

ENROLLED ACT NO. 54, HOUSE OF REPRESENTATIVES

SIXTIETH LEGISLATURE OF THE STATE OF WYOMING
2010 BUDGET SESSION

AN ACT relating to livestock; providing for the disposal of estrays, livestock and feral livestock; adding definitions; providing for the disposal of meat from slaughter as specified; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 11-24-101(a) by creating new paragraphs (iv) and (v) and by renumbering (iv) as (vi), 11-24-102, 11-24-108(c) through (f), 11-24-111, 11-24-112, 11-29-101(a) by creating new paragraphs (iv) and (v) and by renumbering (iv) as (vi), 11-29-110, 11-48-101(a) by creating new paragraphs (v) and (vi) and 11-48-102(c) and (e) are amended to read:

11-24-101. Definitions.

(a) As used in this act:

(iv) "Disposal" means to sell, send to slaughter or destroy the animal;

(v) "Livestock" means as defined in W.S. 23-1-102(a) (xvi);

~~(iv)~~ (vi) "This act" means W.S. 11-24-101 through 11-24-115.

11-24-102. Taking up estrays; generally.

(a) No person shall take up and retain possession of an estray except in the county where he resides and is a freeholder, nor unless the animal is found on lands owned, leased, or controlled by him or his duly authorized agents.

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When any person takes up an estray he shall immediately notify an inspector who shall inspect or cause to be inspected the estray for brands and other evidence of ownership and make a diligent effort to learn or determine ownership of the animal. The inspector may cause any estray to be held for not more than ten (10) days after the inspection ~~at a total expense of not more than fifty cents (\$.50) per day~~ to enable him to complete his investigation of ownership. If the estray is claimed by an owner, the bill for feed and care incurred by the inspector must be paid by the claimant. If the rightful owner cannot be found, or when found, refuses or fails to pay the charges for feed and care of the estray, the inspector shall order the estray ~~sent to the most feasible convenient public market designated by the inspector to be sold~~ be disposed of. Incurred charges for feed and care by the inspector and reasonable shipping and ~~sales~~ disposal expense shall be paid from the proceeds of ~~sale~~ the disposal. The net proceeds, if any, received from the ~~sale~~ disposal of the estray after deduction of authorized expenses, shall be forwarded to the estray fund of the board or its agency. The board or agency shall hold the proceeds in a special fund known as estray fund until paid to the rightful owner of the estray or otherwise disposed of according to law.

(b) If the proceeds of ~~sale~~ the disposal of any estray are insufficient to pay all legitimate expenses, the ~~deficit~~ deficiency shall be paid by the board or its agency.

(c) The board may enter into agreements with licensed meat processing plants to process meat from livestock disposed of by slaughter. The processed meat shall be sold to:

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(i) Wyoming state institutions or to nonprofit organizations for no more than the board's cost for disposal, processing and delivery; or

(ii) For profit entities at market cost for the processed meat.

11-24-108. Stock at large or picketed on public highways; penalties for violations; impoundment and disposition; fees; proceeds from disposition thereof; removal of dead or injured animals.

(c) Any sheriff, deputy sheriff, livestock brand inspector, or officer or trooper of the Wyoming highway patrol, after notification to the owner of livestock described in subsection (a) of this section, if known, shall within four (4) hours remove the livestock from the public highway, impound the same in the nearest convenient place where feed and water are available and immediately notify the owner, if known, of the action. If ownership is not known, the impounding officer shall report his action to an inspector. The inspector shall make a diligent effort to ascertain ownership of the impounded livestock, and for this purpose may hold the livestock not more than ten (10) days. If unable to determine ownership, the inspector shall ~~ship~~ dispose of the impounded livestock. ~~to the nearest available market to be sold as estrays.~~ Reasonable transportation and ~~sales~~ disposal expenses shall be paid from the proceeds of the ~~sale~~ disposal, if any.

(d) A removal fee of not to exceed ten dollars (\$10.00) per head shall be allowed for the expense incurred in removing livestock from any public highway and an impounding fee of not to exceed ~~five dollars (\$5.00)~~ ten dollars (\$10.00) per day per head shall be allowed the person responsible for feed and care of the livestock

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removed. The inspector is responsible for collection and payment to the rightful claimants of removal and impounding fees when impounded livestock is surrendered to the owner. Upon ~~shipment to a market~~ disposal, the total amount of removal and impounding fees shall be made known to the selling agency at the market or slaughter plant by the inspector and shall constitute a first claim on the net proceeds of the livestock after shipping and ~~sales~~ disposal expenses have been paid, and shall be forwarded by the selling agency to the claimant.

(e) Should the proceeds of ~~sale~~ the disposition of any impounded animal be insufficient to pay all legitimate shipping and ~~sales~~ disposal expenses and the removal and impounding fees approved by the inspector, the deficit deficiency shall be paid by the board or its agency.

(f) The net proceeds, if any, from ~~sale~~ the disposition of the impounded livestock after deduction of removal, impounding, trucking and ~~sale~~ disposal expenses, shall be forwarded to the estray account of the board. The board shall hold the proceeds until paid to the rightful owner of the livestock or otherwise disposed of according to law.

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

All persons shipping estrays shall immediately remit to the livestock board the proceeds received for each and every estray ~~sold~~ disposed of, a receipt for which was given to an inspector. If any inspector sells an estray from this state, he shall immediately remit the proceeds to the livestock board.

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

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

11-29-101. Definitions.

(a) As used in this act:

(iv) "Disposal" means as defined in W.S. 11-24-101(a)(iv);

(v) "Livestock" means as defined in W.S. 23-1-102(a)(xvi);

~~(iv)~~(vi) "This act" means W.S. 11-29-101 through 11-29-113.

11-29-110. Livestock board; enforcement of liens; notice to owner.

Any person entitled to a lien under this act may enforce the lien by ~~selling~~disposing of the animals and other personal property upon which the lien is given, at public auction, upon giving written notice to the owner, if he is known, of the time and place of the ~~sale~~disposal, at least five (5) days previous thereto, and by posting three (3) notices of the time and place of the ~~sale~~disposal in three

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(3) public places within the county at least five (5) days previous thereto. If the owner is not known, the notice shall be posted at least ten (10) days previous to the ~~sale~~ disposal.

11-48-101. Definitions.

(a) As used in this chapter:

(v) "Disposal" means as defined in W.S. 11-24-101(a)(iv);

(vi) "Livestock" means as defined in W.S. 23-1-102(a)(xvi).

11-48-102. Disposition of feral livestock.

(c) If the director or the state veterinarian determines that any feral livestock are damaging private or public property, including grass, cultivated crops or stored crops, or determines the feral livestock is on private or public property where the feral livestock are not authorized to be and that capturing the feral livestock is not feasible or is cost prohibitive, the director or the state veterinarian may order the ~~destruction~~ disposal of the feral livestock.

(e) There shall be no right for any future indemnity or payment to the owner for the ~~destruction~~ disposition of any feral livestock ~~destroyed~~ disposed of in accordance with this section. Should the owner of any feral livestock ~~destroyed~~ disposed of in accordance with this section be subsequently identified, the board may seek reimbursement from the owner for all costs associated with the ~~destruction~~ disposal and removal of the feral livestock.

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Section 2. This act is effective July 1, 2010.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk