

SENATE FILE NO. SF0018

Reimbursement for livestock.

Sponsored by: Joint Agriculture, State and Public Lands
and Water Resources Interim Committee

A BILL

for

1 AN ACT relating to livestock; amending provisions for
2 reimbursement to livestock producers; creating a
3 reimbursement account; conforming provisions; and providing
4 for an effective date.

5

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

7

8 **Section 1.** W.S. 11-19-106(a), (b)(i), (c) and by
9 creating new subsections (f) and (g), 11-19-214 and
10 11-19-406 are amended to read:

11

12 **11-19-106. Removal of diseased animals; owner's**
13 **claims.**

14

15 (a) All claims against the state arising from the
16 ~~slaughter~~ ordered disposal of animals by the state

1 veterinarian for scrapies, brucellosis and tuberculosis,
2 together with the order of the veterinarian, shall be
3 submitted to the state auditor who shall examine them
4 without unnecessary delay. For purposes of this section,
5 "disposal" means to sell, send to slaughter or destroy the
6 animal. For each claim he finds to be equitable and
7 entitled to indemnity under this chapter the auditor shall
8 issue his warrant on the state treasurer for the sum named
9 in the claim. All claims for indemnity arising under the
10 provisions of this chapter, before they are presented for
11 payment to the auditor, shall be submitted to the state
12 veterinarian who shall fully inform himself of the facts
13 connected with each claim. The state veterinarian shall
14 endorse on each claim his approval or rejection and shall
15 express in such endorsement the reasons for his approval or
16 rejection.

17

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

22

23 (i) The state veterinarian shall select one (1)
24 stock grower who is a resident of the county where the

1 ~~slaughtered~~ ordered disposed animal for which the claim is
2 made ranged;

3
4 (c) ~~The indemnity granted shall be the fair market~~
5 ~~value of the~~ Prior to state veterinarian endorsing any
6 payment be made for the ordered disposal of any livestock
7 ~~as determined by the department of agriculture~~ under this
8 section, W.S. 11-19-214 or 11-19-406, the state
9 veterinarian shall ascertain that sufficient funds are
10 available. The state veterinarian shall utilize available
11 federal funds prior to state funds to pay the owner of the
12 livestock. The indemnity granted shall be the difference
13 between the fair market value of the livestock and the
14 amount received for the sale, less any amount of
15 reimbursement provided for and paid under federal law and
16 regulation. Fair market value shall be determined by using
17 comparable sales data from state markets at the time of
18 removal or by the use of a qualified independent livestock
19 appraiser as designated by the state veterinarian. If no
20 sale is transacted, but an animal is removed for diagnostic
21 purposes or disposal, the reimbursement provided shall be
22 the fair market value minus any other reimbursement.
23 Unless otherwise reimbursed, the cost of shipping or
24 transportation and commission charges shall be added to the

1 amount provided to the producer for livestock
2 indemnification. It shall be paid to the owner upon his
3 application and presentation of proofs prescribed herein
4 within six (6) months of the date of ~~slaughter~~ ordered
5 disposal for which payment is claimed. The claim shall be
6 barred if not presented within the time limited.

7

8 (f) The Wyoming livestock board, in consultation with
9 the state veterinarian, shall promulgate rules and
10 regulations for the processing of claims under this
11 section.

12

13 (g) There is created the animal reimbursement program
14 account into which shall be deposited revenues as provided
15 by law. Interest on earnings from funds in the account
16 shall be credited to the account. Deposits into the account
17 shall only be expended pursuant to this section and the
18 rules and regulations as required by subsection (d) of this
19 section. Notwithstanding W.S. 9-2-1008 or 9-4-207,
20 unexpended funds shall not revert. The state veterinarian
21 shall report the balance of the account and the claims
22 endorsed and paid each fiscal year to the joint
23 appropriations interim committee and the joint agriculture,

1 state and public lands and water resources interim
2 committee on or before September 15 of the succeeding year.

3
4 **11-19-214. Sale of diseased livestock.**

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6 All livestock in Wyoming lawfully found to be affected with
7 tuberculosis may be shipped or transported under the
8 direction of the state veterinarian in accordance with
9 federal regulations, to livestock markets and there sold
10 for salvage and destroyed or transferred to an approved
11 slaughter facility or veterinary diagnostic laboratory in
12 accordance with federal regulations. ~~Prior to directing~~
13 ~~that any affected livestock be sold under this section, the~~
14 ~~state veterinarian shall ascertain that sufficient funds~~
15 ~~are available from either federal or state sources to~~
16 ~~ensure that the owner of condemned livestock will be paid~~
17 ~~the difference between the market value at the time of~~
18 ~~quarantine and the amount received for the sale, less any~~
19 ~~amount of reimbursement provided for and paid under federal~~
20 ~~law or regulation, the cost of shipping or transportation~~
21 ~~and commission charges~~ Producers may be eligible for
22 indemnification as provided in W.S. 11-19-106 for any
23 livestock ordered disposed pursuant to this section.

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1 **11-19-406. Sale of diseased cattle or domestic bison.**

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3 All cattle or domestic bison in Wyoming lawfully found to
4 be affected with brucellosis, including all sexually intact
5 cattle or domestic bison that are part of a herd found to
6 be affected with brucellosis, may be shipped or transported
7 under the direction of the state veterinarian to livestock
8 markets and sold for immediate slaughter or transferred to
9 an approved slaughter facility or veterinary diagnostic
10 laboratory in accordance with federal regulations. Prior
11 to directing that any cattle or bison that are part of an
12 infected herd be sold under this section, the state
13 veterinarian shall ascertain that sufficient funds are
14 available from either federal or state sources to ensure
15 that the owner of the condemned cattle or domestic bison
16 will be paid the difference between the market value at the
17 time of quarantine and the amount received for the sale,
18 less any amount of reimbursement provided for and paid
19 under federal law or regulation, the cost of shipping or
20 transportation and commission charges. Payments under this
21 section shall not be made by the state for any sexually
22 intact female cattle or bison which are over twelve (12)
23 months old and which are not official calfhood vaccinates
24 as provided in board rule and regulation. Producers may be

1 eligible for indemnification in accordance with W.S.
2 11-19-106 for any livestock ordered disposed pursuant to
3 this section.

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5 **Section 2.** W.S. 11-19-105 is repealed.

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7 **Section 3.** This act is effective July 1, 2012.

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(END)