

Eyre - 5

92LSO-0587

HOUSE BILL

2288

1

HB0288

AN ACT relating to agriculture and animals; creating the Wyoming brand inspection and brand recording board; providing for membership, powers and duties as specified; granting authority for certain programs relating to livestock to be administered by the board; providing authority for the Wyoming brand inspection and brand recording board over the brand recording and inspection program and related programs as specified; granting authority for certain programs relating to livestock to be administered by the department of agriculture as specified; creating a livestock board division within the department of agriculture to be administered by the Wyoming livestock board as specified; transferring the state veterinarian and his duties to the department of agriculture as specified; amending related provisions and repealing conflicting provisions; and providing for an effective date.

HOUSE BILL 2288

Introduced by:

John L. Eyre

HOUSE ACTION ON HOUSE BILL

23 ☒ Introduced
Aye ___ No ___ Ex ___ Ab ___
☒ Read First Time and Ref. to
Committee No. 6
☐ Failed Introduction
Aye ___ No ___ Ex ___ Ab ___
Returned from Committee No. ___
with Recommendation:
☐ Do Pass; ☐ Amend & Do
Pass; ☐ Do Not Pass;
☐ W/O Recomm; ☐ Re-Refer to
Committee No. ___
Re-referred to Committee No. ___
Returned from Committee No. ___
with Recommendation:
☐ Do Pass; ☐ Amend & Do
Pass; ☐ Do Not Pass;
☐ W/O Recomm; ☐ Re-Refer to
Committee No. ___
Considered in Comm. of Whole
☐ Amended
☐ Recommended Do Pass
☐ Failed Comm. of Whole
☐ Indefinitely Postponed
☐ Other: ___
Read Second Time
☐ Amended
☐ Do Pass
☐ Do Not Pass
☐ Accelerated to 3rd Rdg.
Read Third Time
☐ Amended
☐ Passed ☐ Failed
Aye ___ No ___ Ex ___ Ab ___
☐ Held for Reconsideration
Motion to Reconsider
☐ Passed ☐ Failed
Aye ___ No ___ Ex ___ Ab ___
Third Reading Vote
(On Reconsideration)
☐ Passed ☐ Failed
Aye ___ No ___ Ex ___ Ab ___
Sent to Senate (No Amendments)
Sent to LSO for Engrossing
ENGROSSED
Sent to Senate

SENATE ACTION ON HOUSE BILL

☐ Received. Read First Time.
Referred to Committee No. ___
Returned from Committee No. ___
with Recommendation:
☐ Do Pass; ☐ Amend & Do
Pass; ☐ Do Not Pass;
☐ W/O Recomm; ☐ Re-Refer to
Committee No. ___
Re-referred to Committee No. ___
Returned from Committee No. ___
with Recommendation:
☐ Do Pass; ☐ Amend & Do
Pass; ☐ Do Not Pass;
☐ W/O Recomm; ☐ Re-Refer to
Committee No. ___
Considered in Comm. of Whole
☐ Amended
☐ Recommended Do Pass
☐ Failed Comm. of Whole
☐ Indefinitely Postponed
☐ Other: ___
Read Second Time
☐ Amended
☐ Do Pass
☐ Do Not Pass
☐ Accelerated to 3rd Rdg.
Read Third Time
☐ Amended
☐ Passed ☐ Failed
Aye ___ No ___ Ex ___ Ab ___
☐ Held for Reconsideration
Motion to Reconsider
☐ Passed ☐ Failed
Aye ___ No ___ Ex ___ Ab ___
Third Reading Vote
(On Reconsideration)
☐ Passed ☐ Failed
Aye ___ No ___ Ex ___ Ab ___
Sent to House

Sent for Enrolling
HEA No. ___
Signed by Speaker
Signed by President
Approved by Governor
Chapter No. ___

INTRODUCED

HOUSE BILL NO. HB0288

Wyoming brand inspection.

Sponsored by: Representative(s) Eyre

A BILL

for

1 AN ACT relating to agriculture and animals; creating the
2 Wyoming brand inspection and brand recording board;
3 providing for membership, powers and duties as specified;
4 granting authority for certain programs relating to
5 livestock to be administered by the board; providing
6 authority for the Wyoming brand inspection and brand
7 recording board over the brand recording and inspection
8 program and related programs as specified; granting
9 authority for certain programs relating to livestock to be
10 administered by the department of agriculture as specified;
11 creating a livestock board division within the department of
12 agriculture to be administered by the Wyoming livestock
13 board as specified; transferring the state veterinarian and
14 his duties to the department of agriculture as specified;
15 amending related provisions and repealing conflicting
16 provisions; and providing for an effective date.

17

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

1

2 **Section 1.** W.S. 9-2-2016 created the department of
3 agriculture. Subject to the limitations provided by this
4 act, the legislature hereby transfers the Wyoming livestock
5 board and its programs to the department of agriculture as a
6 Type 1 transfer as provided by W.S. 9-2-1707(b). All
7 positions, personnel, appropriations, property, equipment
8 and authority in agencies or programs transferred to the
9 department of agriculture under the Type 1 transfer under
10 this act are under the control and are the responsibility of
11 the department of agriculture as specified by law. The
12 terms of all persons previously appointed to a board,
13 commission or council within an agency or program which is
14 transferred to the department of agriculture are not
15 affected by this act. The validity of rules, regulations,
16 contracts, agreements or other obligations of agencies or
17 programs transferred to the department of agriculture under
18 this act is not affected by this act.

19

20 **Section 2.** W.S. 11-20-501 and 11-20-502 are created to
21 read:

22

23

ARTICLE 5

24

WYOMING BRAND INSPECTION AND

25

BRAND RECORDING BOARD

1

2 11-20-501. Wyoming brand inspection and brand
3 recording board created; membership; terms; powers
4 generally; personnel.

5

6 (a) There is created the Wyoming brand inspection and
7 brand recording board. The board shall have responsibility
8 over the predatory animal program, the brand inspection and
9 recording program, hide and carcass inspection program,
10 estrays and livestock markets. The board shall consist of
11 seven (7) members appointed by the governor from each of the
12 seven (7) appointment districts pursuant to W.S. 9-1-218.
13 Appointments in each appointment district shall be rotated
14 among the several counties comprising the district. Four
15 (4) appointed members shall be selected to represent the
16 cattle industry and three (3) appointed members shall be
17 selected to represent the sheep industry. All members shall
18 be engaged chiefly in the cattle or sheep industry. Not
19 more than four (4) shall be members of the same political
20 party. Each member of the board shall serve a four (4) year
21 term and until their successor is appointed and qualified.
22 Four (4) members of the board shall serve initial terms of
23 four (4) years each and three (3) members of the board shall
24 serve initial terms of two (2) years each. Thereafter, all
25 members shall serve four (4) year terms. In case of a

1 vacancy for any reason, the governor shall appoint a
2 qualified person to fill the vacancy in accordance with W.S.
3 28-12-101.

4
5 (b) The board may designate an agency to act under its
6 supervision and control to implement the brand recording
7 laws. Any agency so designated shall be the same agency
8 designated pursuant to W.S. 11-20-201. The board shall
9 submit three (3) names to the governor who shall then select
10 a chief executive officer. The chief executive officer
11 shall serve at the pleasure of the governor. The board or
12 the designated agency shall appoint a brand supervisor in
13 each of the seven (7) appointment districts in W.S. 9-1-218.

14
15 (c) The board shall have authority to promulgate rules
16 and regulations to carry out the duties as prescribed by
17 law.

18
19 (d) The board shall be authorized to employ the
20 following personnel only:

21
22 (i) A chief executive officer appointed by the
23 governor;

24

1 (ii) Three (3) recording and brand renewal
2 personnel;

3

4 (iii) One (1) administrative secretary.

5

6 (e) The board, or any agency designated pursuant to
7 subsection (b) of this section, shall be authorized to
8 contract with brand inspectors as independent contractors to
9 carry out the functions of the board or agency.

10

11 (f) The board shall use monies raised through brand
12 inspection and brand recording for administration of all
13 board responsibilities and duties as provided by W.S.
14 11-20-405.

15

16 **11-20-502. Brand inspection and brand recording board;**
17 **election of president; meetings generally; compensation;**
18 **report.**

19

20 (a) The brand inspection and brand recording board
21 shall elect one (1) of its members president. It shall meet
22 at such times as called by the president, any three (3)
23 members of the board or the chief executive officer.

24

1 (b) A majority of the board constitutes a quorum for
2 the transaction of business. Members of the board shall
3 receive compensation at the rate of ten dollars (\$10.00) per
4 day for time actually spent in the performance of their
5 duties and traveling expenses while in attendance, and going
6 to and from board meetings in the same manner and amount as
7 provided for state employees by W.S. 9-3-102.

8
9 (c) The board shall report to the governor all
10 proceedings as required by W.S. 9-2-1014.

11
12 **Section 3.** W.S. 6-1-104(a)(vi)(F), 7-2-101(a)(iv)(E),
13 11-2-101 by creating a new subsection (d), 11-2-102(a),
14 11-6-210(a), 11-18-103(a)(intro), (i), (ii)(intro) and by
15 creating a new subsection (b) and by renumbering (a)(v) and
16 (vi) as (b)(i) and (ii), 11-18-108, 11-18-109(a), 11-18-111,
17 11-19-101 by creating a new subsection (c), 11-19-103(b),
18 11-19-106(a), (b)(intro) and (i), 11-19-107, 11-19-108,
19 11-19-111(a), 11-19-113, 11-19-115, 11-19-116, 11-19-201(a)
20 by creating new paragraphs (iii) and (iv), 11-19-203,
21 11-19-206 through 11-19-215, 11-19-301 through 11-19-306,
22 11-19-401, 11-19-403, 11-19-404, 11-19-501, 11-20-101(a)(i),
23 (ii) and (vii), 11-20-103(a)(intro), 11-20-114, 11-20-201(a)
24 and (b), 11-20-206(a), 11-20-208(b), 11-20-215(b),
25 11-20-218, 11-20-225(b), 11-20-401(a)(intro),

1 11-22-101(a)(i), 11-22-113(b), 11-23-101, 11-23-303,
2 11-23-304, 11-24-109 through 11-24-114, 11-27-101(a)(i) and
3 by creating a new paragraph (iv), 11-27-102, 11-27-103,
4 11-27-104(a), 11-27-105, 11-27-106, 11-29-105 through
5 11-29-111 and 11-32-101(a)(ii) are amended to read:

6

7 **6-1-104. Definitions.**

8

9 (a) As used in W.S. 6-1-101 through 6-10-203 unless
10 otherwise defined:

11

12 (vi) "Peace officer" includes the following
13 officers assigned to duty in the state of Wyoming:

14

15 (F) Inspectors or enforcement officers of
16 the Wyoming livestock board or the brand inspection and
17 brand recording board authorized under W.S. 11-18-101
18 through 11-18-103 and 11-20-201 who have qualified pursuant
19 to W.S. 9-1-701 through 9-1-707 when enforcing W.S.
20 11-19-101 through 11-24-115 and 11-29-101 through 11-30-113
21 and any laws prohibiting theft or mutilation of livestock or
22 any part thereof;

23

24 **7-2-101. Definitions.**

25

1 (a) As used in W.S. 7-2-101 through 7-2-105:

2

3 (iv) "Peace officer" means:

4

5 (E) Inspectors or enforcement officers of
6 the Wyoming livestock board or the brand inspection and
7 brand recording board authorized under W.S. 11-18-101
8 through 11-18-113 and 11-20-201 or duly authorized
9 investigators of the Wyoming livestock board who have
10 qualified pursuant to W.S. 9-1-701 through 9-1-707 when
11 enforcing W.S. 11-19-101 through 11-24-115 and 11-29-101
12 through 11-30-113 and any laws prohibiting theft, killing or
13 mutilation of livestock or any part thereof;

14

15 **11-2-101. Department and board created; director.**

16

17 (d) There is created within the department of
18 agriculture the livestock board division. The livestock
19 board shall, subject to the authority of the director of the
20 department of agriculture, serve as the administrative head
21 of the division. The board may appoint an administrator of
22 the division. The administrator shall serve at the pleasure
23 of the board. Notwithstanding any other provision of law,
24 the director of the department of agriculture shall have
25 ultimate authority over all activities of the livestock

1 board and the state veterinarian. All rules and regulations
2 promulgated by the livestock board shall be submitted to the
3 director for his approval prior to the promulgation thereof.
4

5 **11-2-102. Composition; qualifications; appointment and**
6 **removal of members; quorum.**
7

8 (a) The board shall consist of ~~nine (9)~~ ten (10)
9 members, including the governor or his designated
10 representative, the director of the department of
11 agriculture and the dean of the University of Wyoming
12 college of agriculture or his designated representative as
13 ex officio nonvoting members. Seven (7) members shall be
14 appointed by the governor with the advice and consent of the
15 senate and may be removed by the governor as provided in
16 W.S. 9-1-202. One (1) member shall be appointed from each
17 of the seven (7) appointment districts pursuant to W.S.
18 9-1-218. Appointments in each appointment district shall be
19 rotated among the several counties comprising the district.
20

21 **11-6-210. Creation of predatory animal district fund;**
22 **predatory animal control fees; donations; appropriation by**
23 **county commissioners.**
24

1 (a) At the time of collecting brand inspection fees
2 imposed under W.S. 11-20-401 and 11-20-402, the brand
3 inspector shall collect predatory animal control fees on all
4 sheep and cattle inspected within each predatory animal
5 district. However, predator control fees shall not be
6 collected on cattle and sheep shipped into this state for
7 immediate sale or slaughter. The amount of the fee for each
8 predatory animal district shall be established by each
9 predatory animal district board in consultation with the
10 state predatory animal advisory board and shall not exceed
11 eighty cents (\$.80) per head on sheep and twenty cents
12 (\$.20) per head on cattle. Each predatory animal district
13 board shall annually determine the predatory animal control
14 fee to be charged and collected in the district and shall
15 inform the ~~livestock~~ Wyoming brand inspection and brand
16 recording board of the fee prior to January 1 each year. The
17 fee shall not be collected on the same livestock more than
18 once in any twelve (12) month period. The ~~livestock~~-board
19 may retain not to exceed three percent (3%) of the revenues
20 collected for the cost of administering the program.
21 Remaining revenues collected by the ~~livestock~~-board under
22 this section shall be remitted to the state treasurer for
23 deposit in an account within the earmarked revenue fund.
24 The state treasurer, on a quarterly basis, shall distribute
25 the revenues to the county treasurer of the county from

1 which the shipment originated unless, at the time of payment
2 of the fees, the livestock owner designates the fees to be
3 distributed in total to another county in this state in
4 which the livestock are fed or pastured. The county
5 treasurer shall deposit revenues distributed under this
6 subsection into a special continuing fund, to be known as
7 the "Predatory Animal District Fund of County" and to
8 be administered by the predatory animal board of that
9 district.

10

11 11-18-103. Director of department of agriculture;
12 powers generally.

13

14 (a) In addition to powers and duties hereinafter
15 provided elsewhere, the ~~Wyoming livestock board~~ may director
16 of the department of agriculture:

17

18 (i) Shall appoint a state veterinarian who is a
19 graduate of a recognized veterinary college and licensed to
20 practice in Wyoming, who shall be the chief executive
21 officer of the board serve at the pleasure of the director.
22 The director shall appoint the state veterinarian from a
23 list of three (3) qualified individuals submitted by the
24 board of agriculture. Prior to submitting the names of the
25 three (3) qualified individuals, the board shall submit the

1 names to the livestock board who may include their
2 confidential comments on the individuals to the director for
3 his consideration;
4

5 (ii) May appoint deputy state veterinarians,
6 agents and assistants: ~~who shall act under the direction of~~
7 ~~the Wyoming livestock board and its chief executive officer:~~
8

9 (b) In addition to powers and duties provided
10 elsewhere, the livestock board may:
11

12 ~~(v)~~ (i) Subject to the approval of the director of
13 the department of agriculture, promulgate and enforce rules,
14 regulations and orders it deems necessary for the recording
15 ~~and inspection of livestock brands,~~ inspection, testing,
16 brucellosis vaccination or quarantining of any livestock
17 including brucellosis vaccination requirements for resident
18 cattle and cattle imported into Wyoming;
19

20 ~~(vi)~~ (ii) Exercise the power and authority
21 conferred upon it by this act, ~~either directly or through~~
22 ~~its agency; and~~
23

24 11-18-108. Board of agriculture; report to governor.
25

1 The ~~Wyoming livestock board~~ department of agriculture shall report to
2 the governor all proceedings and the condition of the
3 livestock interest of Wyoming as required by W.S. 9-2-1014.
4

5 **11-18-109. Disposition of collected fees and monies in**
6 **general fund; payment of expenses of board.**
7

8 (a) All fees and monies collected by the ~~Wyoming~~
9 ~~livestock board~~ department of agriculture or any of its
10 officers, agents or employees, not specifically required by
11 law to be credited to a different fund, shall be placed by
12 the state treasurer in the general fund.
13

14 **11-18-111. Deputy state veterinarians; appointment;**
15 **powers and duties; term.**
16

17 With the consent of the ~~Wyoming livestock board~~ and approval
18 of either the federal veterinarian in charge of Wyoming or
19 the chief of veterinary services, United States department
20 of agriculture, the ~~state veterinarian~~ director may appoint
21 federal veterinary inspectors stationed in this state as
22 deputy state veterinarians, and federal lay inspectors
23 stationed in this state may be appointed agents of the
24 ~~Wyoming livestock board~~ department of agriculture. All
25 federal officers appointed as deputies or agents of the

1 ~~Wyoming livestock board department~~ shall possess the powers
2 and duties of deputy state veterinarians or agents of the
3 ~~Wyoming livestock board department~~, but they shall act
4 without compensation and hold office only at the pleasure of
5 the ~~state veterinarian director~~.

6

7 11-19-101. Duties of board of agriculture and state
8 veterinarian generally; rules and regulations; failure to
9 comply with provisions; penalty.

10

11 (c) The board of agriculture shall have authority to
12 exercise general supervision over and protect the livestock
13 interests of the state from theft and disease, and shall
14 recommend legislation as in its judgment will foster the
15 industry. The board shall have authority to promulgate and
16 enforce rules, regulations and orders it deems necessary for
17 the inspection, testing, brucellosis vaccination or
18 quarantining of any livestock including brucellosis
19 vaccination requirements for resident cattle and cattle
20 imported into Wyoming.

21

22 11-19-103. Quarantine of diseased animals generally;
23 treatment thereof; effect of failure to obey order of state
24 veterinarian.

25

1 (b) Whenever the state veterinarian finds any
2 infectious or contagious disease among domestic animals in
3 any section of the state he shall take such steps as will
4 prevent the spread of the disease. As a sanitary measure, he
5 may inspect and compel the dipping, spraying or other
6 treatment of all such animals in Wyoming found to be
7 infected or exposed to the disease, under such rules and
8 regulations as ~~he~~ the department of agriculture may adopt.

9
10 **11-19-106. Slaughter of diseased animals; owner's**
11 **claims.**

12
13 (a) All claims against the state arising from the
14 slaughter of animals, together with the order of the
15 veterinarian, shall be submitted to the state auditor who
16 shall examine them without unnecessary delay. For each claim
17 he finds to be equitable and entitled to indemnity under
18 this chapter the auditor shall issue his warrant on the
19 state treasurer for the sum named in the claim. All claims
20 for indemnity arising under the provisions of this chapter,
21 before they are presented for payment to the auditor, shall
22 be submitted to the ~~state veterinarian~~ director of the
23 department of agriculture who shall fully inform himself of
24 the facts connected with each claim. The ~~state veterinarian~~
25 director shall endorse on each claim his approval or

1 rejection and shall express in such endorsement the reasons
2 for his approval or rejection.

3

4 (b) If the ~~state veterinarian~~ director of the
5 department of agriculture rejects a claim it and the reasons
6 for rejection shall be submitted to a board of arbitration
7 consisting of three (3) members selected as follows:

8

9 (i) The ~~state veterinarian~~ director shall select
10 one (1) stock grower who is a resident of the county where
11 the slaughtered animal for which the claim is made ranged;

12

13 **11-19-107. Auditor to pay claims allowed by board;**
14 **effect of failure to submit claim to board.**

15

16 The state auditor shall pay no claim for indemnity which is
17 rejected by the ~~state veterinarian~~ director of the
18 department of agriculture, unless it has been submitted to
19 arbitration and the arbitration board decided it to be legal
20 and just. If any claimant refuses to submit his claim
21 rejected by the ~~veterinarian~~ director to a board of
22 arbitration, the refusal is a waiver of all claim for
23 indemnity.

24

25 **11-19-108. Compensation of board.**

1

2 Each member of a board of arbitration shall receive five
3 dollars (\$5.00) for each day actually engaged and employed
4 in the investigation of any claim, paid by the ~~state~~
5 ~~veterinarian~~ director out of an appropriation for that
6 purpose.

7

8 **11-19-111. Regulation of importation of livestock;**
9 **prohibited acts; penalties; applicability.**

10

11 (a) The governor, upon recommendation of the ~~Wyoming~~
12 ~~livestock board~~ department of agriculture, may regulate by
13 proclamation the importation into Wyoming from any other
14 state any livestock, or any virulent blood or live virus of
15 any disease affecting livestock, or any thing suspected of
16 being infected with livestock disease germs, except under
17 such conditions as he deems proper for the protection of the
18 livestock of Wyoming. All requirements in the governor's
19 proclamation shall be enforced by the ~~Wyoming livestock~~
20 ~~board~~ department.

21

22 **11-19-113. Destruction of swine affected with or**
23 **exposed to hog cholera; appraisal; reimbursement.**

24

1 The ~~Wyoming livestock board~~ department of agriculture or its
2 authorized representative may destroy or require the
3 destruction of any swine which the state veterinarian knows
4 to be affected with or exposed to hog cholera to prevent or
5 reduce the danger of the spread of hog cholera. The
6 appraisal shall be made according to title 9, chapter 1,
7 subchapter B, part 56, Code of Federal Regulations, and the
8 amendments thereto. The owner or custodian of the swine
9 shall, immediately after the determination of its value,
10 cause the same to be disposed of as directed by the ~~board~~
11 department. On presentation to the ~~board~~ department of
12 evidence that disposition has been so made, the owner is
13 entitled to reimbursement by the ~~Wyoming livestock board~~
14 department of a sum equal to the share of reimbursement paid
15 by the federal government but in no case an amount greater
16 than the value of the swine.

17

18 **11-19-115. Cooperation with United States.**

19

20 The ~~Wyoming livestock board~~ department of agriculture may
21 cooperate with the United States or any department, agency
22 or officer thereof, in the control and eradication of hog
23 cholera, including the sharing in payment of indemnities for
24 swine destroyed.

25

1 **11-19-116. Certain actions deemed misdemeanors.**

2

3 Any owner or custodian of swine who fails to dispose of
4 swine as directed by the ~~Wyoming livestock board~~ department
5 of agriculture, or any person who imports or aids or abets
6 the importation of swine into Wyoming knowing the swine to
7 be infected with hog cholera, is guilty of a misdemeanor
8 punishable as provided in W.S. 11-19-111(b).

9

10 **11-19-201. Definitions.**

11

12 (a) As used in this act:

13

14 (iii) "Department" means the department of
15 agriculture;

16

17 (iv) "Director" means the director of the
18 department of agriculture.

19

20 **11-19-203. Special deputy state veterinarian;**
21 **appointment; bond required.**

22

23 The ~~state veterinarian~~ director, with the consent of the
24 governor, may appoint a qualified person as special deputy
25 state veterinarian to act under the direction of the

1 director and the state veterinarian in carrying out the
2 provisions of this act. The special deputy shall take an
3 oath for the faithful and efficient performance of all
4 duties required of him and shall give satisfactory bond to
5 the state of Wyoming in the sum of three thousand dollars
6 (\$3,000.00).

7

8 **11-19-206. First test to be made without charge;**
9 **subsequent tests at expense of owner.**

10

11 The first tuberculin test of all cattle of owners selling or
12 using milk or cream shall be made by the state
13 ~~veterinarian's~~ department without charge to the owners. All
14 subsequent tests shall be made under the supervision of the
15 ~~state veterinarian's~~ department at the expense of the
16 owners.

17

18 **11-19-207. Disposition of fees.**

19

20 The fees collected for tuberculosis tests shall be
21 immediately transmitted to the ~~state veterinarian~~ director
22 who shall deposit them in the state treasury to the credit
23 of the general fund.

24

1 11-19-208. Ear tags; record to be kept of cattle
2 tested.

3
4 Each animal which passes the tuberculosis test
5 satisfactorily shall have an ear tag inserted in its ear.
6 The ~~state veterinarian~~ director shall see that a correct
7 record is kept of all cattle tested, the date and place of
8 testing, the names and addresses of owners and the number of
9 the ear tag inserted in the ear of each animal, and shall
10 report this information in his regular biennial report.

11

12 11-19-209. Retests of cattle.

13

14 Whenever the ~~state veterinarian~~ director suspects that
15 tuberculosis exists or has been introduced by imported dairy
16 cattle among any dairy cattle in this state, he shall order
17 the retesting of same, regardless of any former tests made.

18

19 11-19-210. Director's certificate or special permit;
20 required to sell milk or cream; penalty for failure to
21 comply.

22

23 No person selling milk or cream in cities or towns or to
24 creameries in this state, may sell such milk or cream unless
25 they possess a certificate or special permit from the state

1 ~~veterinarian~~director. Any person violating this section is
2 guilty of a misdemeanor and shall be fined not less than ten
3 dollars (\$10.00) nor more than one hundred dollars (\$100.00)
4 for each offense.

5

6 **11-19-211. Director's certificate or special permit;
7 issuance after test; owner's authority to sell milk.**

8

9 On completion of the tuberculin test upon all dairy cattle
10 owned by any person, the ~~state veterinarian~~director shall
11 issue a certificate to the owner showing that all such
12 cattle are free from tuberculosis, or if all animals were
13 not found free from tuberculosis, a certificate showing that
14 proper disposition as required by law has been made of
15 diseased animals and the remaining animals in the herd are
16 free from tuberculosis so far as may be determined by the
17 tuberculin test. The certificate is the owner's authority
18 for selling milk or cream as above.

19

20 **11-19-212. Notice to owners of provisions;
21 acknowledgment of notice; effect of failure to notify;
22 special permit in lieu of certificate.**

23

24 The ~~state veterinarian~~director or his agent shall ascertain
25 the names and addresses of all owners of dairy cattle in

1 this state and shall notify them in writing of the
2 provisions of this act, obtaining acknowledgment from the
3 owner of receipt of the notice. No person owning dairy
4 cattle shall be considered as violating the provisions of
5 this act who has not been officially notified of its
6 provisions. The owner notified shall make application to the
7 ~~state veterinarian~~ director for a special permit to be used
8 as his authority for selling milk or cream in cities or
9 towns or to creameries in this state until the animals have
10 been tuberculin tested and a certificate issued.

11

12 **11-19-213. Director to order unsanitary premises**
13 **cleaned and disinfected; penalty for failure to comply.**

14

15 The ~~state veterinarian~~ director or his agent may order any
16 unsanitary dairy barns or premises cleaned and disinfected
17 at the expense of the owner. If, after a reasonable time,
18 unsanitary barns or premises are not cleaned and disinfected
19 as ordered, the owner shall be fined not less than ten
20 dollars (\$10.00) nor more than one hundred dollars (\$100.00)
21 for each offense.

22

23 **11-19-214. Sale of diseased cattle; reimbursement of**
24 **owner.**

25

1 All cattle in Wyoming lawfully found to be affected with
2 either tuberculosis or Bang's disease may be shipped or
3 transported under the direction of the ~~state veterinarian~~
4 director in accordance with federal regulations, to
5 livestock markets and there sold for salvage and destroyed
6 in accordance with federal regulations. The owner of
7 condemned cattle shall receive the entire proceeds for such
8 sale less the cost of shipping or transportation and
9 commission charges. If the net salvage obtained from the
10 cattle does not equal their assessed valuation for the year
11 preceding the date of condemnation and shipping, the
12 difference between the sale monies and the assessed
13 valuation shall be paid to the owner of the cattle from an
14 appropriation for that purpose.

15

16 **11-19-215. Prohibited acts; penalties.**

17

18 Any person who intentionally interferes with, refuses to
19 assist in gathering and testing his cattle, or hinders the
20 work of the state veterinarian, the department or ~~his~~-its
21 employees under this act, or who attempts to defeat the
22 object of the tuberculin test by a previous injection of
23 tuberculin commonly known as "plugging," or in any way
24 attempts to prevent an accurate and truthful determination
25 of the condition of the cattle tested, shall be fined not

1 less than ten dollars (\$10.00) nor more than one hundred
2 dollars (\$100.00), or imprisoned not more than thirty (30)
3 days, or both.

4

5 **11-19-301. Designation of county.**

6

7 When the cattle in any county have been tested for
8 tuberculosis and the records show the infection rate has
9 been reduced to the minimum percent fixed by the state
10 ~~veterinarian~~ director of the department of agriculture and
11 the veterinary services, United States department of
12 agriculture in their rules and regulations, such county
13 shall be designated as a "tuberculosis modified accredited
14 area."

15

16 **11-19-302. Petition for inspection; notification of**
17 **director.**

18

19 Whenever sixty percent (60%) or more of the taxpayers of any
20 county as shown by the last assessment roll of that county,
21 petition the board of county commissioners asking that
22 cattle within the county be tested for tuberculosis, the
23 board of county commissioners shall notify the state
24 ~~veterinarian~~ director of the department of agriculture who
25 shall proceed with the testing for tuberculosis in the

1 county in accordance with the rules and regulations
2 prescribed by the United States ~~bureau of animal industry~~
3 department of agriculture for the establishment and
4 maintenance of tuberculosis modified accredited areas.

5

6 **11-19-303. Appropriations by counties for control of**
7 **diseases.**

8

9 The board of county commissioners may appropriate as much
10 money as it deems necessary for the control and eradication
11 of any infectious, contagious or communicable diseases of
12 livestock. The funds shall be used in cooperation with the
13 ~~state veterinarian~~ director of the department of agriculture
14 or the veterinary services, United States department of
15 agriculture, in testing animals and disposing of diseased
16 animals disclosed by the tests as provided by law.

17

18 **11-19-304. Prohibition on importation of cattle;**
19 **penalties.**

20

21 Any person bringing cattle into any "tuberculosis modified
22 accredited area" except in compliance with the rules and
23 regulations made by the ~~state veterinarian~~ department shall
24 upon conviction be punished by imprisonment for not more

1 than one (1) year, or by a fine of not more than one hundred
2 dollars (\$100.00), or both.

3

4 **11-19-305. Powers of department.**

5

6 The ~~state veterinarian~~ department may make and enforce rules
7 and regulations necessary for the enforcement of W.S.
8 11-19-301 through 11-19-306.

9

10 **11-19-306. Penalties for violation of rules and**
11 **regulations.**

12

13 Any person who violates any lawful rule or regulation made
14 by the ~~state veterinarian~~ department pursuant to W.S.
15 11-19-305 is guilty of a misdemeanor and upon conviction,
16 shall be punished by imprisonment for not more than one (1)
17 year, or by a fine of not more than one hundred dollars
18 (\$100.00), or both.

19

20 **11-19-401. Tagging, branding and disposition of cattle**
21 **reacting to test; penalties for failure to comply.**

22

23 All cattle in Wyoming reacting to an agglutination test for
24 brucellosis (Bang's disease) except reactors under thirty
25 (30) months of age which have been officially vaccinated

1 with brucella abortus vaccine, strain 19, and except
2 officially vaccinated adult animals which were negative to
3 the agglutination test for brucellosis within ten (10) days
4 prior to vaccination, must be immediately tagged in the left
5 ear with a Bang's reactor tag and permanently branded with a
6 hot iron letter "B" on the left jaw by or in the presence of
7 an officially authorized veterinarian. All such reactors
8 must be disposed of for slaughter only, upon and according
9 to written instruction from the ~~Wyoming livestock board~~
10 department of agriculture. Any person who violates any
11 provision of this section shall be punished as provided in
12 W.S. 11-1-103.

13

14 **11-19-403. When cattle or buffalo exempt from**
15 **provisions.**

16

17 Breeding cattle and buffalo entering Wyoming for the purpose
18 of feeding only may be exempt from the requirements of W.S.
19 11-19-402 if they are placed under quarantine by the rules
20 and regulations promulgated by the ~~Wyoming livestock board~~
21 of agriculture.

22

23 **11-19-404. Applicability of provisions.**

24

1 The ~~Wyoming livestock board~~ of agriculture shall determine
2 which of the requirements set forth in W.S. 11-19-402
3 through 11-19-404 apply to the various counties or areas
4 within Wyoming.

5

6 **11-19-501. When notice of importation to be made;**
7 **contents; applicability of rules and regulations of board.**

8

9 (a) Any person intending to bring or cause to be
10 brought any sheep from any other state or territory, the
11 District of Columbia or any foreign country into Wyoming in
12 any manner except by shipping them through the state by
13 railroad or truck, shall, ten (10) days before crossing the
14 state line, notify the ~~executive officer of the board~~
15 department of agriculture of the proposed action. The notice
16 shall set forth the number of sheep, the brands or marks
17 thereon, the name of the owner and the locality from which
18 the sheep came and through which they have been driven.

19

20 (b) Sheep trailed or shipped into the state from
21 adjoining states for immediate interstate shipment or for
22 show and exhibition purposes, sheep grazing along and across
23 state lines, and sheep shipped from any part of this state
24 to feed yards in any other part of the state when shipment

1 is made by interstate route, are governed by the rules and
2 regulations of the board of agriculture.

3

4 **11-20-101. Definitions.**

5

6 (a) As used in this act:

7

8 (i) "Agency" means the corporation, if any,
9 designated by the board as its authorized representative to
10 carry out the functions to be performed by the board and if
11 there is no such agency, then it means the Wyoming brand
12 inspection and brand recording board;

13

14 (ii) "Board" means the Wyoming ~~livestock brand~~
15 inspection and brand recording board;

16

17 (vii) "This act" means W.S. ~~11-19-101 through~~
18 ~~11-19-506,~~ 11-20-101 through 11-24-115 and 11-30-101 through
19 11-30-112;

20

21 **11-20-103. Brands; application; contents; recording**
22 **fees; disposition thereof.**

23

24 (a) Any person desiring to adopt any brand to be used
25 to brand livestock in this state, shall before using the

1 brand make application to the Wyoming ~~livestock~~brand
2 inspection and brand recording board. The application shall:

3

4 11-20-114. Use of unrecorded or abandoned brand
5 prohibited; failure to record deemed abandonment.

6

7 No person shall claim or own any brand which has not been
8 recorded in the office of the Wyoming ~~livestock~~brand
9 inspection and brand recording board. Failure to record a
10 brand is an abandonment of the same. No person shall claim
11 or use any abandoned brand until after he has caused the
12 same to be recorded as required by law.

13

14 11-20-201. Designation of contract services to
15 implement brand inspection laws; bond required; bond of
16 inspectors; interstate cooperative agreements.

17

18 (a) The Wyoming brand inspection and brand recording
19 board may designate an agency or contract for services
20 subject to rules and regulations of the board, to exercise
21 the rights, powers and duties provided by law with respect
22 to brand recording and inspection of brands and ownership of
23 the animals mentioned herein.

24

1 (b) The agency, or the board may contract for
2 inspectors as the board deems necessary to carry out
3 specified duties. During the time that inspectors are acting
4 within the scope of their duties on behalf or in service of
5 the state in their official capacity, inspectors are covered
6 by the provisions of the Wyoming Governmental Claims Act,
7 W.S. 1-39-101 through 1-39-120, and the state self-insurance
8 program, W.S. 1-41-101 through 1-41-111. It may assign
9 inspectors inside or outside of this state as it deems
10 appropriate. A blanket bond or individual bonds shall be
11 executed to the state with good and sufficient surety in an
12 amount determined by the board, conditioned for the full and
13 faithful performance and discharge of the inspector's
14 duties. The bond shall be approved by the board and filed
15 ~~in~~ with the office of the board.

16

17 **11-20-206. Certificate of inspection generally;**
18 **distribution of copies; failure to exhibit; justification to**
19 **hold vehicle and livestock.**

20

21 (a) Any inspector, upon completing an inspection of
22 livestock for brands and ownership, shall record the
23 inspection upon a form furnished by the ~~Wyoming livestock~~
24 board. When completed and signed by him the form is a
25 certificate of inspection authorizing the removal from the

1 county of the livestock listed. The inspector shall deliver
2 a copy of the certificate to the person in charge of the
3 livestock. If movement is to be by railroad, a copy of the
4 inspection certificate shall be delivered by the person in
5 charge to the railroad agent to be attached to the waybill.
6 If movement is to be by truck, a copy of the certificate
7 shall be delivered by the person in charge of the animals to
8 the driver or person in charge of the truck or trucks, and
9 shall be kept in the latter's possession until the livestock
10 are delivered at the final destination as shown on the
11 certificate of inspection, and shall be exhibited upon
12 request to any person authorized to enforce the brand
13 inspection laws of this state.

14

15 **11-20-208. Proof of prior ownership; penalties for**
16 **furnishing false proof.**

17

18 (b) The furnishing of false proof of prior ownership
19 is probable cause for investigation of a felony offense
20 being committed. All livestock involved shall be remanded to
21 the custody of the ~~Wyoming livestock~~ board pending the
22 outcome of the investigation and criminal charges, if any.
23 Costs incurred for maintenance of the livestock involved
24 shall be paid by the person who furnished false proof of
25 ownership. Should the investigation show the only offense

1 involved is furnishing false proof of ownership, the person
2 furnishing such false proof shall be fined not less than two
3 hundred dollars (\$200.00) or more than seven hundred fifty
4 dollars (\$750.00) or imprisoned for not more than six (6)
5 months, or both.

6

7 **11-20-215. Shipment by railroad; written permission of**
8 **inspector required before moving; issuance; contents; copy**
9 **to be filed with inspector.**

10

11 (b) Before moving any livestock under the provisions
12 of this section, the shipper or his authorized agent shall
13 secure from the inspector written permission. Permission
14 shall be made in duplicate on a form approved by the ~~Wyoming~~
15 ~~livestock~~ board and shall specify the date when the
16 livestock are to reach the railroad shipping point or
17 stockyards, the class and approximate number of each class
18 of animals, the brands and names of owners of the brands, if
19 known, and the method of transportation to be used. The
20 permission must be signed by the issuing officer.

21

22 **11-20-218. Certificates and agreements in lieu of**
23 **inspection; to whom copies furnished; numbering and**
24 **accounting; purpose.**

25

1 Copies of the approved form for the certificate and
2 agreement shall be furnished by the ~~Wyoming livestock board~~
3 to agents of railroads operating in Wyoming and to
4 inspectors. The forms shall be serially numbered and each
5 railroad agent and inspector shall account for all forms
6 issued to him. These forms shall be used for no other
7 purpose than to clear shipments of horses, mules, cattle or
8 sheep consigned to an open market where Wyoming brand
9 inspection is maintained.

10

11 **11-20-225. Annual horse brand inspection certificate;**
12 **surrender to board; fee.**

13

14 (b) The owner of rodeo or show livestock which are
15 permanently and individually identified may obtain an annual
16 brand inspection certificate authorizing movement from
17 county to county in Wyoming, valid for one (1) year ~~of~~ from
18 date of issuance unless sooner terminated by a change in
19 ownership of the identifiable livestock described therein.
20 Upon any change of ownership the certificate is void and
21 must be immediately surrendered to the ~~livestock board~~.

22

23 **11-20-401. Brand inspection fees generally.**

24

1 (a) Except as otherwise provided, each livestock
2 inspector shall at the time of inspecting for brands and
3 ownership collect inspection fees in an amount established
4 by the ~~livestock~~-board but not to exceed:

5

6 **11-22-101. Definitions; exceptions to provisions.**

7

8 (a) As used in this act:

9

10 (i) "Board" means the Wyoming ~~livestock~~-brand
11 inspection and brand recording board;

12

13 **11-22-113. Inspection of livestock and goats; report**
14 **on unbranded calves.**

15

16 (b) The Wyoming ~~livestock~~-brand inspection and brand
17 recording board shall require from brand inspectors employed
18 at all Wyoming livestock markets a monthly report of all
19 unbranded calves of the beef breeds that are not accompanied
20 by their mothers, inspected prior to sale. The report shall
21 show for each consignment of such calves the date and place
22 of sale, the county of origin, the name and address of
23 consignor and the number of calves inspected and sold.

24

1 **11-23-101. Sale of carcass without inspection**
2 **prohibited; inspection fees; disposition thereof.**

3
4 It is unlawful for any person to sell, offer for sale or
5 possess for the purpose of sale or disposal the carcass or
6 any part thereof of cattle without having the unmutilated
7 hide inspected by an inspector. The person presenting the
8 hide and carcass or any part thereof shall pay the
9 inspection fee prescribed by law for each hide inspected,
10 the fee shall be remitted to the Wyoming brand inspection
11 and brand recording board.

12

13 **11-23-303. Hide inspection certificate.**

14

15 After receiving satisfactory proof of ownership of carcasses
16 of animals to be transported from the state, the inspector
17 shall sign and issue a hide inspection certificate on a form
18 approved by the Wyoming brand inspection and brand recording
19 board, listing the class and number of carcasses inspected,
20 the brands or marks on each, the name of the shipper, name
21 and address of the consignee, place and date of inspection,
22 and make and license number of the truck. If transportation
23 is by other means than truck, that shall be shown. Across
24 the face of the certificate he shall write the words "Dead
25 Animals". The hide inspection certificate shall be filled

1 out in triplicate, the original delivered to the shipper or
2 his agent and shall clear the carcasses for transportation
3 to the destination shown. One (1) copy shall be mailed by
4 the inspector to the board, and one (1) copy filed in the
5 office of the brand inspection agency.

6

7 **11-23-304. Inspection fee; disposition thereof.**

8

9 For making an inspection of carcasses the inspector shall
10 collect the inspection fee prescribed by law for each horse,
11 mule, cattle or sheep carcass. All fees collected shall be
12 transmitted to the Wyoming brand inspection and brand
13 recording board.

14

15 **11-24-109. Record to be kept of estrays found in**
16 **shipments in transit of cattle or horses.**

17

18 All inspectors shall keep a record of all estrays found in
19 any shipment of cattle or horses in transit from this state,
20 and shall take a receipt for the estrays from the shipper,
21 or in default of a receipt, shall take the estray from the
22 shipment, giving the shipper a receipt for the estrays on
23 behalf of the ~~livestock~~ brand inspection and brand recording
24 board.

25

1 11-24-110. Monthly report of inspector; board to keep
2 public record.

3
4 The inspector shall make a report every thirty (30) days of
5 all estrays not otherwise reported to the ~~livestock-brand~~
6 inspection and brand recording board, giving a description
7 of the estrays, stating any brands or other marks by which
8 the estrays may be identified. The board shall keep a record
9 of all estrays reported, which shall at all times be open to
10 the public for inspection.

11

12 11-24-111. Disposition of sales proceeds; remission to
13 board.

14

15 All persons shipping estrays shall immediately remit to the
16 ~~livestock-brand inspection and brand recording~~ board the
17 proceeds received for each and every estray sold, a receipt
18 for which was given to an inspector. If any inspector sells
19 an estray from this state, he shall immediately remit the
20 proceeds to the ~~livestock-brand inspection and brand~~
21 recording board.

22

23 11-24-112. Deposition of sales proceeds; payment to
24 owner on proof of ownership; unclaimed proceeds generally.

25

1 If the lawful owner of any estray sold is found within one
2 (1) year after sale of the estray, the net amount received
3 from the sale less one dollar (\$1.00) for each estray, to be
4 retained by the ~~livestock~~brand inspection and brand
5 recording board, shall be paid to the owner upon his proving
6 ownership to the satisfaction of the board or agency. If at
7 the end of one (1) year the proceeds from the sale of any
8 estray remains unclaimed, the proceeds shall be disposed of
9 as provided by law.

10

11 **11-24-113. When shipping prohibited.**

12

13 It is unlawful for any person to drive or ship, or cause to
14 be driven or shipped, or to consign or cause to be
15 consigned, without authority from the owner, any estray from
16 any place within this state, except through or to a point or
17 place where an inspector or inspectors are located by the
18 ~~livestock~~brand inspection and brand recording board.

19

20 **11-24-114. Publication of list of unclaimed estrays.**

21

22 The executive officer of the ~~livestock~~brand inspection and
23 brand recording board shall annually, during the last week
24 of December, send two (2) lists of unclaimed estrays for
25 which he has received payments, to the county clerk of each

1 county, who shall post one (1) copy in a conspicuous place
2 in the courthouse and place one (1) copy on file in his
3 office. The executive officer shall also cause to be
4 published in a newspaper of general circulation in each
5 county from which any estray included in the list was
6 shipped, a notice to the public that the list of estrays is
7 available for examination.

8

9 **11-27-101. Definitions.**

10

11 (a) As used in this act:

12

13 (i) "Board" means the ~~Wyoming livestock board~~ of
14 agriculture or its designated representative;

15

16 (iv) "Department" means the department of
17 agriculture.

18

19 **11-27-102. Authority of board of agriculture**
20 **generally.**

21

22 (a) Any authorized representative of the board of
23 agriculture may enter at reasonable times upon any private
24 or public property to inspect or investigate conditions
25 relating to the treating of garbage to be fed to swine.

1

2 (b) Any authorized representative of the board may
3 examine any records or memoranda pertaining to the feeding
4 of garbage to swine. The ~~board~~department may require
5 maintenance of records relating to the operation of
6 equipment for and procedure of treating garbage to be fed to
7 swine. Copies of the records shall be submitted to the ~~board~~
8 department on request.

9

10 (c) The ~~board~~department is charged with
11 administration and enforcement of this act.

12

13 **11-27-103. Feeding permit; application.**

14

15 Any person desiring to obtain a permit to feed garbage to
16 swine shall make written application to the ~~board~~department
17 in accordance with the requirements of the ~~board~~department.

18

19 **11-27-104. Feeding permit; requirement; renewal;**
20 **annual fee; exception.**

21

22 (a) No person shall feed garbage to swine, without
23 first securing a permit from the ~~board~~department. Permits
24 shall be renewed on April 1 each year. The ~~board~~department
25 shall charge one dollar (\$1.00) for each annual permit.

1

2 **11-27-105. Feeding permit; revocation and refusal to**
3 **issue.**

4

5 Upon determination that any person having a permit issued
6 under this act, or who has applied for a permit, has
7 violated or failed to comply with any of the provisions of
8 this act or any of the rules or regulations promulgated
9 thereunder, the ~~board~~department may revoke the permit or
10 refuse to issue a permit to an applicant.

11

12 **11-27-106. Treatment of garbage before feeding.**

13

14 All garbage, regardless of previous processing, before being
15 fed to swine shall be thoroughly heated to the boiling point
16 for at least thirty (30) minutes, unless treated in some
17 other manner approved in writing by the ~~board~~department as
18 being equally effective for the protection of public health.

19

20 **11-29-105. Board of agriculture; certificates or**
21 **badges to be provided.**

22

23 Officers and agents of the ~~Wyoming livestock~~board of
24 agriculture shall be provided with a certificate by the
25 board that they are officers and agents of the board, in

1 such form as the board may choose, or with a badge bearing
2 the name or seal of the board, and if requested, shall show
3 the certificate or badge when acting officially.
4

5 **11-29-106. Board of agriculture; authority to prevent**
6 **cruelty; penalty for interference with officer.**
7

8 Any officer or agent of the board of agriculture may
9 lawfully interfere to prevent the perpetration of any act of
10 cruelty upon any animal in his presence. Any person who
11 interferes with, obstructs or resists any officer or agent
12 in the discharge of his duty shall be fined not less than
13 two hundred dollars (\$200.00) nor more than one thousand
14 five hundred dollars (\$1,500.00), or imprisoned not more
15 than one (1) year, or both.
16

17 **11-29-107. Board of agriculture; authority to require**
18 **arrests; costs.**
19

20 At the request of any officer or agent of the board of
21 agriculture, a peace officer or any agent of the board
22 authorized by the sheriff to make arrests for the violation
23 of this act shall arrest any person found violating this act
24 and take possession of any animal cruelly treated in their
25 respective counties, cities or towns, and deliver the animal

1 to the proper agents or officers of the board. The cost of
2 carrying out this act relative to the care of any animal
3 shall be charged as costs and the board shall be reimbursed
4 by the person convicted. Any peace officer may arrest any
5 person found violating this act and may take possession of
6 any animal cruelly treated in his jurisdiction. Except as
7 otherwise provided in this section, if any peace officer
8 takes possession of any animal cruelly treated within his
9 jurisdiction, the cost of caring for the animal shall be
10 charged to the respective county, city or town and the local
11 government shall be reimbursed by the person convicted. The
12 local government shall have a lien on the animal for the
13 expense of its care. If a peace officer takes possession of
14 an animal at the request of the board or any officer or
15 agent of the board, the cost of caring for the animal shall
16 be initially borne by the board and shall not be charged to
17 the respective county, city or town.

18

19 **11-29-108. Board of agriculture; seized animals and**
20 **vehicles; lien on seized chattels; civil action for unpaid**
21 **expenses.**

22

23 When any person arrested under this act is in charge of any
24 vehicle drawn by or containing any animal cruelly treated at
25 the time of arrest, any peace officer, agent or officer of

1 the board of agriculture may take charge of the animal and
2 vehicle and its contents, and give notice thereof to the
3 owner, if known, and shall provide for them until their
4 owner takes possession of them. The board or local
5 government shall have a lien on the animals, the vehicle and
6 its contents for the expense of the care and provision. The
7 expense or any part remaining unpaid may be recovered by the
8 board or local government in a civil action.

9

10 **11-29-109. Board of agriculture; care of abandoned**
11 **animals; civil action for expenses; lien.**

12

13 Any peace officer, agent or officer of the board of
14 agriculture may take charge of any animal found abandoned,
15 neglected or cruelly treated. He shall give notice to the
16 owner, if known, and may care and provide for the animal
17 until the owner takes charge of the animal. The expenses of
18 care and provision is a charge against the owner of the
19 animal and collectible from the owner by the board or by the
20 local government employing the peace officer taking charge
21 of the animal in a civil action. The board or local
22 government may detain the animals until the expense for
23 food, shelter and care is paid and shall have a lien upon
24 the animals therefor.

25

1 **11-29-110. Board of agriculture; enforcement of liens;**
2 **notice to owner.**

3
4 Any person entitled to a lien under this act may enforce the
5 lien by selling the animals and other personal property upon
6 which the lien is given, at public auction, upon giving
7 written notice to the owner, if ~~he is~~ known, of the time and
8 place of the sale, at least five (5) days previous thereto,
9 and by posting three (3) notices of the time and place of
10 the sale in three (3) public places within the county at
11 least five (5) days previous thereto. If the owner is not
12 known, the notice shall be posted at least ten (10) days
13 previous to the sale.

14
15 **11-29-111. Board of agriculture; destruction of**
16 **diseased animals.**

17
18 Any agent or officer of the board of agriculture may destroy
19 or cause to be destroyed any animal in his charge when in
20 his judgment and by the written certificate of two (2)
21 reputable citizens called to view the animal in his
22 presence, one (1) of whom may be selected by the owner of
23 the animal if he so requests, the animal appears to be
24 injured, disabled, diseased past recovery or unfit for any
25 useful purpose.

1

2 **11-32-101. Definitions.**

3

4 (a) As used in this act:

5

6 (ii) "Board" means the ~~Wyoming livestock board~~ of
7 agriculture;

8

9 **Section 4.** W.S. 11-18-103(a)(iii), (iv) and (vii),
10 11-18-109(b) and 11-18-110 are repealed.

11

12 **Section 5.**

13

14 (a) Upon the effective date of this act, the
15 administration of the account created by W.S. 11-20-405
16 shall be transferred to the Wyoming brand inspection and
17 brand recording board created by this act.

18

19 (b) Any peace officers of the brand inspection and
20 recording board who have qualified pursuant to W.S. 9-1-701
21 through 9-1-707, and any use of the statewide communications
22 system created by W.S. 9-2-1101 by those peace officers,
23 shall be funded from the general fund.

24

1 **Section 6.** Any other act adopted by the Wyoming
2 legislature during the same session in which this act is
3 adopted shall be given precedence and shall prevail over the
4 amendments in this act to the extent that such acts are in
5 conflict with this act.

6

7 **Section 7.** This act is effective July 1, 1997.

8

9

(END)

Wyoming brand inspection.

97LSO-0587.L1

FISCAL NOTE

The fiscal or personnel impact is not determinable due to insufficient time to complete the fiscal note process.

HB 288