

## HOUSE BILL NO. HB0271

Game bird farms-greater sage grouse.

Sponsored by: Representative(s) Harshman, Crank, Lindholm  
and Walters and Senator(s) Anderson,  
Christensen and Coe

## A BILL

for

1 AN ACT relating to game and fish; modifying game bird farm  
2 license provisions relating to release of game birds;  
3 providing a limitation on game and fish commission  
4 regulation of the release of game birds by licensees;  
5 providing for certification of game bird farms to allow  
6 breeding, propagation, handling, taking, rearing and  
7 release of greater sage grouse; authorizing gathering of  
8 greater sage grouse eggs by certified game bird farms as  
9 specified; specifying requirements for certification;  
10 requiring rulemaking; providing a time limitation on  
11 certification and for disposition of greater sage grouse  
12 held at the expiration or revocation of certification; and  
13 providing for an effective date.

14

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

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2           **Section 1.** W.S. 23-5-111 is created to read:

3

4           **23-5-111. Game bird farm-certification to raise**  
5 **greater sage grouse; authorization; requirements;**  
6 **limitations.**

7

8           (a) No person shall possess live greater sage grouse  
9 or propagate, breed, sell, raise or release greater sage  
10 grouse unless licensed as a game bird farm and certified to  
11 be in compliance with the requirements of this section.

12

13           (b) The commission shall promulgate rules and  
14 regulations for the administration of this section. The  
15 rules and regulations shall establish a system to certify  
16 game bird farm licensees to possess, propagate, breed,  
17 raise, sell, gather eggs of and release greater sage grouse  
18 and to take greater sage grouse within the boundaries of  
19 the game bird farm. A licensee shall be issued an annual  
20 certificate of compliance under this section by providing  
21 evidence to the department that:

22

1           (i) The licensee has successfully raised from  
2 eggs or chicks at least two (2) other species of game bird  
3 in accordance with this act for not less than three (3)  
4 consecutive years;

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6           (ii) An adequate enclosure exists at the game  
7 bird farm to confine and handle greater sage grouse  
8 physically separated from other game birds;

9  
10           (iii) The enclosures for greater sage grouse  
11 include vegetation consistent with the needs of the grouse;

12  
13           (iv) The facility is disease free; and

14  
15           (v) The licensee demonstrates the capacity to  
16 meet requirements specified in this section and commission  
17 rule for continuing operation as a certified greater sage  
18 grouse facility.

19  
20           (c) To maintain certification under this section the  
21 licensee shall:

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1           (i) Submit an annual national poultry  
2 improvement plan certificate and annual avian influenza  
3 free certification by a licensed Wyoming veterinarian to  
4 the department;

5

6           (ii) Report within the time period established  
7 by rule the detection of any disease at the game bird farm  
8 to the department and undertake and report to the  
9 department remedial acts taken to mitigate the effects of  
10 any disease.

11

12           (d) Before release, greater sage grouse shall be  
13 banded for identification in accordance with rules and  
14 regulations of the commission and held in a holding pen  
15 separate from any sage grouse not being released and  
16 separate from any other game bird species for at least  
17 thirty (30) consecutive days immediately prior to release.  
18 Any greater sage grouse that dies within the release  
19 holding pen during this period shall be reported to the  
20 department within the time period and in accordance with  
21 the procedures established by rule shall be sent to the  
22 Wyoming state veterinary laboratory for necropsy at the  
23 expense of the licensee. Any release of greater sage grouse

1 on to lands within the state and not within the boundaries  
2 of the game bird farm only in coordination with the  
3 department. Commission rules may restrict areas of release  
4 as necessary to protect existing wild populations of  
5 greater sage grouse.

6

7 (e) A game bird farm licensee holding a current  
8 certification under this section may collect greater sage  
9 grouse eggs, subject to the following restrictions:

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11 (i) All collections shall be conducted by the  
12 licensee or his agent under the supervision of a  
13 professional wildlife biologist and in coordination with  
14 the department;

15

16 (ii) No more than two hundred fifty (250) eggs  
17 may be collected by any game bird farm licensee in any  
18 calendar year;

19

20 (iii) No more than forty (40) nest sites in a  
21 single collection area may be disturbed by the game bird  
22 farm licensee in any calendar year; and

23

1           (iv) Eggs may only be collected in April and  
2 May;

3

4           (v) Rules shall establish:

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6                   (A) Time of day and restrictions on methods  
7 of collection of eggs;

8

9                   (B) The number of licensees authorized to  
10 collect eggs;

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12                   (C) The areas approved for collection of  
13 eggs; and

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15                   (D) Other limitations on egg collections,  
16 including the complete suspension of egg collections as  
17 determined by the commission to be beneficial to prevent  
18 the listing of or facilitate the removal of greater sage  
19 grouse as a candidate species under the Endangered Species  
20 Act.

21

22                   (f) The department may suspend, revoke or not renew  
23 any certification issued to a licensee under this section

1 if, after notice and opportunity for a hearing, the  
2 department finds:

3

4 (i) The licensee has violated any provision of  
5 this act or any rule promulgated under this act which  
6 relates to the licensee's game bird farm operations;

7

8 (ii) The licensee's facilities no longer provide  
9 secure holding facilities to contain and separate game bird  
10 species as required under this section;

11

12 (iii) The licensee's facility has not remained  
13 disease free and the department reasonably believes the  
14 native greater sage grouse population of this state may be  
15 harmed thereby.

16

17 (g) The requirements of this section for game bird  
18 farm certification for greater sage grouse are in addition  
19 to all other licensing requirements of this article.

20

21 (h) A licensee whose certification under this section  
22 has been revoked may not reapply for a new certification  
23 within eighteen (18) months of the date of revocation.

1

2 (j) Commission rules may provide for the forfeiture  
3 to the state or for other disposition of greater sage  
4 grouse at any facility whose certification under this  
5 section has been revoked. Certifications under this section  
6 shall expire as of December 31, 2022. Commission rules  
7 shall provide for disposition of all greater sage grouse  
8 held by a licensee pursuant to this section as of that  
9 date. No licensee shall be entitled to any reimbursement  
10 from or other claim against the state for any greater sage  
11 grouse owned by the licensee at the expiration or  
12 revocation of a certification and all certifications issued  
13 pursuant to this section shall so provide.

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15 **Section 2.** W.S. 23-3-108(a), 23-3-116, 23-5-102,  
16 23-5-104(c) and 23-5-106 are amended to read:

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18 **23-3-108. Destruction of bird nests or eggs.**

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20 (a) No person shall take or intentionally destroy the  
21 nest or eggs of any nonpredacious bird, except as  
22 authorized under W.S. 23-5-111. The nest or eggs of any  
23 predacious bird may be taken or destroyed.



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2           **23-3-116. Ownership of game bird; taking of privately**  
3 **owned game birds.**

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5 Any person who wishes to acquire game birds from any  
6 private source shall apply for and receive a permit from  
7 the department prior to acquiring, possessing or  
8 transporting the game birds. Upon receipt of the game  
9 birds, the permittee shall notify the department to  
10 establish proof of ownership and to allow the game birds to  
11 be marked with a leg or wing band. Whenever game birds are  
12 purchased outside the state, the permittee shall furnish  
13 adequate evidence that the game birds are disease free.  
14 Upon compliance with this section, the permittee is  
15 entitled to take his privately owned game birds without a  
16 game bird or turkey license. Live greater sage grouse or  
17 the eggs thereof shall only be acquired, possessed, bred,  
18 propagated, raised, sold, transported, taken and released  
19 by a game bird farm licensee holding a current  
20 certification under W.S. 23-5-111.

21

22           **23-5-102. Department to issue licenses.**

23

1 The department shall issue licenses for game bird farms,  
2 and for the propagation, breeding, possession, use,  
3 releasing, killing, hunting, and sale of licensed birds  
4 therefrom. No license shall authorize any of the acts  
5 specified in this section for greater sage grouse unless  
6 the licensee has been certified under W.S. 23-5-111.

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8 **23-5-104. Investigation of applicant; issuance of**  
9 **license; purchase or replacement of birds; marking of**  
10 **birds.**

11

12 (c) When a license has been granted, the licensee  
13 becomes the owner of all offspring of the game birds  
14 actually produced and remaining thereon. No person shall  
15 entice game birds into the licensed premises by baiting,  
16 artificial feeding or by any other means. All adult game  
17 birds released on the licensed premises shall be marked by  
18 identifying leg or wing bands. After three (3) years of  
19 continuous operation and licensure for the same location,  
20 the licensee shall not be required to mark adult game birds  
21 with identifying leg or wing bands. To be qualified as a  
22 licensee under this act, each licensee shall release a  
23 minimum of one hundred (100) game birds each year on the

1 licensed premises, which number may be a combination of any  
2 species of game birds. Failure to release the minimum  
3 number of birds is cause for revocation of the license. The  
4 commission shall not limit by rule and regulation or policy  
5 the number or species of game birds a licensee may raise,  
6 possess, confine, transport or dispose of in accordance  
7 with the provisions of this chapter.

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9 **23-5-106. Rights of licensee generally.**

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11 The game bird farm license is prima facie evidence in all  
12 courts and proceedings of the lawful right of the licensee  
13 therein named, his or its successor or assigns, for the  
14 term of license, to establish and operate a game bird farm  
15 upon the premises, and entitles the licensee therein named  
16 or his successors or assigns, to the exclusive right for  
17 and during the term to breed, propagate, hunt, kill, and  
18 sell the licensed game birds thereon. For game bird species  
19 other than greater sage grouse, the licensee shall not  
20 shoot or kill over ninety-six percent (96%) of the birds  
21 reared or released on his premises. No licensee shall  
22 undertake any of the acts specified in this section for  
23 greater sage grouse unless the licensee holds a current

1 certification under W.S. 23-5-111, and the acts are taken  
2 in accordance with W.S. 23-5-111 and rules adopted pursuant  
3 thereto.

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5       **Section 3.** Rules required by this act shall be  
6 adopted as final rules by the game and fish commission not  
7 later than September 1, 2017.

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9       **Section 4.** This act is effective immediately upon  
10 completion of all acts necessary for a bill to become law  
11 as provided by Article 4, Section 8 of the Wyoming  
12 Constitution.

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14

(END)