

ENROLLED ACT NO. 37, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING  
2012 BUDGET SESSION

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

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

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

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

(a) All claims against the state arising from the ~~slaughter~~ ordered disposal of animals by the state veterinarian for scrapie, brucellosis and tuberculosis, together with the order of the veterinarian, shall be submitted to the state auditor who shall examine them without unnecessary delay. For purposes of this section, "disposal" means to sell, send to slaughter or destroy the animal. For each claim he finds to be equitable and entitled to indemnity under this chapter the auditor shall issue his warrant on the state treasurer for the sum named in the claim. All claims for indemnity arising under the provisions of this chapter, before they are presented for payment to the auditor, shall be submitted to the state veterinarian who shall fully inform himself of the facts connected with each claim. The state veterinarian shall endorse on each claim his approval or rejection and shall express in such endorsement the reasons for his approval or rejection.

(b) If the state veterinarian rejects a claim it and the reasons for rejection shall be submitted to a board of

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arbitration consisting of three (3) members selected as follows:

(i) The state veterinarian shall select one (1) stock grower who is a resident of the county where the ~~slaughtered~~ ordered disposed animal for which the claim is made ranged;

(c) ~~The indemnity granted shall be the fair market value of the~~ Prior to the state veterinarian endorsing any payment be made for the ordered disposal of any livestock as determined by the department of agriculture under this section, W.S. 11-19-214 or 11-19-406, the state veterinarian shall ascertain that sufficient funds are available. The state veterinarian shall utilize available federal funds prior to state funds to pay the owner of the livestock. The indemnity granted shall be the difference between the fair market value of the livestock and the amount received for the sale, less any amount of reimbursement provided for and paid under federal law and regulation. Fair market value shall be determined by using comparable sales data from state markets at the time of removal or by the use of a qualified independent livestock appraiser as designated by the state veterinarian. If no sale is transacted, but an animal is removed for diagnostic purposes or disposal, the reimbursement provided shall be the fair market value minus any other reimbursement. Unless otherwise reimbursed, the cost of shipping or transportation and commission charges shall be added to the amount provided to the producer for livestock indemnification. It shall be paid to the owner upon his application and presentation of proofs prescribed herein within six (6) months of the date of ~~slaughter~~ ordered disposal for which payment is claimed. The claim shall be barred if not presented within the time limited.

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

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

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

All livestock in Wyoming lawfully found to be affected with tuberculosis may be shipped or transported under the direction of the state veterinarian in accordance with federal regulations, to livestock markets and there sold for salvage and destroyed or transferred to an approved slaughter facility or veterinary diagnostic laboratory in accordance with federal regulations. ~~Prior to directing that any affected livestock be sold under this section, the state veterinarian shall ascertain that sufficient funds are available from either federal or state sources to ensure that the owner of condemned livestock will be paid the difference between the market value at the time of quarantine and the amount received for the sale, less any amount of reimbursement provided for and paid under federal law or regulation, the cost of shipping or transportation~~

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~~and commission charges~~ Producers may be eligible for indemnification as provided in W.S. 11-19-106 for any livestock ordered disposed pursuant to this section.

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

All cattle or domestic bison in Wyoming lawfully found to be affected with brucellosis, including all sexually intact cattle or domestic bison that are part of a herd found to be affected with brucellosis, may be shipped or transported under the direction of the state veterinarian to livestock markets and sold for immediate slaughter or transferred to an approved slaughter facility or veterinary diagnostic laboratory in accordance with federal regulations. ~~Prior to directing that any cattle or bison that are part of an infected herd be sold under this section, the state veterinarian shall ascertain that sufficient funds are available from either federal or state sources to ensure that the owner of the condemned cattle or domestic bison will be paid the difference between the market value at the time of quarantine and the amount received for the sale, less any amount of reimbursement provided for and paid under federal law or regulation, the cost of shipping or transportation and commission charges.~~ Payments under this section shall not be made by the state for any sexually intact female cattle or bison which are over twelve (12) months old and which are not official calfhood vaccinates as provided in board rule and regulation. Producers may be eligible for indemnification in accordance with W.S. 11-19-106 for any livestock ordered disposed pursuant to this section.

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

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

(END)

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Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk