

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. _____

*****STAFF NOTE: THERE ARE MAJOR ISSUES WITH THIS BILL. THE
INFORMAION RECEIVED FROM THE AGENCY HAS BEEN PUT INTO LSO
FORMAT, BUT IT NEEDS A LOT OF WORK BEFORE IT IS READY TO BE
SPONSORED. IT APPEARS TO HAVE BEEN CRAFTED BY PULLING
PROVISIONS FROM VARIOUS STATUTES, WITHOUT ADDRESSING WHAT
HAPPENS TO THE DUPLICATIVE STATUTES.**

Wyoming pet animal board.

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

A BILL

for

1 AN ACT relating to domestic animals; creating the Wyoming
2 pet animal board; providing for the term, duties and
3 compensation of the pet animal board; requiring a report;
4 providing for the protection of domestic pets under the pet
5 animal board; authorizing local governmental entities to
6 provide for pet animal health and safety ordinances and to
7 license pet animal sales, boarding, training and grooming
8 facilities, pet breeders, animal shelters and rescue
9 facilities; providing for protection and treatment of

1 impounded pet animals; providing for enforcement; providing
 2 penalties; authorizing positions; providing an
 3 appropriation; and providing for an effective date.

4

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

6

7 **Section 1.** W.S. 11-48-101 through 11-48-110 and
 8 11-48-201 through 11-48-208 are created to read:

9

10

CHAPTER 48

11

WYOMING PET ANIMAL BOARD

12

ARTICLE 1. IN GENERAL

13

14 **11-48-101. Definitions.**

15

16 (a) As used in this chapter:

17

18 (i) "Board" means the Wyoming pet animal board;

19

20 (ii) "Cruelty", "torment" or "torture" means
 21 every act, omission or neglect whereby the willful and
 22 malicious infliction of pain or suffering is caused,

1 permitted or allowed to continue when there is a reasonable
2 remedy or relief;

3 [Staff Note: This appears to be the same as 6-1-
4 104(a)(xiii) - do you want to reference this provision?]

5
6 (iii) "Domestic pet" means a dog, cat, rabbit,
7 guinea pig, hamster, mouse, ferret, bird, fish, reptile,
8 amphibian, invertebrate or any other species of domestic
9 animal sold, transferred or retained for the purpose of
10 being kept as a household pet. "Pet animal" does not
11 include an animal that is used for working on a farm or
12 ranch or animals under the jurisdiction of the Wyoming
13 livestock board or management by the Wyoming game and fish
14 department;

15 [Staff Note: "Pet animal" is not defined. Are you
16 planning on using "Domestic pet" or "pet animal"? They are
17 both used throughout this bill. Either "pet animal" or
18 "domestic pet" should be used, but not both.]

19
20 (iv) "Livestock" means as defined in W.S.
21 23-1-102(a)(xvi). Livestock shall not be considered a
22 domestic pet;

23

1 (v) "Owner" or "person" means any individual
2 including the agents and employees of corporations;

3 **[Staff Note: Why just corporations? Why not any business**
4 **entity?]**

5
6 (vi) "Pet animal facility" means any place or
7 premises used in whole or in part, which part is used for
8 the keeping of a pet animal for the purpose of adoption,
9 breeding, boarding, grooming, handling, selling,
10 sheltering, trading or otherwise transferring such animal.
11 "Pet animal facility" also includes any individual animal
12 kept by such a facility as breeding stock with the
13 licensing of individual breeding stock to be inclusive on
14 the pet animal facility license. "Pet animal facility"
15 shall not include common carrier engaged in intrastate or
16 interstate commerce. For purposes of this chapter, two (2)
17 or more animal facilities that have the same or a similar
18 purpose may operate from one (1) place or premise and shall
19 be considered a single pet animal facility;

20 **[Staff Note: Does facility include an animal? Does the**
21 **similar purpose apply even if they have completely**
22 **different ownership?]**

23

1 (vii) "Police service animal" means any dog or
2 horse used by a law enforcement agency, which is specially
3 trained for law enforcement work, or any animal contracted
4 to assist a law enforcement agency in the performance of
5 law enforcement duties.

6
7 **11-48-102. Wyoming pet animal board; creation;**
8 **composition; qualifications; appointment and term of**
9 **members; removal; vacancies.**

10
11 (a) There is created a pet animal board that shall
12 consist of seven (7) members with one (1) member from each
13 of the following:

14
15 (i) A representative of the retail sellers of
16 pet animals;

17
18 (ii) A representative of a pet animal breeding
19 association;

20
21 (iii) A representative of an animal welfare
22 agency;

23

1 (iv) An animal control officer;

2

3 (v) A small animal veterinarian;

4

5 (vi) A county commissioner; and

6

7 (vii) A representative from a city or town.

8

9 (b) Board members shall be appointed by the governor
10 with the advice and consent of the senate and may be
11 removed by the governor as provided in W.S. 9-1-202. The
12 board members shall serve for one (1) six (6) year term and
13 until their successors are appointed and qualified. In
14 case of a vacancy for any reason, the governor shall
15 appoint a qualified person to fill the vacancy in
16 accordance with W.S. 28-12-101. Each board member shall be
17 a qualified elector of the county from which he is
18 appointed and a resident of this state during his term of
19 office.

20

21 (c) Appointments and terms under this section shall
22 be in accordance with W.S. 28-12-101 through 28-12-103.

23

1 **11-48-103. Pet animal board; duties generally.**

2

3 (a) The board shall exercise general supervision over
4 and protect the pet animal interests of the state from
5 disease, abuse, neglect and welfare and shall recommend
6 legislation as it deems necessary to the legislature.

7

8 (b) An assistant state veterinarian for domestic pets
9 shall be hired by the board in consultation with the state
10 veterinarian. This assistant state veterinarian shall be
11 supervised by the state veterinarian.

12

13 **11-48-104. Pet animal board; powers generally.**

14

15 (a) In addition to powers and duties hereinafter
16 provided, the board shall:

17

18 (i) Promulgate and enforce rules, regulations
19 and orders it deems necessary for the importation of
20 domestic pets;

21

22 (ii) Exercise the power and authority conferred
23 upon it by this chapter; and

1

2 (iii) Designate an agency to act as its
3 representative as provided by W.S. 11-20-201, recorded in
4 its minutes, and transmit the name of the agency to the
5 auditor and treasurer of Wyoming.

6 [Staff Note: What do you mean by this paragraph? It
7 doesn't track with this bill.]

8

9 **11-48-105. Pet animal board; oath.**

10

11 Members of the board, before entering upon their duties,
12 shall take the oath of office prescribed by the
13 constitution, and file it in the office of the secretary of
14 state.

15

16 **11-48-106. Pet animal board; election of president;**
17 **meetings generally.**

18

19 The board shall elect one (1) of its members as president.
20 The board shall meet at such times as called by the
21 president, any three (3) members of the board, or the state
22 veterinarian.

23

1 **11-48-107. Pet animal board; quorum; compensation.**

2

3 A majority of the board constitutes a quorum for the
4 transaction of business. Members of the board shall
5 receive compensation, mileage and per diem for time
6 actually spent in the performance of their duties and
7 traveling expenses while in attendance, and going to and
8 from board meetings at the same rate as members of the
9 Wyoming legislature.

10 [Staff Note: Between 106 and 107, why can only 3 call a
11 meeting? If a 4th doesn't show they don't have a quorum.]

12

13 **11-48-108. Pet animal board; seal.**

14

15 The board shall have a seal upon which is engraved "Wyoming
16 Pet Animal Board".

17

18 **11-48-109. Pet animal board; report to governor.**

19

20 The board shall report to the governor all proceedings and
21 the condition of the board's interest of Wyoming as
22 required by W.S. 9-2-1014.

23

1 **11-48-110. Disposition of collected fees and monies**
2 **in general fund; payment of expenses of board.**

3
4 (a) All fees and monies collected by the board or any
5 of its officers, agents or employees, not specifically
6 required by law to be credited to a different fund, shall
7 be placed by the state treasurer in the general fund.

8
9 (b) The expenses incurred in the conduct of the
10 business of the board and the state veterinarian, including
11 the per diem of members of the board, the salaries or wages
12 of the deputy state veterinarians and other necessary
13 employees, traveling expenses, furnishing of offices,
14 stationery, supplies and all other expenditures necessary
15 and incident thereto, shall be paid out of the general fund
16 appropriations provided by law. All expenses shall be
17 itemized on the proper vouchers, approved by the state
18 veterinarian, covered by proper receipts, and paid by the
19 state treasurer from money appropriated by law.

20 **[Staff Note: These duties need to be conformed with the**
21 **duties of the state veterinarian and the deputy state**
22 **veterinarian.]**

23

1

ARTICLE 2

2

PROTECTION OF DOMESTIC PETS

3

4

11-48-201. Authority for local governmental entities.

5

6 (a) The governing body of a local governmental entity
7 may regulate, license and adopt health and safety
8 ordinances for live animal retail and wholesale sales,
9 retail aquariums, boarding facilities, training facilities,
10 pet handlers, pet grooming facilities, domestic pet
11 breeders, animal shelters and small animal rescue
12 facilities.

13 [Staff Note: This mixes facilities and persons and
14 activities. This should be included in the listings of
15 powers of these entities as well.]

16

17 (b) A local governmental entity that takes action
18 pursuant to this section shall appoint a local veterinarian
19 to accomplish the purposes of this article.

20

21

11-48-202. Furnishing food to impounded domestic pet.

22

1 When any domestic pet impounded is without food or water
2 for more than twelve (12) successive hours, it is lawful
3 for any person to enter into any pound or restricted
4 facility in which the domestic pet is confined and supply
5 the domestic pet with food and water as often as necessary
6 so long as the domestic pet remains confined. Any person
7 entering property to supply food and water to an impounded
8 domestic pet is not liable in any action for the entry and
9 the reasonable cost of the food and water may be collected
10 by him from the owner of the domestic pet.

11 [Staff Note: Does enter include any time? What is an
12 "impounded" pet?]

13

14 **11-48-203. Domestic pets to be fed while impounded or**
15 **confined; penalties.**

16

17 (a) Every person who impounds or causes to be
18 impounded any domestic pet in any pound or restricted
19 facility, under the laws of this state, shall supply to the
20 domestic pet during confinement a sufficient quantity of
21 wholesome food and water as deemed necessary by the county
22 veterinarian or his designee.

1 [Staff Note: Is a restricted facility different from a pet
2 animal facility? If any person fails to do so, is he
3 guilty of a misdemeanor?]

4
5 (b) Any person convicted of violating this section
6 shall be imprisoned not exceeding six (6) months, or fined
7 not less than one hundred dollars (\$100.00) nor more than
8 five hundred dollars (\$500.00), or both.

9
10 **11-48-204. Authority to prevent cruelty; penalty for**
11 **interference with officer.**

12
13 Any peace officer, animal control officer or other
14 authorized agent of the local governmental entity may
15 lawfully interfere to prevent the perpetration of any act
16 of cruelty upon any animal in his presence. Any person who
17 interferes with, obstructs or resists any peace officer or
18 animal control officer or other authorized agent of the
19 local governmental entity in the discharge of his duty
20 shall be fined not more than five thousand dollars
21 (\$5,000.00) or one (1) year imprisonment, or both.

22 [Staff Note: This intermixes with 6-5-204 but with
23 different penalties and slightly different elements.]

1

2 **11-48-205. Seized domestic pets and vehicles; lien on**
3 **seized chattels; civil action for unpaid expenses.**

4

5 When any person arrested under this chapter is in charge of
6 any vehicle containing any domestic pet cruelly treated at
7 the time of arrest, any peace officer, animal control
8 officer or other authorized agent of the local governmental
9 entity may take charge of the domestic pet and vehicle and
10 its contents, and give notice thereof to the owner, if
11 known, and shall provide for the domestic pet until the
12 owner takes possession of the domestic pet. The local
13 government shall have a lien on the domestic pet, the
14 vehicle and its contents for the expense of the care and
15 provision. The expense or any part remaining unpaid may be
16 recovered by the local government in a civil or criminal
17 action.

18

19 **11-48-206. Enforcement of liens; notice to owner.**

20

21 Any local governmental entity or state agency entitled to a
22 lien under this chapter may enforce the lien by selling the
23 domestic pet and other personal property upon which the

1 lien is given, at public auction, upon giving written
2 notice to the owner by certified mail. If the owner is not
3 known, the notice shall be posted at least three (3) days
4 previous to the sale at the county court house and
5 marketing establishment. The lien holding agency shall
6 determine final disposition of the domestic pet in
7 accordance with reasonable practices for the humane
8 treatment of domestic pets. The owner of the domestic pet
9 shall be liable for all costs associated with the final
10 disposition of the domestic pet under this section.

11 **[Staff Note: Check this with current due process notice**
12 **requirements - this sounds like old language.]**

13

14 **11-48-207. Cruelty to domestic pets or police service**
15 **animals.**

16

17 (a) A person commits cruelty to a domestic pet if he
18 knowingly and with intent to cause death, injury or undue
19 suffering:

20

21 (i) Unnecessarily or cruelly beats, tortures,
22 torments, injures, mutilates or attempts to kill the
23 domestic pet;

1

2 (ii) Carries a domestic pet in a manner that
3 poses undue risk of injury or death; or

4

5 (iii) Leaves the domestic pet unattended in a
6 standing or parked vehicle in a manner that endangers the
7 health or safety of the domestic pet.

8

9 (b) A person commits cruelty to a domestic pet if he
10 has the charge and custody of any domestic pet and
11 unnecessarily fails to provide it with the proper food,
12 drink or protection from the weather, or cruelly abandons
13 the domestic pet, or in the case of immediate, obvious,
14 serious illness or injury, fails to provide the domestic
15 pet with appropriate care. Local governmental entities
16 shall have the authority to modify the requirements of this
17 chapter.

18 [Staff Note: Does this mean they can say you don't have to
19 do so? This may be an unlawful delegation of power issue.
20 We can allow them to go further, but they may not be able
21 to lower the floor set by the legislature as a crime. This
22 intermixes with the general cruelty to animals statute but
23 with different elements.]

1

2 (c) It is unlawful for any person to intentionally
3 frighten or startle a police service animal by any means,
4 including, but not limited to, using any fireworks, horn,
5 bell, whistle or other loud noise or sudden action or
6 unauthorized physical contact with the animal under the
7 control of a peace officer who is engaged in the
8 performance of his duties.

9 [Staff Note: Is the control of the peace officer intended
10 to modify all or just the last phrase?]

11

12 (d) Any violation of subsections (a), (b) or (c) of
13 this section is a misdemeanor punishable by a fine of not
14 more than seven hundred fifty dollars (\$750.00), or
15 imprisonment for not more than six (6) months, or both
16 except that a subsequent offense [of the same subsection
17 or of any?] is a high misdemeanor punishable by not more
18 than one (1) year imprisonment, a fine of not more than
19 five thousand dollars (\$5,000.00), or both.

20

21 (e) A person commits a felony if he knowingly and
22 with intent to cause death, injury or undue suffering,
23 cruelly beats, tortures, torments, injures or mutilates a

1 police service animal resulting in the death or required
2 euthanasia of the police service animal under the control
3 of a peace officer or any animal contracted to assist a law
4 enforcement agency which is engaged in the performance of
5 the animal's duties. A felony under this subsection is
6 punishable a fine of not more than five thousand dollars
7 (\$5,000.00) or two (2) years imprisonment, or both.

8 **[Staff Note: Check fines and penalties. This appears to**
9 **conflict with 6-5-211.]**

10
11 **11-48-208. Impoundment of domestic pets; cost of care**
12 **for domestic pets; providing for bond.**

13
14 (a) Any peace officer, animal control officer or
15 other authorized agent of the local governmental entity may
16 take possession of any domestic pet found abandoned,
17 neglected or cruelly treated as determined by a licensed
18 Wyoming veterinarian.

19
20 (b) The owner, if known, of the domestic pet
21 impounded under subsection (a) of this section, and who has
22 been cited under W.S. 6-3-203, shall be required to post a

1 bond with the circuit court in the county where the
2 domestic pet was impounded. The bond shall be:

3

4 (i) In an amount the circuit court determines is
5 sufficient to provide for the animal's board, nutritional
6 care, veterinary care and diagnostic testing for at least
7 sixty (60) days including the day on which the domestic pet
8 was impounded but not less than two hundred fifty dollars
9 (\$250.00) per each domestic pet; and

10

11 (ii) Filed with the circuit court within ten
12 (10) days after the domestic pet is impounded.

13

14 (c) When the bond expires, if the owner of the
15 domestic pet desires to prevent disposition of the domestic
16 pet by the impounding agency, the owner shall post a new
17 bond with the court as described in subsection (b) of this
18 section.

19

20 (d) If a bond is not posted under subsection (b) or
21 (c) of this section, the impounding agency shall determine
22 final disposition of the domestic pet in accordance with
23 reasonable practices for the humane treatment of domestic

1 pets. The owner of the domestic pet shall be liable for all
2 costs associated with the final disposition of the domestic
3 pet under this subsection.

4
5 (e) If a bond has been posted in accordance with
6 subsection (b) or (c) of this section, the agency employing
7 the officer, or the board, may draw from the bond the
8 actual costs as described in subsection (b) of this
9 section, from the date of initial impoundment to the date
10 of final disposition of the domestic pet.

11

12 **Section 2. Amend or Repeal?**

13 [Staff Note: With this new Chapter, do you intend to make
14 any amendments to or repeal anything in W.S. 6-3-203 or
15 Chapter 29?]

16

17 **Section 3.**

18

19 (a) There are authorized six (6) additional full-time
20 positions to the Wyoming livestock board for the purposes
21 of training law enforcement officers to implement this act.
22 There is appropriated six hundred thousand dollars
23 (\$600,000.00) from the general fund to the Wyoming

1 livestock board. This appropriation shall be for the
2 period beginning with the effective date of this act and
3 ending June 30, 2010. A request of one million two hundred
4 thousand dollars (\$1,200,000.00) from the general fund
5 shall be included in the Wyoming livestock board's
6 2011-2012 biennium standard budget request for purposes of
7 continuing funding of these positions. This appropriation
8 shall only be expended for the purpose of funding the six
9 (6) positions and to enforce this act. Notwithstanding any
10 other provision of law, this appropriation shall not be
11 transferred or expended for any other purpose and any
12 unexpended, unobligated funds remaining from this
13 appropriation shall revert as provided by law on June 30,
14 2010.

15 [Staff Note: How much money do you anticipate needing for
16 the ongoing expenses of the board and for attendance at
17 board meetings?]

18

19 **Section 4.** This act is effective July 1, 2009.

20

21

(END)