

HOUSE BILL NO. HB0122

Disposal of livestock.

Sponsored by: Representative(s) Wallis and Shepperson and
Senator(s) Martin

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 new
10 paragraphs (iv) and (v) and by renumbering (iv) as (vi),
11 11-24-102, 11-24-108(c) through (f), 11-24-111, 11-24-112,
12 11-29-101(a) by creating new paragraphs (iv) and (v) and by
13 renumbering (iv) as (vi), 11-29-110, 11-48-101(a) by
14 creating new paragraphs (v) and (vi) and 11-48-102(c) and
15 (e) are amended to read:

16

1 **11-24-101. Definitions.**

2

3 (a) As used in this act:

4

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

7

8 (v) "Livestock" means as defined in W.S.
9 23-1-102(a) (xvi);

10

11 ~~(iv)~~ (vi) "This act" means W.S. 11-24-101 through
12 11-24-115.

13

14 **11-24-102. Taking up estrays; generally.**

15

16 (a) No person shall take up and retain possession of
17 an estray except in the county where he resides and is a
18 freeholder, nor unless the animal is found on lands owned,
19 leased, or controlled by him or his duly authorized agents.
20 When any person takes up an estray he shall immediately
21 notify an inspector who shall inspect or cause to be
22 inspected the estray for brands and other evidence of
23 ownership and make a diligent effort to learn or determine
24 ownership of the animal. The inspector may cause any estray

1 to be held for not more than ten (10) days after the
2 inspection at a total expense of not more than fifty cents
3 (\$.50) per day to enable him to complete his investigation
4 of ownership. If the estray is claimed by an owner, the
5 bill for feed and care incurred by the inspector must be
6 paid by the claimant. If the rightful owner cannot be
7 found, or when found, refuses or fails to pay the charges
8 for feed and care of the estray, the inspector shall order
9 the estray ~~sent to the most feasible convenient public~~
10 ~~market designated by the inspector to be sold~~ be disposed
11 of. Incurred charges for feed and care by the inspector and
12 reasonable shipping and ~~sales~~ disposal expense shall be
13 paid from the proceeds of ~~sale~~ the disposal. The net
14 proceeds, if any, received from the ~~sale~~ disposal of the
15 estray after deduction of authorized expenses, shall be
16 forwarded to the estray fund of the board or its agency.
17 The board or agency shall hold the proceeds in a special
18 fund known as estray fund until paid to the rightful owner
19 of the estray or otherwise disposed of according to law.

20

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

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

5
6 (i) Wyoming state institutions or to nonprofit
7 organizations for no more than the board's cost for
8 disposal, processing and delivery; or

9
10 (ii) For profit entities at market cost for the
11 processed meat.

12
13 **11-24-108. Stock at large or picketed on public**
14 **highways; penalties for violations; impoundment and**
15 **disposition; fees; proceeds from disposition thereof;**
16 **removal of dead or injured animals.**

17
18 (c) Any sheriff, deputy sheriff, livestock brand
19 inspector, or officer or trooper of the Wyoming highway
20 patrol, after notification to the owner of livestock
21 described in subsection (a) of this section, if known,
22 shall within four (4) hours remove the livestock from the
23 public highway, impound the same in the nearest convenient
24 place where feed and water are available and immediately

1 notify the owner, if known, of the action. If ownership is
2 not known, the impounding officer shall report his action
3 to an inspector. The inspector shall make a diligent effort
4 to ascertain ownership of the impounded livestock, and for
5 this purpose may hold the livestock not more than ten (10)
6 days. If unable to determine ownership, the inspector shall
7 ~~ship~~ dispose of the impounded livestock. ~~to the nearest~~
8 ~~available market to be sold as estrays.~~ Reasonable
9 transportation and ~~sales~~ disposal expenses shall be paid
10 from the proceeds of the ~~sale~~ disposal, if any.

11

12 (d) A removal fee of not to exceed ten dollars
13 (\$10.00) per head shall be allowed for the expense incurred
14 in removing livestock from any public highway and an
15 impounding fee of not to exceed five dollars (\$5.00) per
16 day per head shall be allowed the person responsible for
17 feed and care of the livestock removed. The inspector is
18 responsible for collection and payment to the rightful
19 claimants of removal and impounding fees when impounded
20 livestock is surrendered to the owner. Upon ~~shipment to a~~
21 ~~market~~ disposal, the total amount of removal and impounding
22 fees shall be made known to the selling agency at the
23 market or slaughter plant by the inspector and shall
24 constitute a first claim on the net proceeds of the

1 livestock after shipping and ~~sales~~disposal expenses have
2 been paid, and shall be forwarded by the selling agency to
3 the claimant.

4

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

10

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

18

19 **11-24-111. Disposition of proceeds; remission to**
20 **board.**

21

22 All persons shipping estrays shall immediately remit to the
23 livestock board the proceeds received for each and every
24 estray ~~sold~~disposed of, a receipt for which was given to

1 an inspector. If any inspector sells an estray from this
2 state, he shall immediately remit the proceeds to the
3 livestock board.

4

5 **11-24-112. Deposition of proceeds; payment to owner**
6 **on proof of ownership; unclaimed proceeds generally.**

7

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

17

18 **11-29-101. Definitions.**

19

20 (a) As used in this act:

21

22 (iv) "Disposal" means as defined in W.S.

23 11-24-101(a)(iv);

24

1 (v) "Livestock" means as defined in W.S.
2 23-1-102(a) (xvi);

3

4 ~~(iv)~~ (vi) "This act" means W.S. 11-29-101 through
5 11-29-113.

6

7 **11-29-110. Livestock board; enforcement of liens;**
8 **notice to owner.**

9

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

21

22 **11-48-101. Definitions.**

23

24 (a) As used in this chapter:

1

2 (v) "Disposal" means as defined in W.S.
3 11-24-101(a)(iv);

4

5 (vi) "Livestock" means as defined in W.S.
6 23-1-102(a)(xvi).

7

8 **11-48-102. Disposition of feral livestock.**

9

10 (c) If the director or the state veterinarian
11 determines that any feral livestock are damaging private or
12 public property, including grass, cultivated crops or
13 stored crops, or determines the feral livestock is on
14 private or public property where the feral livestock are
15 not authorized to be and that capturing the feral livestock
16 is not feasible or is cost prohibitive, the director or the
17 state veterinarian may order the ~~destruction~~disposition of
18 the feral livestock.

19

20 (e) There shall be no right for any future indemnity
21 or payment to the owner for the ~~destruction~~disposition of
22 any feral livestock ~~destroyed~~disposed of in accordance
23 with this section. Should the owner of any feral livestock
24 ~~destroyed~~disposed of in accordance with this section be

1 subsequently identified, the board may seek reimbursement
2 from the owner for all costs associated with the
3 ~~destruction~~disposal and removal of the feral livestock.

4

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

6

7

(END)