

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), (m) and by
14 creating a new subsection (n), 11-6-302(a)(viii), (xi) and
15 by creating a new paragraph (xii), 11-6-303(a)(vii) and

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

11-6-107. Disposition of proceeds.

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

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

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

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 owning another of the livestock species, provided no more
4 than four (4) directors may represent any one (1) species
5 of livestock;

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

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

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

16

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

1

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

5

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

9

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

14

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

22

23 (b) When assembled in accordance with the provisions
24 of ~~the notice~~ subsection (a) of this section, the sheep,

1 goat and cattle owners shall elect a chairman and secretary
2 who shall act as judges of the election of directors
3 representing livestock interests of the board.

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

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

1 commissioners, it shall, at least thirty (30) days prior to
2 the time for annual levy of general taxes, notify the board
3 of county commissioners of the amount the district board
4 considers necessary for district operations during the
5 following year.

6
7 **11-6-205. District boards; duties generally.**

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

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

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

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

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

21

22

23

24

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

1

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

5

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

10

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

15

16 **11-6-208. District boards; annual report.**

17

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

1 shall be made as provided by W.S. 9-1-507. The director of
2 the state department of audit may call upon any district
3 board or upon any county treasurer for further information
4 relating to any ~~predatory animal~~ predator management
5 district.

6
7 **11-6-209. Annual meetings of sheep and cattle owners.**

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

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

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

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

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

15

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

1 appropriation by boards of county commissioners is
2 authorized.

3

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

23

1 (g) After January 1, 1992 each ~~predatory animal~~
2 predator management district board shall annually allocate
3 five percent (5%) of all predator management fee
4 collections to be used for refunds, in whole or in part.
5 If a refund is requested the board shall pay the refund
6 within one hundred eighty (180) days of application.
7 Refunds under this subsection shall be subject to the
8 following:

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

14
15 (m) After July 1, 2002 and before December 1, 2002, a
16 ~~predatory animal~~ predator management district board may
17 hold a special meeting during which an adjustment of the
18 ~~predatory animal control~~ predator management fee set under
19 subsection (a) of this section may be made for the balance
20 of calendar year 2002. The special meeting shall be held
21 pursuant to the procedures found in W.S. 11-6-203(a)(ii)
22 and (iii) except that the notice shall state the time and
23 place and that a fee increase shall be considered. The
24 board shall immediately notify in writing the livestock

1 board of any fee adjustment made under this subsection.
2 The fee adjustment shall take effect thirty (30) days after
3 the date of mailing of the notice to the livestock board
4 and shall remain in effect through December 31, 2002.

5
6 (n) If a livestock producer requests predator
7 management services from the district board representing
8 the county in which the producer is pasturing or housing
9 livestock, and no predator management fees have been
10 collected on the livestock to be protected within the
11 previous twelve (12) months, the board may charge a flat
12 service fee to recover reasonable and actual costs of the
13 predator management services provided.

14
15 **11-6-302. Definitions.**

16
17 (a) As used in this article:

18
19 (viii) "Predacious bird" means ~~English sparrow~~
20 ~~and starling~~ any predatory avian species that is permitted
21 to be taken under either Wyoming law or federal law;

22
23 (xi) "Wildlife" means all wild mammals, birds,
24 fish, amphibians, reptiles, crustaceans and mollusks, and

1 wild bison designated by the Wyoming game and fish
2 commission and the Wyoming livestock board within this
3 state; ~~;~~

4
5 (xii) "Take" means as defined by W.S.
6 23-1-102(a)(vii).

7
8 **11-6-303. Animal damage management board (ADMB)**
9 **created; composition; appointment; terms; vacancies;**
10 **compensation.**

11
12 (a) There is created the animal damage management
13 board for the purposes of mitigating damage caused to
14 livestock, wildlife and crops by predatory animals,
15 predacious birds and depredating animals or for the
16 protection of human health and safety. The board may
17 mitigate damage caused by depredating animals by and
18 through a memorandum of understanding with the Wyoming game
19 and fish commission. The board shall be composed of twelve
20 (12) members appointed by the governor as follows:

21
22 (vii) The president of the state ~~predatory~~
23 ~~animal~~ predator management advisory board created under
24 W.S. 11-6-201;

1

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

20

21 **11-6-304. ADMB responsibilities; animal damage**
22 **management policy; rules; methods to manage predatory**
23 **animals, predacious birds, depredating animals and rabid**
24 **wildlife; manner of calling meetings; frequency.**

1

2 (d) The ADMB may adopt rules and regulations
3 necessary for carrying out the purpose and provisions of
4 this article. The ADMB may appoint employees and assistants
5 as necessary and fix their compensation. The ADMB may enter
6 into cooperative agreements with boards of county
7 commissioners, ~~predatory animal control~~predator management
8 districts, federal or state agencies or other commissions,
9 organizations or associations for the purpose of managing
10 predatory animals, rabid wildlife, predacious birds and
11 depredating animals. ~~Predatory animal control~~Predator
12 management district boards which choose not to enter into a
13 cooperative agreement with the ADMB shall not be precluded
14 from continuing with, or entering into, a cooperative
15 agreement or memorandum of understanding with the United
16 States department of agriculture, animal and plant health
17 inspection service, wildlife services (USDA/APHIS/WS),
18 other entities of government, organizations or
19 associations. This act is not intended and shall not
20 replace, rescind, modify nor cancel cooperative agreements
21 or cooperative service agreements between the USDA/APHIS/WS
22 and the county ~~predatory animal~~predator management
23 districts created under W.S. 11-6-201 through 11-6-210.

24

1 **11-6-308. District boards; relation to ADMB; duties**
2 **generally.**

3

4 (a) Each ~~predatory animal~~ predator management
5 district board shall:

6

7 **11-6-309. Predator management district participation**
8 **with the ADMB.**

9

10 If the ~~predatory animal~~ predator management district has
11 elected to participate in providing funding or upon
12 approval of the ADMB, other in-kind resources, to the
13 animal damage management account, the district may solicit
14 funds or receive services from the ADMB under separate
15 negotiated agreement.

16

17 **11-6-311. Exemptions.**

18

19 The state ~~predatory animal~~ predator management advisory
20 board or the ADMB may exempt persons from payment of the
21 imposed fees when the respective board determines that
22 livestock as defined in this act are permanently confined
23 within pens or corrals within incorporated city limits

1 where animal damage control activity by state or federal
2 agencies is prohibited or severely restricted.

3

4 **Section 2.**

5

6 (a) There is appropriated from the general fund to
7 the department of agriculture ten million dollars
8 (\$10,000,000.00) to fund the predator management program as
9 follows:

10

11 (i) Three percent (3%) of the general fund
12 appropriation shall be appropriated to the department of
13 agriculture to administer the predator management program.
14 There is authorized one (1) additional full-time position
15 for the department of agriculture for the purposes of
16 administering the predator management program;

17

18 (ii) Nine million seven hundred thousand dollars
19 (\$9,700,000.00) shall be distributed by the department of
20 agriculture through the Wyoming animal damage management
21 board to local predator management district boards who may
22 apply for grants to supplement and enhance predator
23 management efforts only after committing revenues from
24 predator management fees and from other sources intended

1 for that purpose. The application criteria for the predator
2 management boards to receive supplemental funds through a
3 competitive granting process shall be established by the
4 Wyoming animal damage management board and promulgated by
5 rule by the animal damage management board. The criteria
6 shall include but not be limited to the cost of full-time
7 and part-time trappers and the cost of fixed wing aircraft
8 and helicopters, for predator management for livestock and
9 wildlife. Prior to receiving any funds, each county
10 predator management board shall submit a budget and a plan
11 of work to the Wyoming animal damage management board. Upon
12 receiving funds, each county predator management board
13 shall submit a report to the Wyoming animal damage
14 management board, identifying the actions taken, the
15 accomplishments and the monies expended, by July 1 of each
16 year;

17

18 (iii) The Wyoming department of agriculture
19 shall submit to the joint agriculture, public lands and
20 water resources interim committee by October 1, 2006, a
21 report identifying the actions taken, the accomplishments
22 and the monies expended by each county predator management
23 board and the Wyoming animal damage management board

1 pursuant to this act and shall submit the report by October
2 1 annually thereafter;

3

4 (iv) A request of ten million dollars
5 (\$10,000,000.00) shall be included in the department of
6 agriculture's 2007-2008 biennium standard budget request
7 for purposes of continuing funding of this program.

8

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

10

11 (END)