspection for brands and ownership has been made by an authorized Wyoming Brand Inspector.~~

~~The Permit number shall be recorded on the Brand Inspection Certificate. The permit holder shall pay all applicable fees imposed by W.S. 11-20-402 and W.S. 11-6-210.~~

~~(j) The owner of livestock moved under the permit shall attest in writing that the livestock will be returned to this state prior to a change in ownership, and if a change of ownership occurs before the livestock are returned to the home county of the Out of State Accustomed Range Permit, the owner shall notify a brand inspector of the numbers and types of the livestock sold and shall pay the balance due of all fees imposed under W.S. 11-6-210 and 11-20-401.~~

~~(k) A list of all Out of State Accustomed Range permit holders will be made available upon request.~~

~~(l) The holder of an Out of State Accustomed Range Permit shall comply with all applicable state brand and animal health laws and rules.~~

~~(m) Failure to comply with these provisions is cause for revocation of the permit.~~

#### **Section 6. Fees.**

~~(a) The fee for an Out of State Accustomed Range Permit shall be in accordance with W.S. 11-20-402 and Wyoming Livestock Board Chapter 9 Brand Inspection Fee Rules and Regulations.~~

~~(b) Any applicable Predatory Animal Control Fees under W.S. 11-6-210 shall be paid by the livestock owner prior to leaving the state. All livestock present in this state thirty (30) days or more shall pay the full fee imposed pursuant to W.S. 11-6-210.~~

#### **Section 7. Denial, Suspension or Revocation of Permit.**

~~(a) An Out of State Accustomed Range Permit may be denied, suspended, or revoked by the Board after a finding that the applicant or permittee has violated any of the brand inspection laws or any provision of these rules.~~

~~(b) The District Supervisor or other designated agent of the Board shall check with the proper Law Enforcement personnel to determine if the applicant has violated any brand inspection laws or agency rules. If there is any doubt as to the qualifications of the applicant, the Board shall decide whether the permit will be issued.~~

~~(c) If there are written complaints from three (3) or more bona fide affected parties to the Board concerning the use of the permit, the Board shall investigate the complaints and take appropriate action as specified by statute.~~

~~(d) If the Chief Executive Officer of the Board determines that the public health, safety or welfare requires emergency action against the permit holder, the permit he may immediately be revoked or suspended.~~

**Issuance and Usage of a Seasonal Brand Permit**  
**CHAPTER 19**

**Section 1. Authority to Create Rules.**

(a) Pursuant to the authority vested in the Wyoming Livestock Board by virtue of W.S. 11-18-103 (v), W.S. 11-20-202 (a), W.S. 11-20-402, W.S. 11-20-125 the following rules are hereby promulgated.

**Section 2. Purpose of Rules.**

(a) The purpose of these rules is to define the terms and procedures for establishing eligibility and criteria for issuing a Seasonal Brand Permit for the use of an out-of-state brand on cattle in Wyoming.

**Section 3. Definitions used in Rules.**

(a) The following definitions are applicable for these rules.

(i) "Agency Director" means the Chief Executive Officer of the Board.

(ii) "Authorized Agent" means a manager or an agent of the Bona fide owner who has the authority to act on the behalf of the owner.

(iii) "Bona Fide Affected Party" means any party that owns or manages livestock that may run contiguous to or may commingle with the livestock of the applicant or permittee.

(iv) "Bona Fide owner" means the legal owner of an out-of-state brand.

(v) "Brand Inspection District Supervisor" means those brand inspectors that are appointed to supervise one of the state brand inspection districts.

(vi) "Brand Recorder" means an agent or employee of the Board authorized to issue and record brands pursuant to W.S. 11-20-101 et seq.

(vii) "Conflicting Brand" means a brand that is determined by the Board to be a duplicate or close approximation of a currently registered Wyoming Brand.

(viii) "Out of State Brand" means a brand or mark evidencing ownership, and is legally registered in a state or province other than Wyoming.

(ix) "Permit Holder" means the individual or entity that has been issued a Seasonal Brand Permit.

(x) "Seasonal Brand" means a livestock brand that is legally registered in another

~~state or province and has been approved by the Board for use on cattle in Wyoming.~~

#### **Section 4. ~~Penalty for a Violation of Rules.~~**

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

#### **Section 5. ~~General Conditions and Qualifications for a Seasonal Brand Permit.~~**

~~(a) Applicants shall submit a request for a seasonal brand to the Board. The Board may issue a permit after the application has been researched by the Brand Recording Unit for possible conflicts and after receiving a recommendation by a Brand Inspection District Supervisor that the seasonal brand does not conflict with a registered Wyoming Brand, or that if it does conflict, it is determined that the use of the seasonal brand does not constitute a risk of misidentification that is deemed unacceptable by the Board with cattle branded with a registered Wyoming brand.~~

~~(b) The applicant shall show proof that the out-of-state brand is currently registered either by a brand card or a brand certificate from the state or province of issue.~~

~~(c) Eligible permittees are those individuals or entities that have a legally recorded brand in another state or province and are:~~

~~(i) Pasturing or grazing calves born to cows imported for seasonal grazing purposes. Calves to be branded with a seasonal brand must be less than six months old and running at their mother's side.~~

~~(ii) Importing yearling, feeder, or stocker cattle for seasonal feeding or grazing.~~

~~(iii) Feeding cattle consigned to a commercial feedlot.~~

~~(d) Each permit shall be made in triplicate. The original shall be given to the permittee one (1) copy shall be retained by the District Brand Inspection Supervisor, and one (1) copy shall be forwarded and filed with the office of the agency.~~

~~(e) The seasonal permit shall specify on the permit application the approximate number of cattle to be branded, the place of origin, and the Wyoming destination of all cattle to be imported.~~

~~(f) If a permit is issued, a Brand Inspector shall examine all brand clearances on all applicable cattle prior to the use of a seasonal brand. The permit holder must also notify a Brand Inspector prior to branding the cattle, and the inspector may, at his or her discretion, examine the cattle during the branding. The cattle to be branded must not be mixed with other cattle prior to branding. The permit holder shall show the Seasonal Brand Permit to the brand inspector at the time of brand inspection. The permit holder shall provide proof of ownership of the cattle and pay all necessary brand inspection fees as prescribed by law.~~

~~(g) The seasonal brand may only be applied in the geographical location specified on the~~

permit.

~~(h) Each permit shall be good for 180 days in the calendar year in which it is issued unless revoked for cause by the agency.~~

~~(i) Each permit shall be nontransferable.~~

~~(j) Application for permit is the responsibility of the permit holder to apply to the Board for a seasonal brand each calendar year. Applications must be received at least 90 days prior to the intended use of the permit. Applications shall be researched for eligibility each year.~~

~~(k) A copy of the permit shall be in the possession of the person in charge of any cattle branded with the seasonal brand being transported, trailed, or driven, and shall be shown upon request to any person authorized to enforce the brand inspection laws.~~

~~(l) The permit holder shall comply with all applicable state brand laws and regulations.~~

~~(m) A list of all seasonal brand permit holders will be made available to any bona fide affected party upon request.~~

~~(n) Failure to comply with these provisions is cause for revocation of the permit.~~

#### **Section 6. Fees.**

~~(a) The fee for issuing a seasonal brand shall be \$100.00 for each seasonal brand permit issued.~~

#### **Section 7. Denial, Suspension, or Revocation of Permit.**

~~(a) A Seasonal Brand Permit may be denied, suspended, or revoked by the Board after a finding that the applicant or permit holder has violated any brand inspection laws or provision of these rules.~~

~~(b) If there are written complaints from three (3) or more bona fide affected parties to the Board, the Board will investigate the complaints and take appropriate action as specified by statute. No permit will be issued until the investigation is complete.~~

~~(c) If the Agency Director determines that the public health, safety or welfare requires emergency action against the permit holder, the permit may immediately be revoked or suspended.~~