

HOUSE BILL NO. HB0024

Predator management program.

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

A BILL

for

1 AN ACT relating to agriculture and animals; modifying
2 predator management districts and district boards; adding
3 directors; modifying predator management fees; amending
4 definitions; providing for service fees; providing an
5 appropriation; providing for an additional position;
6 providing for reports; and providing for an effective date.

7

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

9

10 **Section 1.** W.S. 11-6-107, 11-6-201, 11-6-202,
11 11-6-203(a)(intro), (i), (ii) and (b), 11-6-204, 11-6-205,
12 11-6-206, 11-6-207(a), (b) and (d), 11-6-208, 11-6-209,
13 11-6-210(a), (d), (f), (g)(intro) and (iii) and by creating
14 a new subsection (n), 11-6-302(a)(viii), (xi) and by
15 creating a new paragraph (xii), 11-6-303(a)(vii) and (e),

1 11-6-304(d), 11-6-308(a)(intro), 11-6-309 and 11-6-311 are
2 amended to read:

3

4 **11-6-107. Disposition of proceeds.**

5

6 All predator furs, skins and specimens taken by hunters or
7 trappers whose salaries are paid in full by cooperating
8 agencies, shall be sold and the proceeds returned to the
9 respective ~~predatory animal~~ predator management district of
10 the county in which the furs, skins or specimens
11 originated. All receipts from sales of materials and
12 services related to predatory animal and rodent control
13 received by the department shall be paid into the state
14 general fund.

15

16 **11-6-201. Creation and designation of districts;**
17 **state predator management advisory board.**

18

19 (a) Each county is created and designated as a
20 ~~predatory animal~~ predator management district. Each
21 district shall be known as the "~~Predatory Animal~~ Predator
22 Management District of County, Wyoming," and it may
23 hold property and be a party to suits and contracts.

24

1 (b) There is created a state ~~predatory animal~~
2 predator management advisory board composed of one (1)
3 representative of each ~~predatory animal~~ predator management
4 district. The state ~~predatory animal~~ predator management
5 advisory board representative shall be appointed by the
6 individual ~~predatory animal~~ predator management district
7 boards of directors and so designated in writing.

8

9 **11-6-202. Administration of districts by district**
10 **boards; number and qualifications of members; term; filling**
11 **of vacancies.**

12

13 (a) The affairs of each district shall be
14 administered by a board of directors, each of whom shall be
15 a bona fide resident of Wyoming. Directors for the
16 positions identified in paragraphs (i) and (ii) of this
17 subsection shall be elected at an annual meeting of
18 district livestock owners. Directors for the positions
19 identified in paragraphs (iv) and (v) of this subsection
20 shall be appointed as described. The composition of the
21 board shall be as follows:

22

23 (i) Three (3) directors shall be sheep or goat
24 owners having paid ~~taxes or predatory animal control~~

1 predator management fees on sheep or goats in the district
2 in the year preceding election. At each subsequent annual
3 district meeting one (1) director shall be elected for a
4 three (3) year term. All sheep or goat owners whether an
5 individual, corporation or partnership, having paid ~~taxes~~
6 ~~or predatory animal control~~ predator management fees on
7 sheep or goats in the district regardless of the domicile
8 of the sheep or goats, are entitled to one (1) vote at the
9 meeting;

10

11 (ii) Three (3) directors shall be cattle owners
12 having paid ~~taxes or predatory animal control~~ predator
13 management fees on cattle in the district in the year
14 preceding election. At each subsequent annual district
15 meeting one (1) director shall be elected for a three (3)
16 year term. All cattle owners whether an individual,
17 corporation or partnership, having paid ~~taxes or predatory~~
18 ~~animal control~~ predator management fees on cattle in the
19 district regardless of the domicile of the cattle, are
20 entitled to one (1) vote at the meeting;

21

22 (iii) If a qualified applicant for a director
23 position identified in paragraph (i) or (ii) of this
24 subsection cannot be found or if no qualified applicant

1 seeks election to the board of directors, then the director
2 position may be filled by an otherwise qualified elector,
3 provided no more than four (4) directors may represent any
4 one (1) species of livestock;

5
6 ~~(iii)~~ (iv) If the board of county commissioners
7 determines that additional county funds are necessary for
8 an adequate predator ~~control~~ management program, and county
9 funds are appropriated for that purpose, the board of
10 county commissioners may appoint one (1) director to serve
11 for an initial term of two (2) years and thereafter for
12 three (3) year terms from electors in the county not
13 engaged in raising sheep, goats or cattle. No appointed
14 member may serve for a consecutive period of more than six
15 (6) years ~~;~~ ;

16
17 (v) If the board of directors determines state
18 funds are necessary for an effective predator management
19 program to assure the statutory requirements provided in
20 W.S. 11-6-205 are fulfilled and state funds are
21 appropriated and received for that purpose, then three (3)
22 directors representing sportsmen and hunters from the
23 district shall be appointed to the board of directors by
24 the county commissioners serving the local district.

1 Sportsmen and hunter representatives shall be bona fide
2 residents of the district and shall hold or have held
3 either a valid Wyoming fishing or hunting license or a
4 Wyoming wildlife damage management stamp within the
5 preceding twelve (12) month period. County commissioners,
6 to the greatest extent practical, shall select sportsmen
7 and hunter representatives to ensure representation from as
8 broad a geographic distribution of the district as
9 possible. The county commissioners shall determine who of
10 the three (3) sportsmen and hunter directors appointed to a
11 board under this paragraph shall serve an initial term of
12 one (1) year, who shall serve an initial term of (2) years
13 and who shall serve a term of three (3) years. Thereafter,
14 each term shall be for three (3) years.

15

16 (b) No director shall continue to hold office after
17 disqualification under any of the provisions of this
18 section. All vacancies on the district board may be filled
19 for unexpired terms by the other directors in office except
20 the public member's and the sportsmen and hunter member's
21 unexpired term shall be filled by board of county
22 commissioners appointment. All members shall hold their
23 offices until their successors are elected and qualified.

24

1 11-6-203. Manner of calling annual meeting of sheep,
2 goat and cattle owners; when held; election of chairman and
3 secretary.

4
5 (a) The annual meeting of each ~~predatory animal~~
6 predator management district shall be ~~in~~ held within the
7 first two (2) weeks of December and each board shall:

8
9 (i) On or before December 1, obtain an accurate
10 list of all persons ~~assessed for taxes or~~ who have paid
11 ~~predatory animal control~~ predator management fees on sheep,
12 goats or cattle in the district;

13
14 (ii) Publish a notice stating the time and place
15 of any meeting of the district and that directors of the
16 board representing livestock interests as provided in W.S.
17 11-6-202(a)(i) and (ii) shall be elected at the meeting.
18 Notice shall be published once in a newspaper of general
19 circulation in the district ten (10) days prior to the date
20 of the meeting;

21
22 (b) When assembled in accordance with the provisions
23 of ~~the notice~~ subsection (a) of this section, the sheep,
24 goat and cattle owners shall elect a chairman and secretary

1 who shall act as judges of the election of directors
2 representing livestock interests of the board.

3

4 **11-6-204. District boards; election and appointment**
5 **of officers; meetings; quorum; oath; appropriation**
6 **requests.**

7

8 At the annual meeting of the district board, following
9 election of directors pursuant to W.S. 11-6-202(a)(i) and
10 (ii) and upon appointment of directors pursuant to W.S.
11 11-6-202(a)(iv) and (v), if applicable, the directors of
12 predatory animal districts elected at meetings provided by
13 W.S. 11-6-203 shall immediately after the adjournment of
14 the meeting organize by choosing from their number a
15 president and vice-president and shall appoint a
16 secretary-treasurer. Subsequent meetings may be called by
17 the president upon reasonable notice. A majority of the
18 board constitutes a quorum for the transaction of business
19 at any board meeting. The members of the board shall
20 receive no compensation for serving as members. Each
21 director shall take an oath for the faithful performance of
22 his duties. If the board determines to request an
23 appropriation of funds from the board of county
24 commissioners, it shall, at least thirty (30) days prior to

1 the time for annual levy of general taxes, notify the board
2 of county commissioners of the amount the district board
3 considers necessary for district operations during the
4 following year.

5

6 **11-6-205. District boards; duties generally.**

7

8 (a) Each ~~predatory animal~~ predator management
9 district board shall:

10

11 (i) Exercise general supervision over the
12 control of predatory animals and predacious birds that prey
13 upon and destroy livestock, other domestic animals and ~~wild~~
14 ~~game~~ wildlife;

15

16 (ii) Devise and put in operation those methods
17 that best manage or control damage caused by predatory
18 animals or predacious birds;

19

20 (iii) Administer funds received from ~~predatory~~
21 ~~animal control~~ predator management fees and from other
22 sources to carry out the ~~predatory animal control~~ predator
23 management program; -

24

1 (iv) Coordinate with affected individuals and
2 entities to develop a comprehensive predator management
3 program for each respective predator management district
4 which addresses livestock, wildlife and public health
5 concerns.

6
7 **11-6-206. District boards; powers generally.**

8
9 Each ~~predatory animal~~ predator management district board
10 may adopt rules and regulations necessary for carrying out
11 the purpose and provisions of this article. Each board may
12 appoint employees and assistants as necessary and fix their
13 compensation. Each board may enter into cooperative
14 agreements with boards of county commissioners, other
15 ~~predatory animal control~~ predator management districts,
16 federal or state agencies or other organizations or
17 associations for the purpose of controlling predatory
18 animals and predacious birds. Each board is authorized to
19 pay bounties for predatory animals and predacious birds.

20
21 **11-6-207. District boards; record of proceedings and**
22 **expenditures; monthly warrants issued by county for monies**
23 **collected.**

24

1 (a) The secretary-treasurer of each ~~predatory animal~~
2 predator management district shall keep a complete and
3 accurate record of the proceedings of the board.

4
5 (b) All salaries, expenses or bounties shall be paid
6 from the ~~predatory animal~~predator management district fund
7 of the district by the secretary-treasurer. ~~and recorded in~~
8 ~~a cash book.~~

9
10 (d) The county treasurer shall issue monthly warrants
11 to the ~~predatory animal~~predator management district for
12 all monies collected in the county for the ~~predatory animal~~
13 predator management district.

14
15 **11-6-208. District boards; annual report.**

16
17 On or before January 1 of each year, the president and
18 secretary-treasurer of each district board and each county
19 treasurer shall make an annual report to their board of
20 county commissioners showing all receipts and disbursement
21 of district funds made by direction of the board during the
22 preceding calendar year. A report of the receipts,
23 expenditures and financial transactions of the district
24 shall be made as provided by W.S. 9-1-507. The director of

1 the state department of audit may call upon any district
2 board or upon any county treasurer for further information
3 relating to any ~~predatory animal~~ predator management
4 district.

5

6 **11-6-209. Annual meetings of sheep and cattle owners.**

7

8 Annual meetings for the election of members of boards of
9 directors of ~~predatory animal~~ predator management districts
10 shall be called by the president of each board. The
11 meetings shall be called by a notice published in the
12 manner provided by W.S. 11-6-203.

13

14 **11-6-210. Creation of predator management district**
15 **fund; predator management fees; donations; appropriation by**
16 **county commissioners.**

17

18 (a) At the time of collecting brand inspection fees
19 imposed under W.S. 11-20-401 and 11-20-402, the brand
20 inspector shall collect ~~predatory animal control~~ predator
21 management fees on all sheep, goats and cattle inspected
22 within each ~~predatory animal~~ predator management district.
23 However, predator ~~control~~ management fees shall not be
24 collected on cattle, ~~and~~ sheep and goats shipped into this

1 state for immediate sale or slaughter. The amount of the
2 fee for each ~~predatory animal~~ predator management district
3 shall be established by each ~~predatory animal~~ predator
4 management district board in consultation with the state
5 ~~predatory animal~~ predator management advisory board and
6 shall not exceed ~~eighty cents (\$.80)~~ one dollar (\$1.00) per
7 head on sheep, goats and ~~fifty cents (\$.50) per head on~~
8 cattle. The directors elected pursuant to W.S.
9 11-6-202(a)(i) and (ii) from each ~~predatory animal~~ predator
10 management district board shall annually determine the
11 ~~predatory animal control~~ predator management fee to be
12 charged and collected in the district ~~based upon a~~
13 ~~recommendation of the majority of~~ taking into consideration
14 comments solicited from the producers present at the
15 district's annual meeting as provided for in W.S. 11-6-203,
16 who have paid predator management fees within the district
17 during the preceding twelve (12) months and shall inform
18 the livestock board of the fee prior to January 1 each
19 year. The fee shall not be collected on the same livestock
20 more than once in any twelve (12) month period. The
21 livestock board may retain not to exceed ~~three percent (3%)~~
22 five percent (5%) of the revenues collected for the actual
23 cost of ~~administering the program~~ collecting the predator
24 management fee. Remaining revenues collected by the

1 livestock board under this section shall be remitted to the
2 state treasurer for deposit in an account. The state
3 treasurer, on a quarterly basis, shall distribute the
4 revenues to the county treasurer of the county from which
5 the shipment originated unless, at the time of payment of
6 the fees, the livestock owner designates the fees to be
7 distributed in total to another county in this state in
8 which the livestock are fed or pastured. The county
9 treasurer shall deposit revenues distributed under this
10 subsection into a special continuing fund, to be known as
11 the "~~Predatory Animal~~ Predator Management District Fund of
12 County" and to be administered by the ~~predatory animal~~
13 predator management board of that district.

14

15 (d) The district board may receive donations and
16 appropriations of money from any source, and such donations
17 and appropriations shall be placed in the district fund by
18 the county treasurer upon request of the district board.
19 Nothing in W.S. 11-6-201 through 11-6-210 shall be
20 construed to prohibit boards of county commissioners from
21 appropriating funds for the purpose of controlling
22 predatory animals and predacious birds, and such
23 appropriation by boards of county commissioners is
24 authorized.

1

2 (f) Notwithstanding subsection (a) of this section,
3 the amount of the annual ~~predatory animal control~~ predator
4 management fee for sheep, goats and cattle shipped into
5 this state for confinement in a commercial feedlot shall
6 not exceed ~~fifteen cents (\$0.15)~~ twenty-five cents (\$0.25)
7 per head on sheep, goats and ~~five cents (\$0.05) per head on~~
8 cattle. For purposes of this subsection, "commercial
9 feedlot" means any place, establishment or facility
10 commonly known as a feedlot conducted, operated or managed
11 for profit or nonprofit for livestock producers, feeders or
12 market agencies, consisting of pens and their
13 appurtenances, in which livestock are received, held, fed,
14 cared for or kept for sale or shipment in commerce. A
15 pasture, field or other enclosure, fenced or unfenced,
16 shall not be considered a commercial feedlot for purposes
17 of this subsection. The ~~predatory animal~~ predator
18 management district board shall have the authority to
19 determine if a facility qualifies as a commercial feedlot
20 as defined in this subsection.

21

22 (g) After January 1, 1992 each ~~predatory animal~~
23 predator management district board shall annually allocate
24 five percent (5%) of all predator management fee

1 collections to be used for refunds, in whole or in part.
2 If a refund is requested the board shall pay the refund
3 within one hundred eighty (180) days of application.
4 Refunds under this subsection shall be subject to the
5 following:

6
7 (iii) All monies not paid in refunds shall
8 annually revert to the district ~~predatory animal control~~
9 predator management account on ~~December 31~~ July 1 of the
10 following year.

11
12 (n) If a livestock producer requests predator
13 management services from the district board representing
14 the county in which the producer is pasturing or housing
15 livestock, and no predator management fees have been
16 collected on the livestock to be protected within the
17 previous twelve (12) months, the board may charge a service
18 fee to recover reasonable and actual costs of the predator
19 management services provided.

20

21 **11-6-302. Definitions.**

22

23 (a) As used in this article:

24

1 (viii) "Predacious bird" means ~~English sparrow~~
2 ~~and starling~~ any predatory avian species that is permitted
3 to be taken under either Wyoming law or federal law;
4

5 (xi) "Wildlife" means all wild mammals, birds,
6 fish, amphibians, reptiles, crustaceans and mollusks, and
7 wild bison designated by the Wyoming game and fish
8 commission and the Wyoming livestock board within this
9 state;~~i-~~

10

11 (xii) "Take" means as defined by W.S.
12 23-1-102(a)(vii).
13

14 **11-6-303. Animal damage management board (ADMB)**
15 **created; composition; appointment; terms; vacancies;**
16 **compensation.**
17

18 (a) There is created the animal damage management
19 board for the purposes of mitigating damage caused to
20 livestock, wildlife and crops by predatory animals,
21 predacious birds and depredating animals or for the
22 protection of human health and safety. The board may
23 mitigate damage caused by depredating animals by and
24 through a memorandum of understanding with the Wyoming game

1 and fish commission. The board shall be composed of twelve
2 (12) members appointed by the governor as follows:

3

4 (vii) The president of the state ~~predatory~~
5 ~~animal~~ predator management advisory board created under
6 W.S. 11-6-201;

7

8 (e) Except for the directors of the departments of
9 agriculture and game and fish, the state director for the
10 United States department of agriculture, animal and plant
11 health inspection service, wildlife services
12 (USDA/APHIS/WS), and the president of the state ~~predatory~~
13 ~~animal~~ predator management advisory board created under
14 W.S. 11-6-201, the remaining members of the board shall
15 hold office for staggered terms of four (4) years. For the
16 remaining members of the initial board, four (4) members
17 shall be appointed for a term of four (4) years, four (4)
18 members shall be appointed for a term of two (2) years.
19 Each appointed member shall be limited to serving on the
20 board for eight (8) consecutive years, however, a member
21 may be reappointed after a four (4) year absence. Each
22 member shall hold office until his successor is appointed
23 and has been qualified. As terms of current ADMB members

1 expire, the governor shall appoint each new member or
2 reappointed member to a four (4) year term.

3

4 **11-6-304. ADMB responsibilities; animal damage**
5 **management policy; rules; methods to manage predatory**
6 **animals, predacious birds, depredating animals and rabid**
7 **wildlife; manner of calling meetings; frequency.**

8

9 (d) The ADMB may adopt rules and regulations
10 necessary for carrying out the purpose and provisions of
11 this article. The ADMB may appoint employees and assistants
12 as necessary and fix their compensation. The ADMB may enter
13 into cooperative agreements with boards of county
14 commissioners, ~~predatory animal control~~ predator management
15 districts, federal or state agencies or other commissions,
16 organizations or associations for the purpose of managing
17 predatory animals, rabid wildlife, predacious birds and
18 depredating animals. ~~Predatory animal control~~ Predator
19 management district boards which choose not to enter into a
20 cooperative agreement with the ADMB shall not be precluded
21 from continuing with, or entering into, a cooperative
22 agreement or memorandum of understanding with the United
23 States department of agriculture, animal and plant health
24 inspection service, wildlife services (USDA/APHIS/WS),

1 other entities of government, organizations or
2 associations. This act is not intended and shall not
3 replace, rescind, modify nor cancel cooperative agreements
4 or cooperative service agreements between the USDA/APHIS/WS
5 and the county ~~predatory animal~~ predator management
6 districts created under W.S. 11-6-201 through 11-6-210.

7

8 **11-6-308. District boards; relation to ADMB; duties**
9 **generally.**

10

11 (a) Each ~~predatory animal~~ predator management
12 district board shall:

13

14 **11-6-309. Predator management district participation**
15 **with the ADMB.**

16

17 If the ~~predatory animal~~ predator management district has
18 elected to participate in providing funding or upon
19 approval of the ADMB, other in-kind resources, to the
20 animal damage management account, the district may solicit
21 funds or receive services from the ADMB under separate
22 negotiated agreement.

23

24 **11-6-311. Exemptions.**

1

2 The state ~~predatory animal~~ predator management advisory
3 board or the ADMB may exempt persons from payment of the
4 imposed fees when the respective board determines that
5 livestock as defined in this act are permanently confined
6 within pens or corrals within incorporated city limits
7 where animal damage control activity by state or federal
8 agencies is prohibited or severely restricted.

9

10 **Section 2.**

11

12 (a) There is appropriated from the general fund to
13 the department of agriculture six million dollars
14 (\$6,000,000.00) to fund the predator management program as
15 follows:

16

17 (i) Three hundred thousand dollars (\$300,000.00)
18 of the general fund appropriation shall be appropriated to
19 the department of agriculture for the biennium beginning
20 July 1, 2006 to administer the predator management program.
21 There is authorized one (1) additional full-time position
22 for the department of agriculture for the purposes of
23 administering the predator management program;

24

1 (ii) Five million seven hundred thousand dollars
2 (\$5,700,000.00) shall be distributed by the department of
3 agriculture through the Wyoming animal damage management
4 board to local predator management district boards who may
5 apply for grants to supplement and enhance predator
6 management efforts only after committing revenues from
7 predator management fees and from other sources intended
8 for that purpose. The application criteria for the predator
9 management boards to receive supplemental funds through a
10 competitive granting process shall be established by the
11 Wyoming animal damage management board and promulgated by
12 rule by the animal damage management board. The criteria
13 shall include but not be limited to the cost of full-time
14 and part-time trappers and the cost of fixed wing aircraft
15 and helicopters, for predator management for livestock and
16 wildlife. Prior to receiving any funds, each county
17 predator management board shall submit a budget and a plan
18 of work to the Wyoming animal damage management board. Upon
19 receiving funds, each county predator management board
20 shall submit a report to the Wyoming animal damage
21 management board, identifying the actions taken, the
22 accomplishments and the monies expended, by July 1 of each
23 year;

24

1 (iii) The Wyoming department of agriculture
2 shall submit to the joint agriculture, public lands and
3 water resources interim committee by October 1, 2006, a
4 report identifying the actions taken, the accomplishments
5 and the monies expended by each county predator management
6 board and the Wyoming animal damage management board
7 pursuant to this act and shall submit the report by October
8 1 annually thereafter;

9

10 (iv) A request of ten million dollars
11 (\$10,000,000.00) shall be included in the department of
12 agriculture's 2007-2008 biennium standard budget request
13 for purposes of continuing funding of this program.

14

15 **Section 3.** This act is effective July 1, 2006.

16

17

(END)