



Notice of Intent to Adopt Rules

A copy of the proposed rules may be obtained at <https://rules.wyo.gov>

Revised June 2020

<u>1. General Information</u>			
a. Agency/Board Name*			
b. Agency/Board Address		c. City	d. Zip Code
e. Name of Agency Liaison		f. Agency Liaison Telephone Number	
g. Agency Liaison Email Address			
h. Date of Public Notice		i. Comment Period End Date	
j. Public Comment URL or Email Address:			
k. Program			
Amended Program Name (if applicable):			
* <input type="checkbox"/> By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.			
<u>2. Legislative Enactment</u> For purposes of this Section 2, "new" only applies to regular non-emergency rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.			
a. Are these non-emergency regular rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?			
<input type="checkbox"/> No. <input type="checkbox"/> Yes. If the rules are new, please provide the Legislative Chapter Numbers and Years Enacted (e.g. 2015 Session Laws Chapter 154):			
<u>3. Rule Type and Information</u> For purposes of this Section 3, "New" means an emergency or regular rule that has never been previously created.			
a. Provide the Chapter Number, Title and Proposed Action for Each Chapter. Please use the "Additional Rule Information" form to identify additional rule chapters.			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			

4. Public Comments and Hearing Information

a. A public hearing on the proposed rules has been scheduled. No. Yes. Please complete the boxes below.

Date:	Time:	City:	Location:
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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 Agency Liaison listed in Section 1 above.

5. Federal Law Requirements

a. These rules are created/amended/revoked to comply with federal law or regulatory requirements. No. Yes. Please complete the boxes below.

Applicable Federal Law or Regulation Citation:
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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: _____

6. 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. The Agency has completed a takings assessment as required by 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: _____

7. Additional APA Provisions

a. Complete all that apply in regards to uniform rules:

These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j).

The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j):

_____ (Provide chapter numbers)

These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j) (see Statement of Principal Reasons).

_____ (Provide chapter numbers)

b. Checklist

The Statement of Principal Reasons is attached to this Notice and, in compliance with *Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.

If applicable: 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 (Chapter 3, *Types of Rules Filings*, Section 1, Proposed Rules, of the Rules on Rules).

8. 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>	



Wyoming Livestock Board

"To represent and serve Wyoming's livestock industry through protecting livestock health and verifying livestock ownership."

1934 Wyoott Drive, Cheyenne, Wyoming 82002-0051
Phone: (307) 777-7515 ■ Fax: (307) 777-6561 ■ Web Site: <http://wlsb.state.wy.us>



Mark Gordon
Governor

Jim Logan, DVM-State Veterinarian

Steve True
Director-Chief Executive
Officer

STATEMENT OF PRINCIPAL REASONS FOR REVISIONS TO CHAPTERS 9 AND 21 OF THE WYOMING LIVESTOCK BOARD'S RULES

In the 2019 and 2020 legislative sessions, the Legislature amended Wyo. Stat. Ann. §§ 11-20-115 and 11-20-116 to allow brand owners to extend a brand's active term in 10 year increments up to 100 years and to renew all brands owned by the same owner at the same time. Accordingly, the Wyoming Livestock Board is proposing to revise Chapters 9 and 21 of its Rules to implement those statutory changes. To comply with the Wyoming Administrative Procedures Act, the Board is also proposing to adopt several of its brand recording policies into Chapter 21. Additionally, the proposed rules contain changes to improve clarity, readability, conciseness, and grammatical accuracy and to conform to the formatting requirements of the current version of the Rule on Rules. Specific reasons for the revisions to each chapter are listed below.

- Chapter 9: Brand Inspection/Recording Fees
 - The Board changed the title to "Brand Inspection, Permit, and Brand Recording Fees."
 - The Board has updated the definitions section by removing unnecessary definitions and revising the remaining definitions to be consistent with the applicable statutes.
 - The Board has updated the section titled "Brand Recording Fees" to establish the fees for extending a brand's active term.
 - The Board has added a section titled "Fees for Modifying a Brand's Active Term" to establish fees for the option to modify a brand's active term.

- Chapter 21: Re-recording of Livestock Brands
 - The Board changed the title to "Rules Governing the Recording, Transfer, and Renewal of Livestock Brands."
 - The Board has updated the definitions section by removing unnecessary definitions, adding relevant definitions, and revising the remaining definitions to be consistent with the applicable statutes.
 - The Board has incorporated its policies pertaining to brand recording, renewal, change of location, transfers, and abandoned brands.
 - The Board has corrected the brand renewal schedule.
 - The Board has added a new section titled "Types of Ownership" to clarify the documents that an applicant or brand owner must provide to the Board for each type of ownership when applying for or transferring a brand.
 - The Board has added new sections to address the requirements to extend or modify a brand's active term.

Board Members

Mark Eisele
Cheyenne
President

Shaun Sims
Evanston
Vice President

Todd Heward
Shirley Basin

Laurie Boner
Glenrock

Warren Crawford,
DVM
Sundance

Martin Mercer
Hyattville

Kirby Camino
Buffalo

CHAPTER 9

Brand Inspection, Permit, and Brand Recording Fees

Section 1. Authority.

(a) The following rules are promulgated pursuant to Wyoming Statutes 11-18-103(a)(v), 11-20-103(b), 11-20-115, 11-20-125, 11-20-212, 11-20-223, 11-20-401, and 11-20-402.

Section 2. Definitions.

(a) The definitions in W.S. 11-20-101, Chapter 21 of the Board's rules, and the following definitions apply to these rules:

(i) "Brand Inspection Form" means a document or brand inspection certificate created and issued by the Board for the purpose of implementing the Brand Inspection Program. Brand Inspection Forms include:

(A) A Form - A document issued for intrastate or interstate movement of livestock and also issued when a change of ownership occurs.

(B) B Form - A document issued at licensed Wyoming livestock markets as title and clearance to transport livestock to the destination listed.

(C) D Form - A document issued for intrastate and interstate movement of hides.

(D) G Form - A document issued for the intrastate movement of livestock to a Wyoming livestock market, and for interstate movement of cattle, horses, mules, and asses to any Board-approved out-of-state livestock market where Wyoming brand inspection is maintained.

(E) H Form - A document issued for intrastate movement of work, show, or rodeo stock valid for one year from the date of issue.

(F) L Form - A document with a raised seal issued as a permanent or lifetime inspection to the owner of livestock used for rodeo, show, racing, pleasure, or Wyoming farm or ranch work. This document constitutes prima facie evidence of ownership of the livestock as described on the Form and is void upon change of ownership.

(ii) "Brand Inspector" means an agent or employee of the Board authorized to perform brand inspections pursuant to W.S. 11-20-201.

(b) The singular includes the plural and the plural the singular when consistent with the intent of these rules and necessary to affect their purpose.

Section 3. Predator Management Fees.

(a) Pursuant to W.S. 11-6-210(a), the predator management fee is set by each predator management district board and collected by Brand Inspectors.

(b) It is the responsibility of the livestock owner to provide the Brand Inspector with documentation showing that the predator management fee has been collected for the previous 12 months.

(c) Sheep and cattle taken out-of-state and re-branded with a Brand recorded in another state or province prior to being shipped back into Wyoming are considered out-of-state sheep and cattle and are subject to any applicable predator management fees.

Section 4. Brand Inspection Fees.

(a) Pursuant to W.S. 11-20-401(a) and 11-20-402, brand inspection fees are as follows:

(i) \$1.85 per head on all branded or unbranded cattle, including any hide or carcass, inspected on the A or B Forms except those cattle that qualify for the G Form authorized by W.S. 11-20-217 or the accustomed range permits authorized by W.S. 11-20-212 and 11-20-223.

(ii) \$0.40 per head on all sheep, including any hide or carcass, inspected on the A or B Forms.

(iii) \$13.50 per head for the first ten head of horses, asses, or mules, including any hide or carcass, inspected on the A or B Forms, and \$1.50 for each additional horse, ass, or mule, including any hide or carcass, inspected at the same time and place.

(iv) \$11.25 surcharge per inspection by the Brand Inspector. The surcharge will be waived in cases where no mileage is incurred by the Brand Inspector or where the inspection is done at an approved location, licensed livestock market, or at events such as youth events, shows, or rodeos where inspections are performed as a regular part of event check-in or weigh-in procedures.

(v) \$23.00 for each L Form issued pursuant to W.S. 11-20-224.

(vi) \$16.00 per animal for the first ten head of livestock inspected under the H Form and \$1.50 for each additional head inspected pursuant to W.S. 11-20-225.

(vii) \$1.85 for each certificate issued to a hide buyer as required by W.S. 11-23-204.

(viii) Actual hourly cost of \$16.50 per hour plus mileage costs as provided by W.S. 9-3-103 for any nonmandatory inspections requested by a livestock owner or his agent.

Section 5. Certificates and Agreements in Lieu of Inspection.

(a) Pursuant to W.S. 11-20-217, the fee is \$1.00 per head for cattle, horses, asses, or mules moving interstate to any Board approved out-of-state livestock markets where Wyoming brand inspection is maintained.

Section 6. Range Permits.

(a) Pursuant to W.S. 11-20-212 and 11-20-402(a)(x), the fee for an in-state range movement permit is \$80.50 for the first permit issued to an individual applicant and \$69.00 for each additional permit issued.

(b) Pursuant to W.S. 11-20-223 and 11-20-402(a)(viii), the fee for an out-of-state accustomed range permit is equal to 30% of the inspection fees in Section 4(a)(i) through (iii) of these rules.

Section 7. Brand Recording Fees.

(a) Pursuant to W.S. 11-20-103(b), the application fee for recording a brand is \$165.00 for the first species of livestock and \$82.50 for each additional species of livestock for which the brand will be used. If the Board denies a Brand application, the Board will retain \$41.25 for application research for the first species of livestock and \$20.62 for application research for each additional species of livestock. These fees also apply to an application for a change of location.

(b) Pursuant to W.S. 11-20-116(a), the fee for renewing a previously recorded brand is \$330.00 and will cover any additional species of livestock for which the brand was previously recorded.

(c) Pursuant to W.S. 11-20-116(a), if a Brand Owner elects to extend a Brand's Active Term beyond 10 years, the fee is an additional \$330.00 for each 10 year period selected up to 50 years. If a Brand Owner elects to extend a Brand's Active Term beyond 50 years and up to 100 years, then the fee for each 10 year period is an additional \$200.00. Accordingly,

- (i) A Renewal for 20 years is \$660.00.
- (ii) A Renewal for 30 years is \$990.00.
- (iii) A Renewal for 40 years is \$1,320.00.
- (iv) A Renewal for 50 years is \$1,650.00.
- (v) A Renewal for 60 years is \$1,850.00.

- (vi) A Renewal for 70 years is \$2,050.00.
- (vii) A Renewal for 80 years is \$2,250.00.
- (viii) A Renewal for 90 years is \$2,450.00.
- (ix) A Renewal for 100 years is \$2,650.00.

(d) Pursuant to W.S. 11-20-116(b), the fee for recording a bill of sale or other instrument Transferring ownership of a recorded brand is \$110.00 for each recorded brand.

(e) Pursuant to W.S. 11-20-115(a), to renew a Delinquent Brand, a Brand Owner must pay the delinquent fee of \$150.00 in addition to the required Renewal fee.

(f) Pursuant to W.S. 11-20-115, the fee for reissuing an Abandoned Brand is the same as for renewing a Brand.

Section 8. Fees for Modifying a Brand's Active Term

- (a) The fees for modifying a Brand's Active Term are as follows:
 - (i) For modifying a Brand's Active Term to coincide with another Brand's Active Term that is two years into the future, 20% of the Renewal fee or \$66.00.
 - (ii) For modifying a Brand's Active Term to coincide with another Brand's Active Term that is four years into the future, 40% of the Renewal fee or \$132.00.
 - (iii) For modifying a Brand's Active Term to coincide with another Brand's Active Term that is six years into the future, 60% of the Renewal fee or \$198.00.
 - (iv) For modifying a Brand's Active Term to coincide with another Brand's Active Term that is eight years into the future, 80% of the Renewal fee or \$264.00.

CHAPTER 9

~~BRAND INSPECTION, PERMIT, AND BRAND RECORDING FEES~~ Brand Inspection, Permit, and Brand Recording Fees

Section 1. Authority.

(a) Pursuant to the authority vested in the Wyoming Livestock Board by virtue of The following rules are promulgated pursuant to Wyoming Statutes § 11-18-103(a)(v), W.S. §§ 11-20-101 through 125, W.S. §§ 11-20-201 through 230 and W.S. §§ 11-20-401 through 409 the following rules and regulations are hereby promulgated 11-20-103(b), 11-20-115, 11-20-125, 11-20-212, 11-20-223, 11-20-401, and 11-20-402.

~~Section 2. Purpose.~~

(a) ~~The purpose of these rules is to define the fees charged for brand recording and brand inspection services as authorized and established by W.S. §§ 11-20-101 through 125, W.S. §§ 11-20-201 through 230 and W.S. §§ 11-20-401 through 409.~~

~~Section 32. Definitions.~~

(a) ~~For the purposes of implementing the brand inspection program, the definitions in W.S. § 11-20-101 and the following definitions are applicable~~ The definitions in W.S. 11-20-101, Chapter 21 of the Board's rules, and the following definitions apply to these rules:

(i) ~~"Board" means the Wyoming Livestock Board; State Agency 051.~~

(i) "Brand Inspection Forms" means a document or brand inspection certificate created and issued by the Board for the purpose of implementing the Brand Inspection Program, ~~as proscribed by W.S. § 11-20-201, et seq.~~ Brand ~~i~~nsp~~e~~cti~~o~~n ~~f~~orms include:

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

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

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

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

(E) H Form - A document ~~created~~ issued ~~by the Board and~~ issued for intrastate movement of work, show, or rodeo stock valid for one year from the date of issue.

(F) L Form - A document with a raised seal issued ~~created by the Board and issued~~ as a permanent or lifetime inspection to the owner of livestock used for rodeo, show, racing, pleasure, or Wyoming farm or ranch work. ~~The blue copy of this form or picture copy with raised seal is considered title to the livestock as described on the form and is void upon change of ownership. This document constitutes prima facie evidence of ownership of the livestock as described on the Form and is void upon change of ownership.~~

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

(b) The singular includes the plural and the plural the singular when consistent with the intent of these rules and necessary to affect their purpose.

~~(iv) —“Delinquent Brand” means a previously recorded brand that has expired and was not renewed within sixty (60) days from the expiration date of the brand. A delinquent brand may be rerecorded by the brand owner who shall submit a rerecording application and pay a delinquent fee. If a delinquent brand is not rerecorded within one (1) year from the expiration date of the brand, the brand will be declared abandoned.~~

~~(v) —“Livestock” means cattle, sheep, horses, mules, and asses.~~

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

Section 43. Predatory Management Fees.

(a) Pursuant to W.S. § 11-6-210(a), the predatory management fee ~~shall be~~ is set by each predator management district board ~~at their annual meeting~~ and collected by Brand Inspectors.

~~(b) The brand inspector shall collect predator management fees on all sheep and cattle inspected at the time of collecting brand inspection fees except for out of state cattle and sheep shipped into this State for immediate sale or slaughter in a licensed or exempted market facility or on livestock shipped or trailed within the State if a change of ownership does not occur. It is the responsibility of the livestock owner to provide the Brand Inspector with documentation showing that the predator management fee has been collected for the previous 12 months.~~

(c) Pursuant to ~~W.S. § 11-6-210(a)~~, the predator management fee shall not be collected more than once every twelve (12) months regardless of ownership on any cattle or sheep inspected. It is the responsibility of the livestock owner to provide the brand inspector with documentation that the predator management fee has been previously collected. (d) Sheep and cattle taken out-of-state and re-branded with a Brand recorded in another state or province prior to being shipped back into Wyoming are considered out-of-state sheep and cattle and are subject to any applicable predator management fees.

Section 5. Bonding.

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

Section 64. Brand Inspection Fees.

(a) Pursuant to W.S. § 11-20-401(a) and ~~W.S. § 11-20-402~~, brand inspection fees shall be as follows:

(i) ~~One dollar and eighty five cents (\$1.85)~~ per head on all branded or unbranded for all cattle, including any hide or carcass, inspected on the A and or B fForms except those ~~which~~ cattle that qualify for the G fForm authorized by W.S. § 11-20-217 ~~and or~~ the accustomed range permits authorized by W.S. § 11-20-212 and ~~W.S. § 11-20-223~~.

(ii) ~~Forty cents (\$0.40)~~ per head on all sheep, including any hide or carcass, inspected on the A and or B fForms.

(iii) ~~Thirteen dollars and fifty cents (\$13.50)~~ per head for the first ten head of horses, asses, or mules, including any hide or carcass, inspected on the A and or B fForms, and ~~one dollar fifty cents (\$1.50)~~ for each additional horse, ass, or mule, including any hide or carcass, inspected at the same time and place.

(iv) ~~Eleven dollars and twenty five cents (\$11.25)~~ surcharge per inspection by the ~~hBrand iInspector~~. The surcharge will be waived in cases where no mileage is incurred by the ~~hBrand iInspector~~, or where the inspection is done at an approved location, licensed livestock market, or at events such as youth events, shows, or rodeos where inspections are performed as a regular part of event check-in or weigh-in procedures.

(v) ~~Twenty three dollars and no cents (\$23.00)~~ for each L Form issued pursuant to W.S. § 11-20-224.

(vi) ~~Sixteen dollars and no cents (\$16.00)~~ per animal for each ~~H Form~~ for the first ten ~~(10)~~ of livestock head inspected under the H Form and ~~one dollar and fifty cents (\$1.50)~~ for each additional head inspected pursuant to W.S. § 11-20-225.

(vii) ~~One dollars and eighty five cents (\$1.85)~~ for each certificate issued to a hide buyer as required by W.S. § 11-23-204.

(viii) Actual hourly cost of ~~sixteen dollars and fifty cents (\$16.50)~~ per hour; plus mileage costs as provided by W.S. § 9-3-103 for any non-mandatory inspections requested by a livestock owner or his agent.

Section 75. Certificates and Agreements In Lieu Of Inspection.

(a) Pursuant to W.S. § 11-20-217, the fee is: ~~One dollar and no cents (\$1.00)~~ per head for cattle, horses, asses, or mules moving interstate to any Board approved ~~out-of-state~~ livestock markets where Wyoming brand inspection is maintained.

Section 86. Range Permits.

(a) Pursuant to W.S. § 11-20-212, and ~~W.S. § 11-20-402(a)(x)~~, the fee for an in-state range movement permit is ~~eighty dollars and fifty cents (\$80.50)~~ for the first permit issued to an individual applicant and ~~sixty nine dollars and no cents (\$69.00)~~ for each additional permit issued.

(b) Pursuant to W.S. § 11-20-223 and ~~W.S. § 11-20-402(a)(viii)~~, the fee for an out-of-state accustomed range permit is equal to inspection fees are an amount equal to thirty percent (30%) of the inspection fees established by the Board in Section 64(a)(i) through (iii) of these rules.

Section 97. Brand Recording Fees.

(a) Pursuant to W.S. § 11-20-103(b), the application fee for recording a brand is shall ~~be one hundred sixty five dollars and no cents (\$165.00)~~ for the first species of livestock and ~~eighty two dollars and fifty cents (\$82.50)~~ for each additional species of livestock for which the brand ~~is to~~ will be used. If the Board denies a Brand application, the Board will retain Of this fee, forty one dollars and twenty five cents (\$41.25) shall be retained by the Livestock Board for application research for the first species of livestock and twenty two dollars and fifty cents (\$22.50)20.62 for application research for each additional species of livestock; in the event the brand is not recorded These fees also apply to an application for a change of location.

(b) Pursuant to W.S. § 11-20-116(a), the fee for renewing a previously recorded brand is shall ~~be three hundred thirty dollars and no cents (\$330.00)~~ and shall will cover any additional species of livestock for which the brand was previously recorded.

(c) Pursuant to W.S. § 11-20-116(ba), ~~the fee for recording a bill of sale or other instrument transferring ownership of a recorded brand shall be one hundred ten dollars and no~~

cents (\$110.00) for each recorded brand if a Brand Owner elects to extend a Brand's Active Term beyond 10 years, the fee is an additional \$330.00 for each 10 year period selected up to 50 years. If a Brand Owner elects to extend a Brand's Active Term beyond 50 years and up to 100 years, then the fee for each 10 year period is an additional \$200.00. Accordingly,

(i) A Renewal for 20 years is \$660.00.

(ii) A Renewal for 30 years is \$990.00.

(iii) A Renewal for 40 years is \$1,320.00.

(iv) A Renewal for 50 years is \$1,650.00.

(v) A Renewal for 60 years is \$1,850.00.

(vi) A Renewal for 70 years is \$2,050.00.

(vii) A Renewal for 80 years is \$2,250.00.

(viii) A Renewal for 90 years is \$2,450.00.

(ix) A Renewal for 100 years is \$2,650.00.

(d) Pursuant to W.S. § 11-20-1156(ab), if a delinquent brand is renewed, a fee of one hundred fifty dollars and no cents (\$150.00) must be paid in addition to the required renewal fee the fee for recording a bill of sale or other instrument Transferring ownership of a recorded brand is \$110.00 for each recorded brand.

(e) Pursuant to W.S. 11-20-115(a), to renew a Delinquent Brand, a Brand Owner must pay the delinquent fee of \$150.00 in addition to the required Renewal fee.

(f) Pursuant to W.S. 11-20-115, the fee for reissuing an Abandoned Brand is the same as for renewing a Brand.

Section 8. Fees for Modifying a Brand's Active Term.

(a) The fees for modifying a Brand's Active Term are as follows:

(i) For modifying a Brand's Active Term to coincide with another Brand's Active Term that is two years into the future, 20% of the Renewal fee or \$66.00.

(ii) For modifying a Brand's Active Term to coincide with another Brand's Active Term that is four years into the future, 40% of the Renewal fee or \$132.00.

(iii) For modifying a Brand's Active Term to coincide with another Brand's Active Term that is six years into the future, 60% of the Renewal fee or \$198.00.

(iv) For modifying a Brand's Active Term to coincide with another Brand's Active Term that is eight years into the future, 80% of the Renewal fee or \$264.00.

CHAPTER 21

Rules Governing the Recording, Transfer, and Renewal of Livestock Brands

Section 1. Authority.

(a) The following rules are promulgated pursuant to Wyoming Statutes 11-18-103(a)(v) and 11-20-115.

Section 2. Definitions.

(a) The definitions in W.S. 11-20-101 and the following definitions apply to these rules.

(i) “Abandoned Brand” means any Delinquent Brand of record or previously recorded Brand that is not rerecorded within two years of the expiration date of the Brand.

(ii) “Active Term” means the time period between a recorded Brand’s recording date and its expiration date, or if it has been rerecorded, the time period between its most recent rerecording date and its expiration date.

(iii) “Brand Owner” means a Person, as defined in W.S. 11-1-101(a)(v), who owns a legally recorded Wyoming Livestock Brand.

(iv) “Conflict” means a Brand that, in the opinion of the Board Director, is the same as, can be confused with, or misidentified with another recorded Brand.

(v) “Conflict List” means a list of letters, numbers, characters, or Brand Symbols maintained by the Board to assist in identifying Conflicts in Brand Applications.

(vi) “Delinquent Brand” means a previously recorded Brand that was not renewed within 60 days from the expiration date of the Brand and is not yet an Abandoned Brand.

(vii) “Person” has the meaning set forth in W.S. 11-1-101(a)(v).

(viii) “Renewal” means the process used to rerecord a Brand prior to or within 60 days after its expiration date as established by these rules.

(ix) “Renewal Notice” means the letter sent to the Brand Owner stating the Renewal Period, specified fee, and any other information needed to rerecord a Brand.

(x) “Renewal Period” means the time period between a Brand Owner’s receipt of a Renewal Notice and the 60th day after the Brand’s expiration date.

(xi) “Symbol” means a bar, dot, slash, wave, quarter circle, plus, cross sign, heart, diamond, box, three quarter box, triangle, arrow, spear, brace, bracket, mill iron, yoke, moon, crown, shield, or miscellaneous image.

(xii) “Transfer” means the transfer of an ownership interest in a recorded Brand by sale, assignment, transfer, devise, or descent.

(b) The singular includes the plural and the plural the singular when consistent with the intent of these rules and necessary to affect their purpose.

Section 3. Brand Recording, Change of Location, and Transfer Requirements and Processes.

(a) To apply to record a Brand, a Person must submit a complete Brand application and the applicable fees.

(b) Board employees will process Brand applications in the order in which they are received and will not postpone processing an application.

(c) The Board will not approve a Brand application for a single number, letter, character, or Symbol except for those Symbols that qualify as a miscellaneous image.

(d) The Board will only accept a Brand application that specifies one of the following locations:

(i) For cattle, the left shoulder, left hip, left rib, right shoulder, right rib, or right hip.

(ii) For horses, the left jaw, left shoulder, left hip, left buttocks, right jaw, right shoulder, right hip, or right buttocks. Hip and thigh are considered the same location.

(iii) For sheep, the left shoulder, left hip, right shoulder, or right hip.

(iv) For bison, the left shoulder, left hip, left rib, right shoulder, right rib, or right hip.

(e) Board employees will conduct Conflict research on all applications for a new Brand using a Conflict List approved by the Board’s Director or his designee. Board employees will conduct Conflict research for Brands in the location applied for and in adjoining locations.

(f) To apply to use a recorded Brand on an additional species, a Brand Owner must submit a complete Brand application and the applicable fees.

(g) An application for a change of location is a type of Brand application and not a Renewal.

(h) The requested change of location can only be for a location adjoining the Brand's current location. If it is not, the Board will notify the applicant that it cannot approve the request and that he or she can resubmit it as an application for a new Brand. If an adjoining location is not available due to a Conflict, the Board cannot approve the request and will notify the applicant. If an adjoining location is available, the Brand Owner must submit a complete change of location form.

(i) If a Brand Owner has a Brand that was previously recorded in a location or manner that does not comply with these rules, the Board will rerecord the Brand as it was previously recorded as long as it is rerecorded during its Renewal Period or in accordance with Section 8.

(j) Any Person applying to Transfer a Brand must complete and submit to the Board the applicable form, which is available from the Board, the applicable fees, and any documents the Board may require to establish the authority to Transfer the Brand and the validity of the Transfer. The name of the seller or transferor on the form or bill of sale must exactly match the name of the Brand Owner as currently recorded by the Board.

(k) The Board must record the document Transferring the Brand before the applicant can use the Brand.

Section 4. Renewal Schedule and Method.

(a) Brand Owners must renew all of their Brands as outlined in these rules.

(b) To renew a Brand, a Brand Owner must submit to the Board a completed Renewal Notice and the applicable fees during the Brand's Renewal Period. If the Brand is not renewed during the Brand's Renewal Period, it will become a Delinquent Brand.

(c) The Renewal schedule for all Brands is based on the Brand's expiration date. Each Brand's expiration date is staggered in intervals of two years based on the Brand's original recording date. Unless otherwise provided in these rules, the expiration date for all Brands is as follows:

(i) For Brands originally recorded in years ending in "5" and "6," December 31, 2006, then December 31, 2016, then December 31, 2026, and so on.

(ii) For Brands originally recorded in years ending in "7" and "8," December 31, 2008, then December 31, 2018, then December 31, 2028, and so on.

(iii) For Brands originally recorded in years ending in "9" and "0," December 31, 2010, then December 31, 2020, then December 31, 2030, and so on.

(iv) For Brands originally recorded in years ending in "1" and "2," December 31, 2012, then December 31, 2022, then December 31, 2032, and so on.

(v) For Brands originally recorded in years ending in “3” and “4,” December 31, 2014, then December 31, 2024, then December 31, 2034, and so on.

(d) The Board will place newly recorded Brands in the Renewal schedule that corresponds with the last number of the Brand’s recording date as established by this Section. A Transfer does not affect the Brand’s expiration date.

(e) If a Brand Owner submits a check that does not have sufficient funds, the Board must receive funds to cover the Renewal fee on or before the 60th day after the expiration date of the Brand Owner’s Brand or the Brand will become a Delinquent Brand.

(f) The Board is not responsible for the return of a Renewal Notice due to an incorrect address that causes a Brand to become a Delinquent Brand or Abandoned Brand. It is the sole responsibility of the Brand Owner to inform the Board of any changes in address and to keep all Brand record information current.

(g) To change a Delinquent Brand to active status, the Brand Owner must submit to the Board a completed Delinquent Brand application, the Delinquent Fee, and the applicable Renewal fees within two years from the Delinquent Brand’s expiration date. If a Brand Owner fails to do so, the Delinquent Brand becomes an Abandoned Brand.

(h) The Board cannot renew more than one of a Brand Owner’s Brands at the same time unless the expiration dates are the same on all of the Brands or the Brand’s Active Term has been modified in accordance with Section 8. All other Brands can only be renewed during their respective Renewal Periods as established by the Renewal schedule in this Section.

Section 5. Extending a Brand’s Active Term.

(a) A Brand Owner may extend a Brand’s Active Term in 10 year increments, not to exceed 100 years, by completing the applicable Board forms and paying the applicable fees if the Brand Owner does so:

(i) During the Brand’s Renewal Period; or

(ii) While the Brand is a Delinquent Brand.

Section 6. Reissuing of Abandoned Brands.

(a) Any Person may apply to use an Abandoned Brand. Except as provided in this Section, the Board will treat applications for Abandoned Brands as an application for a new Brand in accordance with the provisions of W.S. 11-20-103 through -104 and Section 3.

(b) The Board will not reissue Abandoned Brands with Brand Symbols on two or more locations for the same species.

(c) The Board will not reissue Abandoned Brands with a single number or letter.

(d) Board employees applying for an Abandoned Brand must submit the application for approval by the Board Director before it can be processed.

(e) The application for an Abandoned Brand must exactly match the species and location in the Board's records for that Abandoned Brand.

(f) If reissued, an Abandoned Brand's identification number will remain the same and its expiration date will be based on its original recording date and determined in accordance with Section 4.

(g) The Board will consider only one Abandoned Brand per application.

(h) The Board will not research an Abandoned Brand until it receives a completed application and the applicable fees. The Board will not research an Abandoned Brand application in response to a verbal request.

Section 7. Types of Ownership.

(a) Any Person applying to record a new Brand, to Transfer a Brand, or to reissue an Abandoned Brand must specify the ownership type on the application and provide any necessary documents to the Board. The different ownership types and some of the necessary documents for each ownership type are as follows:

(i) Individual.

(ii) Tenants in common, which is without right-of-survivorship.

(iii) Tenancy by the entirety, which is for Persons who are legally married pursuant to the laws of Wyoming.

(iv) Joint tenants with rights-of-survivorship.

(v) Partnership, other than a limited partnership or registered limited liability partnership. The applicant must list on the application all partners and agents authorized to act on behalf of the partnership.

(vi) Limited liability company (LLC), corporation, limited partnership, registered limited liability partnership, or other entity recognized by Wyoming law. The necessary documents include:

(A) Articles of organization, articles of incorporation, or any other document that must be filed to form the entity;

(B) Documents showing that the entity is in good standing with the Wyoming Secretary of State; and

(C) The names of all Persons authorized to act on behalf of the entity and documentation demonstrating the legal authority of those Persons to act on behalf of the entity.

(vii) Trust. The Person applying to record or Transfer a Brand for a trust must provide the Board with a copy of the trust instrument or a certification or affidavit of trust in accordance with W.S. 4-10-1014 that contains the information specified in W.S. 4-10-1014.

Section 8. Modifying a Brand's Active Term.

(a) Pursuant to W.S. 11-20-115(d), a Brand Owner may modify a Brand's Active Term to coincide with the Active Term of all of the Brand Owner's Brands provided that:

(i) All affected Brands must have the same Brand Owner and the exact same ownership type;

(ii) The Brand Owner has received a Renewal Notice for at least one of the affected Brands or at least one of them is a Delinquent Brand;

(iii) The Brand Owner completes and submits the applicable Board-provided forms to modify a Brand's Active Term; and

(iv) The Board receives all applicable fees for Renewal and for modifying a Brand's Active Term, which, for any Brand that will have a modified Active Term, the Board will prorate the fee from the Brand's existing expiration date to its modified expiration date.

(b) Modifying the Active Term of a Brand can only be done with another Brand's upcoming, not past, expiration date.

(c) Once a Brand has a modified Active Term with a new expiration date, it cannot be changed back to its initial expiration date.

CHAPTER 21

Wyoming Livestock Board Rules Governing the Re-Recording, Transfer, and Renewal of Livestock Brands CHAPTER 21

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), and W.S. 11-20-115 (b) the following rules are hereby promulgated The following rules are promulgated pursuant to Wyoming Statutes 11-18-103(a)(v) and 11-20-115.

Section 2. Purpose of Rules.

(a) ~~The purpose of these rules is to define the term of the recording period and the method used to determine the renewal used for re-recording brands after the 2005 Brand renewal.~~

Section 3. Definitions used in Rules.

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

(i) ~~“Abandoned Brand” means any brand that is not legally re-recorded within 60 days of the expiration date of the brand~~ Delinquent Brand of record or previously recorded Brand that is not rerecorded within two years of the expiration date of the Brand.

(ii) ~~“Board” means the Wyoming Livestock Board; State Agency 051.~~ “Active Term” means the time period between a recorded Brand’s recording date and its expiration date, or if it has been rerecorded, the time period between its most recent rerecording date and its expiration date.

(iii) ~~“Brand Owner” means a brand, mark, or other Board approved means of Identification including any electronic device used for livestock identification.~~ means a Person, as defined in W.S. 11-1-101(a)(v), who owns a legally recorded Wyoming Livestock Brand.

(iv) ~~“Brand Application” means the process of applying for a new brand. A brand application is separate and apart from a brand transfer or renewal.~~ “Conflict” means a Brand that, in the opinion of the Board Director, is the same as, can be confused with, or misidentified with another recorded Brand.

(v) ~~“Brand Owner” means the party, individual, persons, business, trust, corporation, or any other entity that has a legally recorded Wyoming Livestock Brand.~~ “Conflict

List” means a list of letters, numbers, characters, or Brand Symbols maintained by the board to assist in identifying Conflicts in Brand Applications.

(vi) ~~“Brand Recorder” means an agent or employee of the Board authorized to record brands.~~ “Delinquent Brand” means a previously recorded Brand that was not renewed within 60 days from the expiration date of the Brand and is not yet an Abandoned Brand.

(vii) ~~“Brand Renewal” means the legal process used to re-record a brand after the expiration date of the brand as specified by law or rule.~~ “Person” has the meaning set forth in W.S. 11-1-101(a)(v).

(viii) ~~“Brand Transfer” means the process of transferring ownership of a recorded brand by sale, assignment, transfer, devise or descent through the use of instruments of writing evidencing sale, assignment or transfer acknowledged and recorded in the office of the Board as proscribed by W.S. 11-20-109. A Brand Transfer is separate and apart from a brand application or renewal.~~ “Renewal” means the process used to rerecord a Brand prior to or within 60 days after its expiration date as established by these rules.

(ix) ~~“Last Known Address” means the address used in the brand record.~~ “Renewal Notice” means the letter sent to the Brand Owner stating the Renewal Period, specified fee, and any other information needed to rerecord a Brand.

(x) ~~“Livestock” means cattle, horses, mules, asses, and sheep. The Board acting in conjunction with the Game and Fish Commission may designate bison or identifiable herds of bison as wildlife.~~ “Renewal Period” means the time period between a Brand Owner’s receipt of a Renewal Notice and the 60th day after the Brand’s expiration date.

(xi) ~~“Renewal Notice” means the letter sent to the Brand Owner stating the renewal period, specified fee, and any other information needed to re-record the brand.~~ “Symbol” means a bar, dot, slash, wave, quarter circle, plus, cross sign, heart, diamond, box, three quarter box, triangle, arrow, spear, brace, bracket, mill iron, yoke, moon, crown, shield, or miscellaneous image.

(xii) ~~“Renewal Period” means the 60-day period between January 1, 2005, and March 1, 2005, and any subsequent renewal period as specified by law or Board Rules.~~ “Transfer” means the transfer of an ownership interest in a recorded Brand by sale, assignment, transfer, devise, or descent.

(b) The singular includes the plural and the plural the singular when consistent with the intent of these rules and necessary to affect their purpose.

Section 43. Penalty for a Violation of Rules Brand Recording, Change of Location, and Transfer Requirements and Processes.

(a) ~~Penalties for a violation of these rules will be pursuant to law~~ To apply to record a Brand, a Person must submit a complete Brand application and the applicable fees.

(b) Board employees will process Brand applications in the order in which they are received and will not postpone processing an application.

(c) The Board will not approve a Brand application for a single number, letter, character, or Symbol except for those Symbols that qualify as a miscellaneous image.

(d) The Board will only accept a Brand application that specifies one of the following locations:

(i) For cattle, the left shoulder, left rib, left hip, right shoulder, right rib, or right hip.

(ii) For horses, the left jaw, left shoulder, left hip, left buttocks, right jaw, right shoulder, right hip, or right buttocks. Hip and thigh are considered the same location.

(iii) For sheep, the left shoulder, left hip, right shoulder, or right hip.

(iv) For bison, the left shoulder, left rib, left hip, right shoulder, right rib, or right hip.

(e) Board employees will conduct Conflict research on all applications for a new Brand using a Conflict List approved by the Board's Director or his designee. Board employees will conduct Conflict research for Brands in the location applied for and in adjoining locations.

(f) To apply to use a recorded Brand on an additional species, a brand Owner must submit a complete Brand application and the applicable fees.

(g) An application for a change of location is a type of Brand application and not a Renewal.

(h) The requested change of location can only be for a location adjoining the Brand's current location. If it is not, the Board will notify the applicant that it cannot approve the request and that he or she can resubmit it as an application for a new Brand. If an adjoining location is not available due to a Conflict, the board cannot approve the request and will notify the applicant. If an adjoining location is available, the Brand Owner must submit a complete change of location form.

(i) If a Brand Owner has a Brand that was previously recorded in a location or manner that does not comply with these rules, the Board will rerecord the Brand as it was previously recorded as long as it is rerecorded during its Renewal Period or in accordance with Section 8.

(j) Any Person applying to Transfer a Brand must complete and submit to the Board the applicable form, which is available from the Board, the applicable fees, and any documents the Board may require to establish the authority to Transfer the brand and the validity of the

Transfer. The name of the seller or transferor on the form or bill of sale must exactly match the name of the Brand Owner as currently recorded by the Board.

(k) The Board must record the document Transferring the Brand before the applicant can use the Brand.

Section 54. ~~Conditions for renewal, time frames, length of staggered renewal and method of renewal for re-recording brands.~~ Renewal Schedule and Method.

~~(a) Every owner of a brand shall re-record the brand with the Wyoming Livestock Board. Every brand recorded prior to January 1, 2005, is subject to renewal regardless of the issue date. Brand applications will be worked in date order as they arrive in the office. No brand applications will be held until after the renewal period.~~ Brand Owners must renew all of their Brands as outlined in these rules.

~~(b) Failure to re-record a brand under the provisions of this section shall be considered an abandonment of the brand as described by W.S. 11-20-115. The use of any unrecorded or abandoned brand to identify livestock is prohibited by law.~~ To renew a Brand, a Brand Owner must submit to the Board a completed Renewal Notice and the applicable fees during the Brand's Renewal Period. If the Brand is not renewed during the Brand's Renewal Period, it will become a Delinquent Brand.

~~(c) The 2005 renewal period shall be a term of 60 days between January 1, 2005, and March 1, 2005, as proscribed by W.S. 11-20-115. Completed renewal notices accompanied by the correct fees will be accepted by the Board from the time of the first renewal notices are sent out until the end of the renewal period. Any renewals postmarked after March 1, 2005, shall be considered to have missed the renewal period. There is no provision under W.S. 11-20-115 for a grace period on re-recording.~~ The Renewal schedule for all Brands is based on the Brand's expiration date. Each Brand's expiration date is staggered in intervals of two years based on the Brand's original recording date. Unless otherwise provided in these rules, the expiration date for all Brands is as follows:

(i) For Brands originally recorded in years ending in "5" and "6", December 31, 2006, then December 31, 2016, then December 31, 2026, and so on.

(ii) For Brands originally recorded in years ending in "7" and "8", December 31, 2008, then December 31, 2018, then December 31, 2028, and so on.

(iii) For Brands originally recorded in years ending in "9" and "0", December 31, 2010, then December 31, 2020, then December 31, 2030, and so on.

(iv) For Brands originally recorded in years ending in "1" and "2", December 31, 2012, then December 31, 2022, then December 31, 2032, and so on.

(v) For Brands originally recorded in years in "3" and "4", December 31, 2014, then December 31, 2024, then December 31, 2034, and so on.

~~(d) Abandoned brands may be applied for by other applicants. The application for any abandoned brand shall be considered a new brand application and shall be subject to the provisions of W.S. 11-20-104. The Board will place newly recorded Brands in the Renewal schedule that corresponds with the last number of the Brand's recording date as established by this Section. A Transfer does not affect the Brand's expiration date.~~

~~(e) Brand recordings shall be staggered in intervals of two (2) years based on the original issue date of the brand. Brands will be recorded for a period of up to but not to exceed ten (10) years. A transfer of ownership or name change or other alteration of the brand recording shall not affect the renewal period as determined by the Board. If a Brand Owner submits a check that does not have sufficient funds, the Board must receive funds to cover the Renewal fee on or before the 60th day after the expiration date of the Brand Owner's Brand or the Brand will become a Delinquent Brand.~~

~~(f) All brands recorded after January 1, 2005, shall be subject to re-recording in staggered increments based on the initial year of the recording as determined by the board. The Board is not responsible for the return of a Renewal Notice due to an incorrect address that causes a brand to become a Delinquent Brand or Abandoned Brand. It is the sole responsibility of the Brand Owner to inform the board of any changes in address and to keep all Brand record information current.~~

~~(g) Effective January 1, 2005, brands originally issued in years ending in "5" and "6" shall be recorded for a period of two (2) years and then shall be subject to re-recording January 1, 2007, and then shall be re-recorded for a period of ten (10) years. To change a Delinquent Brand to active status, the Brand Owner must submit to the Board a completed Delinquent Brand application, the Delinquent Fee, and the applicable Renewal fees within two years from the Delinquent Brand's expiration date. If a Brand Owner fails to do so, the Delinquent Brand becomes an Abandoned Brand.~~

~~(h) Effective January 1, 2005, brands originally issued in years ending in "7" and "8" shall be recorded for a period of four (4) years and then shall be subject to re-recording January 1, 2009 and then shall be re-recorded for a period of ten (10) years. The Board cannot renew more than one of a Brand Owner's Brands at the same time unless the expiration dates are the same on all of the Brands or the Brand's Active Term has been modified in accordance with Section 8. All other Brands can only be renewed during their respective Renewal Periods as established by the Renewal schedule in this Section.~~

~~(i) Effective January 1, 2005, brands originally issued in years ending in "9" and "0" shall be recorded for a period of six (6) years and then shall be subject to re-recording January 1, 2011, and then shall be re-recorded for a period of ten (10) years.~~

~~(j) Effective January 1, 2005, brands originally issued in years ending in "1" and "2" shall be recorded for a period of eight (8) years and then shall be subject to re-recording January 1, 2013, and then shall be re-recorded for a period of ten (10) years.~~

~~(k) — Effective January 1, 2005, brands originally issued in years ending in “3” and “4” shall be recorded for a period of ten (10) years and then shall be subject to re-recording January 1, 2015, and then shall be re-recorded for a period of ten (10) years.~~

~~(l) Notification of the renewal shall be sent out to the last known address of the brand owner at least 60 days prior to January 1, 2005. A second renewal notice shall be sent to brand owners who have not paid the renewal fees on their brands within eight (8) weeks after the first renewal notice was sent. No more than two (2) renewal notices shall be sent out to the last known address of the brand owner.~~

~~(m) — The brand owner shall complete the application section on the renewal notice and send the notice back to the board along with the specified renewal fee prior to the end of the renewal period.~~

~~(n) — Any brand renewed with an insufficient funds check will be considered abandoned unless sufficient funds are received by the board prior to the end of the renewal period.~~

~~(o) — After the funds for the renewal fee have been deemed sufficient, the board shall send out a brand certificate and receipt to the brand owner.~~

~~(p) — The board or any brand recorder will not be held responsible for the return of a renewal notice due to an incorrect address or any other failure to return a renewal notice that causes a brand to be abandoned. It is the sole responsibility of the brand owner to inform the board of any changes in address and to keep any brand record information current.~~

~~(q) — No brand owner shall be allowed to renew all of their brands at the same time unless the original issue dates are the same on all brands. Brands must be renewed according to original issue date only.~~

~~(r) — Transferring ownership of a brand is a separate transaction from renewal of a brand as described by W.S. 11-20-116 and will not be considered part of the brand renewal.~~

Section 65. Fees: Extending a Brand’s Active Term.

(a) ~~The fee for the renewal shall be prorated for the initial staggered renewal period specified until the next renewal period, and then the fee shall be \$80.00 or an amount specified by law. A brand Owner may extend a Brand’s active Term in 10 year increments, not to exceed 100 years, by completing the applicable Board forms and paying the applicable fees if the Brand Owner does so:~~

~~(i) The renewal fee for a brand recorded for 1-2 years will be \$16.00. During the Brand’s Renewal period; or~~

~~(ii) The renewal fee for a brand recorded for 3-4 years will be \$32.00. While the Brand is a Delinquent Brand.~~

~~(iii) — The renewal fee for a brand recorded for 5-6 years will be \$48.00.~~

~~(iv) — The renewal fee for a brand recorded for 7-8 years will be \$64.00.~~

~~(v) — The renewal fee for a brand recorded for 9-10 years will be \$80.00.~~

~~(b) — The fee for transferring a brand and issuing a certificate of transfer shall be \$50.00 or whatever fee is determined by W.S. 11-20-116.~~

Section 6. Reissuing of Abandoned Brands.

(a) Any Person may apply to use an Abandoned Brand. Except as provided in this Section, the Board will treat applications for Abandoned Brands as an application for a new Brand in accordance with the provisions of W.S. 11-20-103 through -104 and Section 3.

(b) The Board will not reissue Abandoned Brands with Brand Symbols on two or more locations for the same species.

(c) The Board will not reissue Abandoned Brands with a single number or letter.

(d) Board employees applying for an Abandoned Brand must submit the application for approval by the Board Director before it can be processed.

(e) The application for an Abandoned Brand must exactly match the species and location in the Board's records for that Abandoned Brand.

(f) If reissued, an Abandoned Brand's identification number will remain the same and its expiration date will be based on its original recording date and determined in accordance with Section 4.

(g) The Board will consider only one Abandoned Brand per application.

(h) The Board will not research an Abandoned Brand until it receives a completed application and the applicable fees. The Board will not research an Abandoned Brand application in response to a verbal request.

Section 7. Types of Ownership.

(a) Any Person applying to record a new Brand, to Transfer a Brand, or to reissue an Abandoned Brand must specify the ownership type on the application and provide any necessary documents to the Board. The different ownership types and some of the necessary documents for each ownership type are as follows:

(i) Individual.

(ii) Tenants in common, which is without right-of-survivorship.

(iii) Tenancy by the entirety, which is for Persons who are legally married pursuant to the laws of Wyoming.

(iv) Joint tenants with rights-of-survivorship.

(v) Partnership, other than a limited partnership or registered limited liability partnership. The applicant must list on the application all partners and agents authorized to act on behalf of the partnership.

(vi) Limited liability company (LLC), corporation, limited partnership, registered limited liability partnership, or other entity recognized by Wyoming law. The necessary documents include:

(A) Articles of organization, articles of incorporation, or any other document that must be filed to form the entity;

(B) Documents showing that the entity is in good standing with the Wyoming Secretary of State; and

(C) The names of all Persons authorized to act on behalf of the entity and documentation demonstrating the legal authority of those Persons to act on behalf of the entity.

(vii) Trust. The Person applying to record or Transfer a Brand for a trust must provide the Board with a copy of the trust instrument or a certification or affidavit of trust in accordance with W.S. 4-10-1014 that contains the information specified in W.S. 4-10-1014.

Section 8. Modifying a Brand's Active Term.

(a) Pursuant to W.S. 11-20-115(d), a Brand Owner may modify a Brand's Active Term to coincide with the Active Term of all of the Brand Owner's Brands provided that:

(i) All affected Brands must have the same Brand Owner and the exact same ownership type;

(ii) The Brand Owner has received a Renewal Notice for at least one of the affected Brands or at least one of them is a Delinquent Brand;

(iii) The Brand Owner completes and submits the applicable Board-provided forms to modify a Brand's Active Term; and

(iv) The Board receives all applicable fees for Renewal and for modifying a Brand's Active Term, which, for any Brand that will have a modified Active Term, the Board will prorate the fee from the Brand's existing expiration date to its modified expiration date.

(b) Modifying the Active Term of a Brand can only be done with another Brand's upcoming, not past, expiration date.

(c) Once a brand has a modified Active term with a new expiration date, it cannot be changed back to its initial expiration date.