

HOUSE BILL NO. HB0122

Disposal of livestock.

Sponsored by: Representative(s) Wallis

A BILL

for

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

6

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

8

9 **Section 1.** W.S. 11-24-101(a) by creating a new
10 paragraph (iv) and by renumbering (iv) as (v), 11-24-102,
11 11-24-108(c) through (f), 11-24-111, 11-24-112,
12 11-29-101(a) by creating a new paragraph (iv) and by
13 renumbering (iv) as (v), 11-29-110, 11-48-101(a) by
14 creating a new paragraph (v) and 11-48-102(c) and (e) are
15 amended to read:

16

17 **11-24-101. Definitions.**

1

2 (a) As used in this act:

3

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

6

7 ~~(iv)~~ (v) "This act" means W.S. 11-24-101 through
8 11-24-115.

9

10 **11-24-102. Taking up estrays; generally.**

11

12 (a) No person shall take up and retain possession of
13 an estray except in the county where he resides and is a
14 freeholder, nor unless the animal is found on lands owned,
15 leased, or controlled by him or his duly authorized agents.
16 When any person takes up an estray he shall immediately
17 notify an inspector who shall inspect or cause to be
18 inspected the estray for brands and other evidence of
19 ownership and make a diligent effort to learn or determine
20 ownership of the animal. The inspector may cause any estray
21 to be held for not more than ten (10) days after the
22 inspection at a total expense of not more than fifty cents
23 (\$.50) per day to enable him to complete his investigation
24 of ownership. If the estray is claimed by an owner, the

1 bill for feed and care incurred by the inspector must be
2 paid by the claimant. If the rightful owner cannot be
3 found, or when found, refuses or fails to pay the charges
4 for feed and care of the estray, the inspector shall order
5 the estray ~~sent to the most feasible convenient public~~
6 ~~market designated by the inspector to be sold~~ be disposed
7 of. Incurred charges for feed and care by the inspector and
8 reasonable shipping and ~~sales~~ disposal expense shall be
9 paid from the proceeds of ~~sale~~ the disposal. The net
10 proceeds, if any, received from the ~~sale~~ disposal of the
11 estray after deduction of authorized expenses, shall be
12 forwarded to the estray fund of the board or its agency.
13 The board or agency shall hold the proceeds in a special
14 fund known as estray fund until paid to the rightful owner
15 of the estray or otherwise disposed of according to law.

16

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

21

22 (c) The board shall provide meat from estrays
23 disposed of by slaughter, at the board's cost, to Wyoming
24 state institutions or to nonprofit organizations.

1

2 11-24-108. Stock at large or picketed on public
3 highways; penalties for violations; impoundment and
4 disposition; fees; proceeds from disposition thereof;
5 removal of dead or injured animals.

6

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

24

1 (d) A removal fee of not to exceed ten dollars
2 (\$10.00) per head shall be allowed for the expense incurred
3 in removing livestock from any public highway and an
4 impounding fee of not to exceed five dollars (\$5.00) per
5 day per head shall be allowed the person responsible for
6 feed and care of the livestock removed. The inspector is
7 responsible for collection and payment to the rightful
8 claimants of removal and impounding fees when impounded
9 livestock is surrendered to the owner. Upon ~~shipment to a~~
10 ~~market~~ disposal, the total amount of removal and impounding
11 fees shall be made known to the selling agency at the
12 market or slaughter plant by the inspector and shall
13 constitute a first claim on the net proceeds of the
14 livestock after shipping and ~~sales~~ disposal expenses have
15 been paid, and shall be forwarded by the selling agency to
16 the claimant.

17

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

23

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

8

9 **11-24-111. Disposition of proceeds; remission to**
10 **board.**

11

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

18

19 **11-24-112. Deposition of proceeds; payment to owner**
20 **on proof of ownership; unclaimed proceeds generally.**

21

22 If the lawful owner of any estray ~~sold—disposed of~~ is found
23 within one (1) year after ~~sale—the disposal~~ of the estray,
24 the net amount received from the ~~sale—disposal~~ less one

1 dollar (\$1.00) for each estray, to be retained by the
2 livestock board, shall be paid to the owner upon his
3 proving ownership to the satisfaction of the board or
4 agency. If at the end of one (1) year the proceeds from the
5 ~~sale~~ disposal of any estray remains unclaimed, the proceeds
6 shall be disposed of as provided by law.

7

8 **11-29-101. Definitions.**

9

10 (a) As used in this act:

11

12 (iv) "Disposal" means as defined in W.S.
13 11-24-101(a)(iv);

14

15 ~~(iv)~~ (v) "This act" means W.S. 11-29-101 through
16 11-29-113.

17

18 **11-29-110. Livestock board; enforcement of liens;**
19 **notice to owner.**

20

21 Any person entitled to a lien under this act may enforce
22 the lien by ~~selling~~ disposing of the animals and other
23 personal property upon which the lien is given, at public
24 auction, upon giving written notice to the owner, if he is

1 known, of the time and place of the ~~sale~~disposal, at least
2 five (5) days previous thereto, and by posting three (3)
3 notices of the time and place of the ~~sale~~disposal in three
4 (3) public places within the county at least five (5) days
5 previous thereto. If the owner is not known, the notice
6 shall be posted at least ten (10) days previous to the ~~sale~~
7 disposal.

8
9 **11-48-101. Definitions.**

10
11 (a) As used in this chapter:

12
13 (v) "Disposal" means as defined in W.S.
14 11-24-101(a)(iv).

15
16 **11-48-102. Disposition of feral livestock.**

17
18 (c) If the director or the state veterinarian
19 determines that any feral livestock are damaging private or
20 public property, including grass, cultivated crops or
21 stored crops, or determines the feral livestock is on
22 private or public property where the feral livestock are
23 not authorized to be and that capturing the feral livestock
24 is not feasible or is cost prohibitive, the director or the

1 state veterinarian may order the ~~destruction~~disposition of
2 the feral livestock.

3

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

12

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

14

15

(END)