

Mockler

99 LSO - 0117-2

SENATE FILE

0117

TI

SF0117

AN ACT relating to agriculture and animals; granting authority for certain programs relating to livestock to be administered by the department of agriculture as specified; creating a division of brand inspection 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; providing for conflicting provisions; and providing for an effective date.

SENATE FILE 0117

E. Wayne Mockler
Introduced by:

SENATE ACTION ON SENATE FILE

1/22 ☒ Introduced
Aye ___ No ___ Ex ___ Ab ___
☒ Read First Time and Ref. to
Committee No. 2
☐ Failed Introduction
Aye ___ No ___ Ex ___ Ab ___
2/25 Returned from Committee No. 2
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 (No Amendments)
___ Sent to LSO for Engrossing
___ ENGROSSED
___ Sent to House

HOUSE ACTION ON SENATE FILE

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

INTRODUCED

SENATE FILE NO. SF0117

Wyoming livestock board.

Sponsored by: Representative(s) Mockler, Eyre, Luthi and
Morrow

A BILL

for

1 AN ACT relating to agriculture and animals; granting
2 authority for certain programs relating to livestock to be
3 administered by the department of agriculture as specified;
4 creating a division of brand inspection within the
5 department of agriculture to be administered by the Wyoming
6 livestock board as specified; transferring the state
7 veterinarian and his duties to the department of agriculture
8 as specified; amending related provisions; providing for
9 conflicting provisions; and providing for an effective date.

10

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

12

13 **Section 1.** W.S. 9-2-2016 created the department of
14 agriculture. Subject to the limitations of W.S. 11-2-101,
15 the legislature hereby transfers the Wyoming livestock board
16 and its programs to the department of agriculture as a Type
17 1 transfer as provided by W.S. 9-2-1707(b). All positions,

1 personnel, appropriations, property, equipment and authority
2 in agencies or programs transferred to the department of
3 agriculture under the Type 1 transfer under this act are
4 under the control and are the responsibility of the
5 department of agriculture as specified by law. The terms of
6 all persons previously appointed to a board, commission or
7 council within an agency or program which is transferred to
8 the department of agriculture are not affected by this act.
9 The validity of rules, regulations, contracts, agreements or
10 other obligations of agencies or programs transferred to the
11 department of agriculture under this act is not affected by
12 this act.

13

14 **Section 2.** W.S. 9-2-2016(a), 11-2-101 by creating a
15 new subsection (d), 11-2-102(a), 11-6-210(a), 11-18-102,
16 11-18-103(a)(intro), (i), (ii)(intro), by creating a new
17 subsection (b) and by renumbering (a)(v) through (vii) as
18 (b)(i) through (iii), 11-18-108, 11-18-109(a), 11-18-111,
19 11-19-101 by creating a new subsection (c), 11-19-103(b),
20 11-19-106(a), (b)(intro) and (i), 11-19-107, 11-19-108,
21 11-19-111(a), 11-19-113, 11-19-115, 11-19-116, 11-19-201(a)
22 by creating new paragraphs (iii) and (iv), 11-19-203,
23 11-19-206 through 11-19-215, 11-19-301 through 11-19-306,
24 11-19-401, 11-19-403, 11-19-404, 11-19-501, 11-20-101(a)(i),
25 (ii) and by creating a new paragraph (ix),

1 11-20-103(a) (intro), 11-20-104 through 11-20-112, 11-20-114,
2 11-20-115(a), 11-20-116(a), 11-20-201(a) and (b), 11-20-202,
3 11-20-405(a), 11-22-101(a)(i) and by creating a new
4 paragraph (v), 11-22-103, 11-22-104, 11-22-107, 11-22-109,
5 11-22-110, 11-22-112, 11-22-113(a) and (b), 11-22-115,
6 11-22-116, 11-23-101, 11-23-303, 11-23-304, 11-24-101(a) by
7 creating new paragraphs (v) and (vi), 11-27-101(a)(i) and by
8 creating a new paragraph (iv), 11-27-102, 11-27-103,
9 11-27-104(a), 11-27-105, 11-27-106, 11-29-105 through
10 11-29-111 and 11-32-101(a)(ii) are amended to read:

11

12 **9-2-2016. Department of agriculture created; director**
13 **appointed; structure.**

14

15 (a) As part of the reorganization of Wyoming state
16 government, there is created the department of agriculture
17 consisting of the existing state department of agriculture,
18 the agricultural mediation board, the wheat marketing
19 commission, the livestock board, state veterinarian, the
20 Wyoming beef council, the Wyoming weed and pest council, the
21 board of certification of the Environmental Pesticide
22 Control Act of 1973, the weed and pest board of
23 certification, the interstate agricultural grain marketing
24 commission, the state fair advisory board and all programs
25 and functions specified in titles 11 and 35 and otherwise

1 under law relating to agriculture and livestock. Except for
2 W.S. 9-2-1703(a)(v) and (ix), the limitation of number of
3 principal departments in W.S. 9-2-1704(a) and
4 9-2-1707(a)(iii) and (iv), the provisions of the Wyoming
5 Government Reorganization Act of 1989, W.S. 9-2-1701 through
6 9-2-1708, apply to this section.

7

8 **11-2-101. Department and board created; director.**

9

10 (d) There is created within the department of
11 agriculture the division of brand inspection. The livestock
12 board shall, subject to the authority of the director of the
13 department of agriculture, serve as the administrative head
14 of the division. The board may appoint an administrator of
15 the division, or designate an agency or contract for
16 services to carry out the duties of the division pursuant to
17 W.S. 11-20-201. The administrator shall serve at the
18 pleasure of the board. Notwithstanding any other provision
19 of law, the director of the department of agriculture shall
20 have ultimate authority over all activities of the livestock
21 board and the state veterinarian. All rules and regulations
22 promulgated by the livestock board shall be submitted to the
23 director for his approval prior to the promulgation thereof.

24

1 **11-2-102. Composition; qualifications; appointment and**
2 **removal of members; quorum.**

3
4 (a) The board shall consist of ~~nine~~ (9) ten (10)
5 members, including the governor or his designated
6 representative, the director of the department of
7 agriculture and the dean of the University of Wyoming
8 college of agriculture or his designated representative as
9 ex officio nonvoting members. Seven (7) members shall be
10 appointed by the governor with the advice and consent of the
11 senate and may be removed by the governor as provided in
12 W.S. 9-1-202. One (1) member shall be appointed from each
13 of the seven (7) appointment districts pursuant to W.S.
14 9-1-218. Appointments in each appointment district shall be
15 rotated among the several counties comprising the district.

16

17 **11-6-210. Creation of predatory animal district fund;**
18 **predatory animal control fees; donations; appropriation by**
19 **county commissioners.**

20

21 (a) At the time of collecting brand inspection fees
22 imposed under W.S. 11-20-401 and 11-20-402, the brand
23 inspector shall collect predatory animal control fees on all
24 sheep and cattle inspected within each predatory animal
25 district. However, predator control fees shall not be

1 collected on cattle and sheep shipped into this state for
2 immediate sale or slaughter. The amount of the fee for each
3 predatory animal district shall be established by each
4 predatory animal district board in consultation with the
5 state predatory animal advisory board and shall not exceed
6 eighty cents (\$.80) per head on sheep and twenty cents
7 (\$.20) per head on cattle. Each predatory animal district
8 board shall annually determine the predatory animal control
9 fee to be charged and collected in the district and shall
10 inform the livestock board of the fee prior to January 1
11 each year. The fee shall not be collected on the same
12 livestock more than once in any twelve (12) month period.
13 The livestock board may retain not to exceed three percent
14 (3%) of the revenues collected for the cost of administering
15 the program. Remaining revenues collected by the ~~livestock~~
16 ~~board~~ department of agriculture under this section shall be
17 remitted to the state treasurer for deposit in an account
18 within the earmarked revenue fund. The state treasurer, on
19 a quarterly basis, shall distribute the revenues to the
20 county treasurer of the county from which the shipment
21 originated unless, at the time of payment of the fees, the
22 livestock owner designates the fees to be distributed in
23 total to another county in this state in which the livestock
24 are fed or pastured. The county treasurer shall deposit
25 revenues distributed under this subsection into a special

1 continuing fund, to be known as the "Predatory Animal
2 District Fund of County" and to be administered by the
3 predatory animal board of that district.
4

5 **11-18-102. Livestock board; duties generally.**
6

7 (a) The Wyoming livestock board shall exercise general
8 supervision over and protect the livestock interests of the
9 state from theft and disease, and shall recommend
10 legislation as in its judgment will foster the industry the
11 division of brand inspection and predator control pursuant
12 to W.S. 11-2-101.
13

14 (b) The board may designate an agency to act under its
15 supervision and control to implement the brand recording
16 laws, or any part thereof as deemed appropriate by the
17 board. Any agency so designated may be the same agency
18 designated pursuant to W.S. 11-20-201, but any agency
19 designated shall meet the same requirements of W.S.
20 11-20-201.
21

22 **11-18-103. Director of department of agriculture;**
23 **powers generally.**
24

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

4
5 (i) Shall appoint a state veterinarian who is a
6 graduate of a recognized veterinary college and licensed to
7 practice in Wyoming, who shall ~~be the chief executive~~
8 ~~officer of the board~~ serve at the pleasure of the director,
9 from a list of three (3) qualified individuals submitted by
10 the board of agriculture. Prior to submitting the names of
11 the three (3) qualified individuals, the board shall submit
12 the names to the livestock board who may include their
13 confidential comments on the individuals to the director for
14 his consideration;

15
16 (ii) May appoint deputy state veterinarians,
17 agents and assistants: ~~who shall act under the direction of~~
18 ~~the Wyoming livestock board and its chief executive officer:~~

19
20 (b) In addition to powers and duties provided
21 elsewhere, the livestock board may:

22
23 ~~(v)~~ (i) Subject to the approval of the director of
24 the department of agriculture, promulgate and enforce rules,
25 regulations and orders it deems necessary for the recording

1 and inspection of livestock brands; ~~inspection, testing,~~
2 ~~brucellosis vaccination or quarantining of any livestock~~
3 ~~including brucellosis vaccination requirements for resident~~
4 ~~cattle and cattle imported into Wyoming;~~

5

6 ~~(vi)~~(ii) Exercise the power and authority
7 conferred upon it by this act, either directly or through
8 its agency; and

9

10 ~~(vii)~~(iii) Designate an agency to act as its
11 representative as provided by W.S. 11-20-201, recorded in
12 its minutes, and transmit the name of the agency to the
13 auditor and treasurer of Wyoming.

14

15 **11-18-108. Board of agriculture; report to governor.**

16

17 The ~~Wyoming livestock board~~ of agriculture shall report to
18 the governor all proceedings and the condition of the
19 livestock interest of Wyoming as required by W.S. 9-2-1014.

20

21 **11-18-109. Disposition of collected fees and monies in**
22 **general fund; payment of expenses of board.**

23

24 (a) All fees and monies collected by the ~~Wyoming~~
25 ~~livestock board~~ department of agriculture or any of its

1 officers, agents or employees, not specifically required by
2 law to be credited to a different fund, shall be placed by
3 the state treasurer in the general fund.

4

5 **11-18-111. Deputy state veterinarians; appointment;**
6 **powers and duties; term.**

7

8 ~~With the consent of the Wyoming livestock board and approval~~
9 of either the federal veterinarian in charge of Wyoming or
10 the chief of veterinary services, United States department
11 of agriculture, the ~~state veterinarian~~ director may appoint
12 federal veterinary inspectors stationed in this state as
13 deputy state veterinarians, and federal lay inspectors
14 stationed in this state may be appointed agents of the
15 ~~Wyoming livestock board~~ department of agriculture. All
16 federal officers appointed as deputies or agents of the
17 ~~Wyoming livestock board~~ department shall possess the powers
18 and duties of deputy state veterinarians or agents of the
19 ~~Wyoming livestock board~~ department, but they shall act
20 without compensation and hold office only at the pleasure of
21 the ~~state veterinarian~~ director.

22

23 **11-19-101. Duties of board of agriculture and state**
24 **veterinarian generally; rules and regulations; failure to**
25 **comply with provisions; penalty.**

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

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

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

1 11-19-106. Slaughter of diseased animals; owner's
2 claims.

3
4 (a) All claims against the state arising from the
5 slaughter of animals, together with the order of the
6 veterinarian, shall be submitted to the state auditor who
7 shall examine them without unnecessary delay. For each claim
8 he finds to be equitable and entitled to indemnity under
9 this chapter the auditor shall issue his warrant on the
10 state treasurer for the sum named in the claim. All claims
11 for indemnity arising under the provisions of this chapter,
12 before they are presented for payment to the auditor, shall
13 be submitted to the ~~state veterinarian~~ director of the
14 department of agriculture who shall fully inform himself of
15 the facts connected with each claim. The ~~state veterinarian~~
16 director shall endorse on each claim his approval or
17 rejection and shall express in such endorsement the reasons
18 for his approval or rejection.

19
20 (b) If the ~~state veterinarian~~ director of the
21 department of agriculture rejects a claim it and the reasons
22 for rejection shall be submitted to a board of arbitration
23 consisting of three (3) members selected as follows:

24

1 (i) The ~~state veterinarian~~ director shall select
2 one (1) stock grower who is a resident of the county where
3 the slaughtered animal for which the claim is made ranged;
4

5 **11-19-107. Auditor to pay claims allowed by board;**
6 **effect of failure to submit claim to board.**
7

8 The state auditor shall pay no claim for indemnity which is
9 rejected by the ~~state veterinarian~~ director of the
10 department of agriculture, unless it has been submitted to
11 arbitration and the arbitration board decided it to be legal
12 and just. If any claimant refuses to submit his claim
13 rejected by the ~~veterinarian~~ director to a board of
14 arbitration, the refusal is a waiver of all claim for
15 indemnity.
16

17 **11-19-108. Compensation of board.**
18

19 Each member of a board of arbitration shall receive five
20 dollars (\$5.00) for each day actually engaged and employed
21 in the investigation of any claim, paid by the ~~state~~
22 ~~veterinarian~~ director out of an appropriation for that
23 purpose.
24

1 11-19-111. Regulation of importation of livestock;
2 prohibited acts; penalties; applicability.

3
4 (a) The governor, upon recommendation of the ~~Wyoming~~
5 ~~livestock board~~ department of agriculture, may regulate by
6 proclamation the importation into Wyoming from any other
7 state any livestock, or any virulent blood or live virus of
8 any disease affecting livestock, or any thing suspected of
9 being infected with livestock disease germs, except under
10 such conditions as he deems proper for the protection of the
11 livestock of Wyoming. All requirements in the governor's
12 proclamation shall be enforced by the ~~Wyoming livestock~~
13 ~~board~~ department.

14
15 11-19-113. Destruction of swine affected with or
16 exposed to hog cholera; appraisal; reimbursement.

17
18 The ~~Wyoming livestock board~~ department of agriculture or its
19 authorized representative may destroy or require the
20 destruction of any swine which the state veterinarian knows
21 to be affected with or exposed to hog cholera to prevent or
22 reduce the danger of the spread of hog cholera. The
23 appraisal shall be made according to title 9, chapter 1,
24 subchapter B, part 56, Code of Federal Regulations, and the
25 amendments thereto. The owner or custodian of the swine

1 shall, immediately after the determination of its value,
2 cause the same to be disposed of as directed by the ~~board~~
3 department. On presentation to the ~~board~~ department of
4 evidence that disposition has been so made, the owner is
5 entitled to reimbursement by the ~~Wyoming livestock board~~
6 department of a sum equal to the share of reimbursement paid
7 by the federal government but in no case an amount greater
8 than the value of the swine.

9
10 **11-19-115. Cooperation with United States.**

11
12 The ~~Wyoming livestock board~~ department of agriculture may
13 cooperate with the United States or any department, agency
14 or officer thereof, in the control and eradication of hog
15 cholera, including the sharing in payment of indemnities for
16 swine destroyed.

17
18 **11-19-116. Certain actions deemed misdemeanors.**

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

1
2 **11-19-201. Definitions.**

3
4 (a) As used in this act:

5
6 (iii) "Department" means the department of
7 agriculture;

8
9 (iv) "Director" means the director of the
10 department of agriculture.

11
12
13 **11-19-203. Special deputy state veterinarian;**
14 **appointment; bond required.**

15
16 The ~~state veterinarian~~ director, with the consent of the
17 governor, may appoint a qualified person as special deputy
18 state veterinarian to act under the direction of the
19 director and the state veterinarian in carrying out the
20 provisions of this act. The special deputy shall take an
21 oath for the faithful and efficient performance of all
22 duties required of him and shall give satisfactory bond to
23 the state of Wyoming in the sum of three thousand dollars
24 (\$3,000.00).

1 11-19-206. First test to be made without charge;
2 subsequent tests at expense of owner.

3

4 The first tuberculin test of all cattle of owners selling or
5 using milk or cream shall be made by the ~~state~~
6 ~~veterinarian's~~ department without charge to the owners. All
7 subsequent tests shall be made under the supervision of the
8 ~~state veterinarian's~~ department at the expense of the
9 owners.

10

11 11-19-207. Disposition of fees.

12

13 The fees collected for tuberculosis tests shall be
14 immediately transmitted to the ~~state veterinarian~~ director
15 who shall deposit them in the state treasury to the credit
16 of the general fund.

17

18 11-19-208. Ear tags; record to be kept of cattle
19 tested.

20

21 Each animal which passes the tuberculosis test
22 satisfactorily shall have an ear tag inserted in its ear.
23 The ~~state veterinarian~~ director shall see that a correct
24 record is kept of all cattle tested, the date and place of
25 testing, the names and addresses of owners and the number of

1 the ear tag inserted in the ear of each animal, and shall
2 report this information in his regular biennial report.

3

4 **11-19-209. Retests of cattle.**

5

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

10

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

14

15 No person selling milk or cream in cities or towns or to
16 creameries in this state, may sell such milk or cream unless
17 they possess a certificate or special permit from the ~~state~~
18 ~~veterinarian~~ director. Any person violating this section is
19 guilty of a misdemeanor and 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 **11-19-211. Director's certificate or special permit;**
24 **issuance after test; owner's authority to sell milk.**

25

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

11

12 **11-19-212. Notice to owners of provisions;**
13 **acknowledgment of notice; effect of failure to notify;**
14 **special permit in lieu of certificate.**

15

16 The ~~state veterinarian~~ director or his agent shall ascertain
17 the names and addresses of all owners of dairy cattle in
18 this state and shall notify them in writing of the
19 provisions of this act, obtaining acknowledgment from the
20 owner of receipt of the notice. No person owning dairy
21 cattle shall be considered as violating the provisions of
22 this act who has not been officially notified of its
23 provisions. The owner notified shall make application to the
24 ~~state veterinarian~~ director for a special permit to be used
25 as his authority for selling milk or cream in cities or

1 towns or to creameries in this state until the animals have
2 been tuberculin tested and a certificate issued.

3

4 11-19-213. Director to order unsanitary premises
5 cleaned and disinfected; penalty for failure to comply.

6

7 The ~~state veterinarian~~ director or his agent may order any
8 unsanitary dairy barns or premises cleaned and disinfected
9 at the expense of the owner. If, after a reasonable time,
10 unsanitary barns or premises are not cleaned and disinfected
11 as ordered, the owner shall be fined not less than ten
12 dollars (\$10.00) nor more than one hundred dollars (\$100.00)
13 for each offense.

14

15 11-19-214. Sale of diseased cattle; reimbursement of
16 owner.

17

18 All cattle in Wyoming lawfully found to be affected with
19 either tuberculosis or Bang's disease may be shipped or
20 transported under the direction of the ~~state veterinarian~~
21 director in accordance with federal regulations, to
22 livestock markets and there sold for salvage and destroyed
23 in accordance with federal regulations. The owner of
24 condemned cattle shall receive the entire proceeds for such
25 sale less the cost of shipping or transportation and

1 commission charges. If the net salvage obtained from the
2 cattle does not equal their assessed valuation for the year
3 preceding the date of condemnation and shipping, the
4 difference between the sale monies and the assessed
5 valuation shall be paid to the owner of the cattle from an
6 appropriation for that purpose.

7

8 **11-19-215. Prohibited acts; penalties.**

9

10 Any person who intentionally interferes with, refuses to
11 assist in gathering and testing his cattle, or hinders the
12 work of the state veterinarian, the department or ~~his~~ its
13 employees under this act, or who attempts to defeat the
14 object of the tuberculin test by a previous injection of
15 tuberculin commonly known as "plugging," or in any way
16 attempts to prevent an accurate and truthful determination
17 of the condition of the cattle tested, shall be fined not
18 less than ten dollars (\$10.00) nor more than one hundred
19 dollars (\$100.00), or imprisoned not more than thirty (30)
20 days, or both.

21

22 **11-19-301. Designation of county.**

23

24 When the cattle in any county have been tested for
25 tuberculosis and the records show the infection rate has

1 been reduced to the minimum percent fixed by the ~~state~~
2 ~~veterinarian~~ director of the department of agriculture and
3 the veterinary services, United States department of
4 agriculture in their rules and regulations, such county
5 shall be designated as a "tuberculosis modified accredited
6 area."

7

8 **11-19-302. Petition for inspection; notification of**
9 **director.**

10

11 Whenever sixty percent (60%) or more of the taxpayers of any
12 county as shown by the last assessment roll of that county,
13 petition the board of county commissioners asking that
14 cattle within the county be tested for tuberculosis, the
15 board of county commissioners shall notify the ~~state~~
16 ~~veterinarian~~ director of the department of agriculture who
17 shall proceed with the testing for tuberculosis in the
18 county in accordance with the rules and regulations
19 prescribed by the United States ~~bureau of animal industry~~
20 department of agriculture for the establishment and
21 maintenance of tuberculosis modified accredited areas.

22

23 **11-19-303. Appropriations by counties for control of**
24 **diseases.**

25

1 The board of county commissioners may appropriate as much
2 money as it deems necessary for the control and eradication
3 of any infectious, contagious or communicable diseases of
4 livestock. The funds shall be used in cooperation with the
5 ~~state veterinarian~~ director of the department of agriculture
6 or the veterinary services, United States department of
7 agriculture, in testing animals and disposing of diseased
8 animals disclosed by the tests as provided by law.

9

10 **11-19-304. Prohibition on importation of cattle;**
11 **penalties.**

12

13 Any person bringing cattle into any "tuberculosis modified
14 accredited area" except in compliance with the rules and
15 regulations made by the ~~state veterinarian~~ department shall
16 upon conviction be punished by imprisonment for not more
17 than one (1) year, or by a fine of not more than one hundred
18 dollars (\$100.00), or both.

19

20 **11-19-305. Powers of department.**

21

22 The ~~state veterinarian~~ department may make and enforce rules
23 and regulations necessary for the enforcement of W.S.
24 11-19-301 through 11-19-306.

25

1 **11-19-306. Penalties for violation of rules and**
2 **regulations.**

3

4 Any person who violates any lawful rule or regulation made
5 by the ~~state veterinarian~~ department pursuant to W.S.
6 11-19-305 is guilty of a misdemeanor and upon conviction,
7 shall be punished by imprisonment for not more than one (1)
8 year, or by a fine of not more than one hundred dollars
9 (\$100.00), or both.

10

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

13

14 All cattle in Wyoming reacting to an agglutination test for
15 brucellosis (Bang's disease) except reactors under thirty
16 (30) months of age which have been officially vaccinated
17 with brucella abortus vaccine, strain 19, and except
18 officially vaccinated adult animals which were negative to
19 the agglutination test for brucellosis within ten (10) days
20 prior to vaccination, must be immediately tagged in the left
21 ear with a Bang's reactor tag and permanently branded with a
22 hot iron letter "B" on the left jaw by or in the presence of
23 an officially authorized veterinarian. All such reactors
24 must be disposed of for slaughter only, upon and according
25 to written instruction from the ~~Wyoming livestock board~~

1 department of agriculture. Any person who violates any
2 provision of this section shall be punished as provided in
3 W.S. 11-1-103.

4

5 **11-19-403. When cattle or buffalo exempt from**
6 **provisions.**

7

8 Breeding cattle and buffalo entering Wyoming for the purpose
9 of feeding only may be exempt from the requirements of W.S.
10 11-19-402 if they are placed under quarantine by the rules
11 and regulations promulgated by the ~~Wyoming livestock~~ board
12 of agriculture.

13

14 **11-19-404. Applicability of provisions.**

15

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

20

21 **11-19-501. When notice of importation to be made;**
22 **contents; applicability of rules and regulations of board.**

23

24 (a) Any person intending to bring or cause to be
25 brought any sheep from any other state or territory, the

1 District of Columbia or any foreign country into Wyoming in
2 any manner except by shipping them through the state by
3 railroad or truck, shall, ten (10) days before crossing the
4 state line, notify the ~~executive officer of the board~~
5 department of agriculture of the proposed action. The notice
6 shall set forth the number of sheep, the brands or marks
7 thereon, the name of the owner and the locality from which
8 the sheep came and through which they have been driven.

9
10 (b) Sheep trailed or shipped into the state from
11 adjoining states for immediate interstate shipment or for
12 show and exhibition purposes, sheep grazing along and across
13 state lines, and sheep shipped from any part of this state
14 to feed yards in any other part of the state when shipment
15 is made by interstate route, are governed by the rules and
16 regulations of the board of agriculture.

17

18 **11-20-101. Definitions.**

19

20 (a) As used in this act:

21

22 (i) "Agency" means the corporation, if any,
23 designated by the board as its authorized representative to
24 carry out the functions to be performed by the board and if

1 there is no such agency, then it means the board or
2 department of agriculture;

3

4 (ii) "Board" means the ~~Wyoming livestock board~~ of
5 agriculture;

6

7 (ix) "Division" means the division of brand
8 inspection and predator control within the department of
9 agriculture.

10

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

13

14 (a) Any person desiring to adopt any brand to be used
15 to brand livestock in this state, shall before using the
16 brand make application to the ~~Wyoming livestock board~~
17 division of brand inspection and predator control within the
18 department of agriculture. The application shall:

19

20 **11-20-104. Brands; recording generally.**

21

22 Upon receipt of the application and fee the brand shall be
23 recorded in the state brand record. If the brand has been
24 previously recorded the ~~executive officer of the board~~
25 division shall suggest a brand that can be recorded. If the

1 ~~executive officer of the board shall not record any division~~
2 ~~determines that the brand which in his opinion would~~
3 ~~conflict with any brand of record, it shall not record the~~
4 ~~brand.~~

5

6 **11-20-105. Brands; extension to other species.**

7

8 If a recorded brand is used exclusively for the
9 identification of a particular species of livestock, the
10 ~~executive officer of the board division~~ may record the
11 identical brand in the name of another person to identify
12 his ownership of a species of livestock other than the
13 species for which the brand is presently recorded.

14

15 **11-20-106. Brands; sheep; districts created; recording**
16 **thereof.**

17

18 To increase the quantity of brands which can be effectively
19 used for the identification of sheep, the ~~executive officer~~
20 ~~of the board division~~ may, with the advice of the executive
21 committee of the Wyoming wool growers association,
22 promulgate and enforce rules and regulations necessary to
23 divide the land area of Wyoming into districts. The
24 districts shall be made a part of such brands and recorded
25 in the state record as further identification of sheep.

1

2 11-20-107. Brands; records kept by division;
3 inspection thereof.

4

5 The ~~board~~-division shall keep an accurate record of all
6 certified livestock brands, the names of the owners and
7 their post office addresses, which shall be open to public
8 inspection.

9

10 11-20-108. Recorded brand; certified copy deemed prima
11 facie evidence of ownership.

12

13 A certified copy of any brand recorded in the office of the
14 ~~board~~-division is prima facie evidence of ownership of
15 animals branded therewith for that species of livestock
16 recorded by the ~~board~~-division. The brand shall be received
17 as evidence of ownership in all legal proceedings involving
18 title to the animal.

19

20 11-20-109. Recorded brand; considered as property;
21 subject to sale; written instrument required; acknowledgment
22 and recording.

23

24 Any brand recorded as required by law is the property of the
25 person in whose name it is recorded, and is subject to sale,

1 assignment, transfer, devise and descent as personal
2 property. Instruments of writing evidencing sale, assignment
3 or transfer shall be acknowledged and recorded in the office
4 of the ~~board~~ division. Acknowledgment and recording of such
5 instruments have the same effect as to third parties as the
6 acknowledgment and recording of instruments affecting real
7 estate.

8

9 **11-20-110. Recorded brand; bill of sale; when title**
10 **vests; transfer to another county.**

11

12 Any recorded brand may be conveyed to another by a bill of
13 sale executed by the vendor, properly acknowledged, but the
14 conveyance is not complete nor does title to the brand vest
15 in the vendee until the bill of sale is filed for record ~~in~~
16 with the ~~office of the board~~ division.

17

18 **11-20-111. State brand book; contents.**

19

20 The ~~executive officer of the board~~ division shall procure a
21 suitable book, to be known as the state brand book, in which
22 shall be recorded the brand and the definite place of the
23 brand upon the animal, used for the branding of livestock in
24 this state.

25

1 11-20-112. Brand book; publication; form and contents;
2 distribution of copies; monthly lists and biennial
3 supplements; costs; disposition of proceeds.
4

5 The ~~board~~-division shall publish a brand book containing
6 facsimiles or descriptions of all brands recorded in Wyoming
7 together with the owner's name and address. The names and
8 brands shall be arranged in the most convenient form for
9 reference. Copies of the brand book and copies of subsequent
10 supplements shall be given to the agency. At the end of each
11 month, the ~~board~~-division shall prepare lists of the brands
12 recorded during that month and shall issue biennial
13 supplements to the brand book which shall supersede and
14 cumulate the monthly lists issued during the biennium. The
15 ~~board~~-division may publish and sell brand books, lists and
16 supplements. The proceeds from the sales shall be deposited
17 in the account created by W.S. 11-20-405.
18

19 11-20-114. Use of unrecorded or abandoned brand
20 prohibited; failure to record deemed abandonment.
21

22 No person shall claim or own any brand which has not been
23 recorded ~~in with~~ the ~~office of the Wyoming livestock board~~
24 division. Failure to record a brand is an abandonment of the
25 same. No person shall claim or use any abandoned brand until

1 after he has caused the same to be recorded as required by
2 law.

3

4 11-20-115. Rerecording; when required; notice;
5 abandonment.

6

7 (a) Every tenth year after recording a brand, every
8 owner of a brand shall rerecord the brand, and failure to do
9 so is an abandonment of the brand. At least sixty (60) days
10 preceding the expiration date of the brand, the ~~board~~
11 division shall notify by mail, at the address shown on the
12 brand records, the party owning the brand that the brand
13 must be rerecorded and if the brand has not been rerecorded
14 within sixty (60) days from the expiration date of the brand
15 will be declared abandoned and will be allowed to other
16 applicants.

17

18 11-20-116. Fees for renewal, transfer of ownership or
19 alteration of brand; recording bill of sale deemed renewal.

20

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

1

2 11-20-201. Designation of contract services to
3 implement brand inspection laws; bond required; bond of
4 inspectors; interstate cooperative agreements.

5

6 (a) The Wyoming livestock board shall seek bids for
7 contracting inspection of brands and ownership of animal
8 services and if acceptable, may designate an agency or
9 contract for services subject to rules and regulations of
10 the board, to exercise the rights, powers and duties
11 provided by law with respect to inspection of brands and
12 ownership of the animals mentioned herein.

13

14 (b) The agency⁷ or the board shall seek bids for
15 contracting with inspectors to carry out inspection of
16 brands and ownership of animal services and if acceptable,
17 may contract for inspectors as the board deems necessary to
18 carry out specified duties. During the time that inspectors
19 are acting within the scope of their duties on behalf or in
20 service of the state in their official capacity, inspectors
21 are covered by the provisions of the Wyoming Governmental
22 Claims Act, W.S. 1-39-101 through 1-39-120, and the state
23 self-insurance program, W.S. 1-41-101 through 1-41-111. It
24 may assign inspectors inside or outside of this state as it
25 deems appropriate. A blanket bond or individual bonds shall

1 be executed to the state with good and sufficient surety in
2 an amount determined by the board, conditioned for the full
3 and faithful performance and discharge of the inspector's
4 duties. The bond shall be approved by the board and filed
5 ~~in with the office of the board division~~.

6

7 **11-20-202. Duties of board; enforcement of provisions.**

8

9 (a) Inspections for brands and ownership of livestock,
10 wool, pelts, hides or carcasses shall be made by the board
11 or its designated agency. The board shall prepare and
12 provide all forms required for inspections and recording
13 inspections for brands and ownership, and any substitutes or
14 facsimiles are invalid. The ~~agency of the board division~~
15 shall keep on file ~~in its office~~ copies of inspection
16 certificates. The board shall make rules and regulations
17 governing inspections for brands and ownership as necessary,
18 consistent with the laws of Wyoming.

19

20 (b) The board shall enforce the brand inspection
21 provisions of this act. No agent of the board or employee of
22 the division exercising ordinary care and precaution in
23 performing his duties is liable for any damage or loss that
24 may be incurred thereby.

25

1 **11-20-405. Collection and disposition.**

2

3 (a) All fees collected pursuant to W.S. 11-20-101
4 through 11-20-124, 11-20-201 through 11-20-229, 11-20-401
5 and 11-20-402 shall be remitted to the state treasurer for
6 deposit in the inspection account within the earmarked
7 revenue fund. Interest earned by the account shall be
8 retained in the account. Monies within the account are
9 subject to legislative review and appropriation for use and
10 expenditure by the board. Itemized vouchers shall be
11 submitted to the ~~chief executive officer of the board~~
12 director of the department of agriculture for approval. Upon
13 approval, a warrant for the payment of each voucher shall be
14 issued by the state auditor for payment from the inspection
15 account. Notwithstanding W.S. 9-2-1022(a)(xi)(E), the board
16 shall expend monies from the account created by this section
17 only for the purposes authorized by W.S. 11-20-201 through
18 11-20-229, and 11-20-101 through 11-20-124.

19

20 **11-22-101. Definitions; exceptions to provisions.**

21

22 (a) As used in this act:

23

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

1

2 (v) "Department" means the department of
3 agriculture.

4

5 **11-22-103. License; requirements therefor.**

6

7 Upon making a satisfactory written statement to the ~~board~~
8 department of financial responsibility and ownership or
9 control of adequate facilities for the care, sorting,
10 feeding, loading, unloading and shipment of livestock for
11 the operation of a livestock market, and tendering the fee
12 prescribed, any person may procure a license from the ~~board~~
13 department to establish and operate within Wyoming for one
14 (1) year a livestock market.

15

16 **11-22-104. License; requirement; fees generally;**
17 **expiration; renewal; effect of refusal of issuance or**
18 **renewal.**

19

20 No person shall operate a livestock market within Wyoming
21 without first procuring a license from the ~~board~~department
22 and paying a fee of one hundred dollars (\$100.00). Each
23 license issued shall expire on April 30 next after the
24 issuance of the license. If a license is obtained on or
25 after September 1 of any year, the person obtaining same

1 shall pay a fee in proportion to the number of months of the
2 year remaining until April 30. The license may be renewed by
3 eligible applicants prior to May 1 each year upon
4 application and payment of the required fee. An application
5 for a license to operate a livestock market shall be in
6 writing upon a form furnished by the ~~board~~department, and
7 shall be accompanied by the required fee. If the ~~board~~
8 department does not issue a license or renewal, the fee
9 shall be returned to the applicant.

10

11 11-22-107. License; bond required; approval; filing;
12 statement in lieu of bond; action on bond; termination of
13 bond; copies of license and bond as evidence.

14

15 (a) No license or renewal of license to operate a
16 livestock market within Wyoming shall be issued until the
17 applicant has executed to the state of Wyoming a bond in the
18 penal sum of twenty-five thousand dollars (\$25,000.00) upon
19 a form prescribed by the ~~board~~department, with surety
20 approved by the ~~board~~department, conditioned for the
21 payment of all money received by the licensee and operator
22 of the livestock market to the rightful owner of the
23 livestock consigned for sale, or to any other person
24 entitled to receive the proceeds of the sale, less
25 reasonable expenses and agreed commissions, forthwith upon

1 the sale of the livestock. The bond shall also be
2 conditioned for full compliance with all of the terms and
3 requirements of this act, shall be approved and accepted by
4 the ~~board~~ department and approved as to form by the attorney
5 general of Wyoming. When so approved, the bond shall be
6 filed with the secretary of state.

7
8 (b) In lieu of the bond required by subsection (a) of
9 this section, the applicant shall file a statement in the
10 form prescribed by the ~~board~~ department evidencing that he
11 is registered and maintaining a valid and effective bond of
12 or in excess of twenty-five thousand dollars (\$25,000.00) or
13 its equivalent under the provisions of the Packers and
14 Stockyards Act 1921 (7 U.S.C. § 181 et seq.). The statement
15 shall name the ~~executive officer of the board~~ director of
16 the department as trustee, and shall include a copy of the
17 bond, to be filed with the secretary of state. Actions at
18 law may be brought in the name of the state upon any such
19 bond by any aggrieved party, for the use and benefit of any
20 person who suffers loss or damage from violations thereof.
21 Each bond filed with the ~~board~~ department shall be
22 conditioned that the bond cannot be terminated except on at
23 least thirty (30) days prior notice in writing to the ~~board~~
24 department by the party terminating the bond. Copies of any
25 such license and bond, certified by the ~~executive officer of~~

1 ~~the board~~ director, may be procured upon payment of a fee of
2 one dollar (\$1.00) each, and shall be received as competent
3 evidence in any court in Wyoming.

4

5 11-22-109. Investigations of sales; filing charges;
6 hearing; notice thereof.

7

8 The ~~executive officer of the board~~ director of the
9 department may make or have an investigation made of the
10 sales and transactions of any livestock market and the
11 conditions under which its business is conducted. If he
12 finds it proper, he shall file charges against the licensee
13 and operator with the board, and the charges shall be set
14 down for hearing before the board upon ten (10) days notice
15 served upon the licensee.

16

17 11-22-110. Sanitation; veterinarian supervision
18 required.

19

20 Every livestock market shall be maintained in a sanitary
21 condition, and that portion which is used for handling hogs
22 shall be cleaned and disinfected after each day's sales with
23 disinfectant approved by the ~~board~~ department, under the
24 supervision of a veterinarian authorized by the ~~board~~
25 department.

1

2 11-22-112. Records of receipts and sales; availability
3 for inspection.

4

5 Operators of all livestock markets shall keep an accurate
6 record of the date on which each consignment of animals was
7 received and sold, the name and address of the buyer and
8 seller, the number and species of the animals received and
9 sold, and the marks and brands on each animal. The records,
10 together with the gross selling prices, commission and other
11 care, handling and sales charges on each consignment shall
12 be available for inspection by the ~~executive officer of the~~
13 ~~board, his deputy department~~ or its authorized inspector. A
14 copy shall be supplied to the owner of the livestock. All
15 records of sales during preceding months shall be kept
16 readily accessible for immediate examination.

17

18 11-22-113. Inspection of livestock and goats; report
19 on unbranded calves.

20

21 (a) All livestock and goats entering a livestock
22 market shall be inspected for health and all livestock
23 except swine and goats shall be inspected for brands before
24 being offered for sale. The health inspection shall be made
25 by a veterinarian approved by the ~~board~~ director of the

1 department and appointed by ~~the executive officer of the~~
2 ~~board~~ him as an authorized veterinarian for livestock
3 markets. The brand inspection shall be made by a brand
4 inspector.

5
6 (b) The ~~Wyoming livestock board~~ department shall
7 require from brand inspectors employed at all Wyoming
8 livestock markets a monthly report of all unbranded calves
9 of the beef breeds that are not accompanied by their
10 mothers, inspected prior to sale. The report shall show for
11 each consignment of such calves the date and place of sale,
12 the county of origin, the name and address of consignor and
13 the number of calves inspected and sold.

14
15 **11-22-115. Removal of veterinarian.**

16
17 The ~~executive officer of the board~~ director of the
18 department may remove any authorized veterinarian whenever
19 he finds that his work is not performed in conformity with
20 this act and the rules and regulations of the board.

21
22 **11-22-116. Warranty of title; disposition of proceeds**
23 **from sale; receipt by board.**

24

1 The operator of each livestock market in this state shall
2 warrant to the purchaser the title of all livestock sold
3 through the market and is liable to the owner for the net
4 proceeds in cash received for the livestock sold. When
5 notified by the brand inspector that there is a question as
6 to whether any designated livestock sold through the ring is
7 lawfully owned by the consignor, ~~the~~ the market operator shall
8 hold the proceeds received from the sale of the livestock
9 for a reasonable time, not to exceed sixty (60) days, to
10 permit the consignor to establish ownership. If at the
11 expiration of that time the consignor fails to establish his
12 lawful ownership of the livestock to the satisfaction of the
13 brand inspector, the proceeds shall be transmitted by the
14 operator to the ~~board~~ department. The ~~board~~ department may
15 dispose of the proceeds in accordance with the law relating
16 to the distribution of estray money, and the ~~board's~~
17 department's receipt shall relieve the operator from further
18 responsibility for the proceeds.

19

20 11-23-101. Sale of carcass without inspection
21 prohibited; inspection fees; disposition thereof.

22

23 It is unlawful for any person to sell, offer for sale or
24 possess for the purpose of sale or disposal the carcass or
25 any part thereof of cattle without having the unutilated

1 hide inspected by an inspector. The person presenting the
2 hide and carcass or any part thereof shall pay the
3 inspection fee prescribed by law for each hide inspected,
4 the fee shall be remitted to the Wyoming livestock board.

5

6 **11-23-303. Hide inspection certificate.**

7

8 After receiving satisfactory proof of ownership of carcasses
9 of animals to be transported from the state, the inspector
10 shall sign and issue a hide inspection certificate on a form
11 approved by the Wyoming livestock board, listing the class
12 and number of carcasses inspected, the brands or marks on
13 each, the name of the shipper, name and address of the
14 consignee, place and date of inspection, and make and
15 license number of the truck. If transportation is by other
16 means than truck, that shall be shown. Across the face of
17 the certificate he shall write the words "Dead Animals". The
18 hide inspection certificate shall be filled out in
19 triplicate, the original delivered to the shipper or his
20 agent and shall clear the carcasses for transportation to
21 the destination shown. One (1) copy shall be mailed by the
22 inspector to the board, and one (1) copy filed in the office
23 of the brand inspection agency.

24

25 **11-23-304. Inspection fee; disposition thereof.**

1

2 For making an inspection of carcasses the inspector shall
3 collect the inspection fee prescribed by law for each horse,
4 mule, cattle or sheep carcass. All fees collected shall be
5 transmitted to the Wyoming livestock board.

6

7 **11-24-101. Definitions.**

8

9 (a) As used in this act:

10

11 (v) "Board" means the Wyoming livestock board;

12

13 (vi) "Division" means the division of brand
14 inspection and predator control within the department of
15 agriculture.

16

17 **11-27-101. Definitions.**

18

19 (a) As used in this act:

20

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

23

24 (iv) "Department" means the department of
25 agriculture.

1

2 11-27-102. Authority of board of agriculture
3 generally.

4

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

9

10 (b) Any authorized representative of the board may
11 examine any records or memoranda pertaining to the feeding
12 of garbage to swine. The ~~board~~department may require
13 maintenance of records relating to the operation of
14 equipment for and procedure of treating garbage to be fed to
15 swine. Copies of the records shall be submitted to the ~~board~~
16 department on request.

17

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

20

21 11-27-103. Feeding permit; application.

22

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

1

2 11-27-104. Feeding permit; requirement; renewal;
3 annual fee; exception.

4

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

9

10 11-27-105. Feeding permit; revocation and refusal to
11 issue.

12

13 Upon determination that any person having a permit issued
14 under this act, or who has applied for a permit, has
15 violated or failed to comply with any of the provisions of
16 this act or any of the rules or regulations promulgated
17 thereunder, the ~~board~~department may revoke the permit or
18 refuse to issue a permit to an applicant.

19

20 11-27-106. Treatment of garbage before feeding.

21

22 All garbage, regardless of previous processing, before being
23 fed to swine shall be thoroughly heated to the boiling point
24 for at least thirty (30) minutes, unless treated in some

1 other manner approved in writing by the ~~board~~department as
2 being equally effective for the protection of public health.

3

4 11-29-105. Board of agriculture; certificates or
5 badges to be provided.

6

7 Officers and agents of the ~~Wyoming livestock~~ board of
8 agriculture shall be provided with a certificate by the
9 board that they are officers and agents of the board, in
10 such form as the board may choose, or with a badge bearing
11 the name or seal of the board, and if requested, shall show
12 the certificate or badge when acting officially.

13

14 11-29-106. Board of agriculture; authority to prevent
15 cruelty; penalty for interference with officer.

16

17 Any officer or agent of the board of agriculture may
18 lawfully interfere to prevent the perpetration of any act of
19 cruelty upon any animal in his presence. Any person who
20 interferes with, obstructs or resists any officer or agent
21 in the discharge of his duty shall be fined not less than
22 two hundred dollars (\$200.00) nor more than one thousand
23 five hundred dollars (\$1,500.00), or imprisoned not more
24 than one (1) year, or both.

25

1 11-29-107. Board of agriculture; authority to require
2 arrests; costs.

3
4 At the request of any officer or agent of the board of
5 agriculture, a peace officer or any agent of the board
6 authorized by the sheriff to make arrests for the violation
7 of this act shall arrest any person found violating this act
8 and take possession of any animal cruelly treated in their
9 respective counties, cities or towns, and deliver the animal
10 to the proper agents or officers of the board. The cost of
11 carrying out this act relative to the care of any animal
12 shall be charged as costs and the board shall be reimbursed
13 by the person convicted. Any peace officer may arrest any
14 person found violating this act and may take possession of
15 any animal cruelly treated in his jurisdiction. Except as
16 otherwise provided in this section, if any peace officer
17 takes possession of any animal cruelly treated within his
18 jurisdiction, the cost of caring for the animal shall be
19 charged to the respective county, city or town and the local
20 government shall be reimbursed by the person convicted. The
21 local government shall have a lien on the animal for the
22 expense of its care. If a peace officer takes possession of
23 an animal at the request of the board or any officer or
24 agent of the board, the cost of caring for the animal shall

1 be initially borne by the board and shall not be charged to
2 the respective county, city or town.

3

4 **11-29-108. Board of agriculture; seized animals and**
5 **vehicles; lien on seized chattels; civil action for unpaid**
6 **expenses.**

7

8 When any person arrested under this act is in charge of any
9 vehicle drawn by or containing any animal cruelly treated at
10 the time of arrest, any peace officer, agent or officer of
11 the board of agriculture may take charge of the animal and
12 vehicle and its contents, and give notice thereof to the
13 owner, if known, and shall provide for them until their
14 owner takes possession of them. The board or local
15 government shall have a lien on the animals, the vehicle and
16 its contents for the expense of the care and provision. The
17 expense or any part remaining unpaid may be recovered by the
18 board or local government in a civil action.

19

20 **11-29-109. Board of agriculture; care of abandoned**
21 **animals; civil action for expenses; lien.**

22

23 Any peace officer, agent or officer of the board of
24 agriculture may take charge of any animal found abandoned,
25 neglected or cruelly treated. He shall give notice to the

1 owner, if known, and may care and provide for the animal
2 until the owner takes charge of the animal. The expenses of
3 care and provision is a charge against the owner of the
4 animal and collectible from the owner by the board or by the
5 local government employing the peace officer taking charge
6 of the animal in a civil action. The board or local
7 government may detain the animals until the expense for
8 food, shelter and care is paid and shall have a lien upon
9 the animals therefor.

10

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

13

14 Any person entitled to a lien under this act may enforce the
15 lien by selling the animals and other personal property upon
16 which the lien is given, at public auction, upon giving
17 written notice to the owner, if ~~he is~~ known, of the time and
18 place of the sale, at least five (5) days previous thereto,
19 and by posting three (3) notices of the time and place of
20 the sale in three (3) public places within the county at
21 least five (5) days previous thereto. If the owner is not
22 known, the notice shall be posted at least ten (10) days
23 previous to the sale.

24

1 11-29-111. Board of agriculture; destruction of
2 diseased animals.

3
4 Any agent or officer of the board of agriculture may destroy
5 or cause to be destroyed any animal in his charge when in
6 his judgment and by the written certificate of two (2)
7 reputable citizens called to view the animal in his
8 presence, one (1) of whom may be selected by the owner of
9 the animal if he so requests, the animal appears to be
10 injured, disabled, diseased past recovery or unfit for any
11 useful purpose.

12
13 11-32-101. Definitions.

14
15 (a) As used in this act:

16
17 (ii) "Board" means the ~~Wyoming livestock board~~ of
18 agriculture;

19
20 Section 3. W.S. 11-18-113 as 11-19-118 is amended and
21 renumbered to read:

22
23 ~~11-18-113~~11-19-118. When state veterinarian authorized
24 to enter premises or vehicle to inspect livestock.

25

1 In the performance of their official duties, the state
2 veterinarian or any agent or officer of the ~~Wyoming~~
3 ~~livestock board~~ department of agriculture may enter any
4 place or vehicle used for the treatment, retention or
5 transportation of livestock, including poultry, or where he
6 has reason to believe any livestock affected with or exposed
7 to infectious, contagious or communicable diseases may be
8 found.

9

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

12

13 **Section 5.** Any other act adopted by the Wyoming
14 legislature during the same session in which this act is
15 adopted shall be given precedence and shall prevail over the
16 amendments in this act to the extent that such acts are in
17 conflict with this act.

18

19 **Section 6.** This act is effective July 1, 1997.

20

21

(END)

FISCAL NOTE

No significant fiscal or personnel impact.

Prepared by: Dainette Evans
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777-6438

SF 117

THE LEGISLATURE OF THE STATE OF WYOMING

Senate

Cheyenne, February 17, 1997

Mr. President:

Your

Committee No. 2 on APPROPRIATIONS to whom was referred
SF0117 respectfully reports same back to the Senate with the recommendation that it
DO NOT PASS.

MEMBERVOTE

Senator Schiffer	Aye
Senator Vinich	Aye
Senator Harris	Aye
Senator Gilbertz	Aye
Senator Kinnison, Chairman	Aye

T.K./D.H......
 Chairman