

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:

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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.

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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;

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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 W.S. 23-3-116
14 and held in a holding pen separate from any sage grouse not
15 being released and separate from any other game bird
16 species for at least thirty (30) consecutive days
17 immediately prior to release. Any greater sage grouse that
18 dies within the release holding pen during this period
19 shall be reported to the department within the time period
20 and in accordance with the procedures established by rule
21 shall be sent to the Wyoming state veterinary laboratory
22 for necropsy at the expense of the licensee. Any release of
23 greater sage grouse on to lands within the state and not

1 within the boundaries of the game bird farm only in
2 coordination with the department. Commission rules may
3 restrict areas of release as necessary to protect existing
4 wild populations of greater sage grouse.

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

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

14

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

18

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

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

3
4 (v) Rules may establish:

5
6 (A) Time of day and restrictions on methods
7 of collection of eggs;

8
9 (B) Other limitations on egg collections,
10 including the complete suspension of egg collections as
11 determined by the commission to be beneficial to prevent
12 the listing of or facilitate the removal of greater sage
13 grouse as a candidate species under the Endangered Species
14 Act.

15
16 (f) The department may suspend, revoke or not renew
17 any certification issued to a licensee under this section
18 if, after notice and opportunity for a hearing, the
19 department finds:

20
21 (i) The licensee has violated any provision of
22 this act or any rule promulgated under this act which
23 relates to the licensee's game bird farm operations;

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

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6 (iii) The licensee's facility has not remained
7 disease free and the department reasonably believes the
8 native greater sage grouse population of this state may be
9 harmed thereby.

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

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

18

19 (j) Commission rules may provide for the forfeiture
20 to the state or for other disposition of greater sage
21 grouse at any facility whose certification under this
22 section has been revoked. Certifications under this section
23 shall expire as of December 31, 2022. Commission rules

1 shall provide for disposition of all greater sage grouse
2 held by a licensee pursuant to this section as of that
3 date. No licensee shall be entitled to any reimbursement
4 from or other claim against the state for any greater sage
5 grouse owned by the licensee at the expiration or
6 revocation of a certification and all certifications issued
7 pursuant to this section shall so provide.

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9 **Section 2.** W.S. 23-3-108(a), 23-3-116, 23-5-102,
10 23-5-104(c) and 23-5-106 are amended to read:

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12 **23-3-108. Destruction of bird nests or eggs.**

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

18

19 **23-3-116. Ownership of game bird; taking of privately**
20 **owned game birds.**

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22 Any person who wishes to acquire game birds from any
23 private source shall apply for and receive a permit from

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

15

16 **23-5-102. Department to issue licenses.**

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

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2 **23-5-104. Investigation of applicant; issuance of**
3 **license; purchase or replacement of birds; marking of**
4 **birds.**

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6 (c) When a license has been granted, the licensee
7 becomes the owner of all offspring of the game birds
8 actually produced and remaining thereon. No person shall
9 entice game birds into the licensed premises by baiting,
10 artificial feeding or by any other means. All adult game
11 birds released on the licensed premises shall be marked by
12 identifying leg or wing bands. After three (3) years of
13 continuous operation and licensure for the same location,
14 the licensee shall not be required to mark adult game birds
15 with identifying leg or wing bands. To be qualified as a
16 licensee under this act, each licensee shall release a
17 minimum of one hundred (100) game birds each year on the
18 licensed premises, which number may be a combination of any
19 species of game birds. Failure to release the minimum
20 number of birds is cause for revocation of the license. The
21 commission shall not limit by rule and regulation or policy
22 the number or species of game birds a licensee may raise,

1 possess, confine, transport or dispose of in accordance
2 with the provisions of this chapter.

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4 **23-5-106. Rights of licensee generally.**

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6 The game bird farm license is prima facie evidence in all
7 courts and proceedings of the lawful right of the licensee
8 therein named, his or its successor or assigns, for the
9 term of license, to establish and operate a game bird farm
10 upon the premises, and entitles the licensee therein named
11 or his successors or assigns, to the exclusive right for
12 and during the term to breed, propagate, hunt, kill, and
13 sell the licensed game birds thereon. For game bird species
14 other than greater sage grouse, the licensee shall not
15 shoot or kill over ninety-six percent (96%) of the birds
16 reared or released on his premises. No licensee shall
17 undertake any of the acts specified in this section for
18 greater sage grouse unless the licensee holds a current
19 certification under W.S. 23-5-111, and the acts are taken
20 in accordance with W.S. 23-5-111 and rules adopted pursuant
21 thereto.

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

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

9

10

(END)