

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO. \_\_\_\_\_

**\*\*\*STAFF NOTE: THIS BILL IS INTENDED TO BE PART OF A TWO-YEAR STUDY, TO BE FINALIZED DURING THE 2010 INTERIM. WHILE THE INFORMATION RECEIVED FROM THE AGENCY HAS BEEN PUT INTO LSO FORMAT, THIS BILL HAS SOME MAJOR ISSUES AND QUESTIONS TO BE RESOLVED BEFORE IT IS READY TO BE SPONSORED. FOR EXAMPLE, SOME MAJOR PROVISIONS ARE NOT IN STATUE, BUT ARE LEFT TO BE HANDLED BY RULES, INCLUDING WHO SHOULD BE LICENSED, HOW THE LICENSES AND RENEWALS ARE TO BE HANDLED AND HOW INSPECTIONS AND ENFORCEMENT ARE TO BE HANDLED.**

Pet Animal Care and Facilities Act.

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 Care and Facilities Act; creating the pet animal  
3 care board; providing for the term, duties and compensation  
4 of the board; providing definitions; providing for  
5 licensing; authorizing rulemaking; requiring recordkeeping;  
6 providing for inspections and investigations; creating a  
7 pet animal care and facility account; providing for  
8 enforcement; providing penalties; making conforming

1 amendments; requiring a report; authorizing positions;  
2 providing an appropriation; and providing for an effective  
3 date.

4

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

6

7 **Section 1.** W.S. 11-29-115 through 11-29-124 and  
8 18-2-116 are created to read:

9

10 **11-29-115. Pet animal care board.**

11

12 (a) There is created a pet animal care board which  
13 shall consist of nine (9) persons as follows:

14

15 (i) One (1) representative for animal shelters  
16 or animal control officers;

17

18 (ii) One (1) representative for bird breeders;

19

20 (iii) One (1) representative for dog breeders;

21

22 (iv) One (1) representative for small animal  
23 breeders, other than dog breeders;

1

2           (v) One (1) representative for boarding kennels  
3 or pet groomers;

4

5           (vi) One (1) representative for veterinary  
6 technicians;

7

8           (vii) One (1) representative for pet animal  
9 retailers or wholesalers;

10

11           (viii) One (1) veterinarian licensed pursuant to  
12 W.S. 33-30-203; and

13

14           (ix) One (1) member of the general public who  
15 shall not represent or have a financial interest in any of  
16 the other groups listed in this subsection.

17

18           (b) All members of the board shall be residents of  
19 Wyoming.

20

21           (c) The members shall be appointed by the governor  
22 with the advice and consent of the senate. The members may  
23 be removed by the governor as provided in W.S. 9-1-202.

1

2 (d) In the event of a vacancy on the board prior to  
3 the completion of the member's full term, the governor  
4 shall appoint a qualified person to fill the vacancy in  
5 accordance with W.S. 28-12-101. The new member shall  
6 represent the same group as the member he is replacing,  
7 pursuant to subsection (a) of this section.

8

9 (e) The term of office shall be for three (3) years,  
10 except as provided for initial appointments of the board,  
11 which shall be as follows. The initial appointments of the  
12 animal shelter or animal control representative, the small  
13 animal breeder, the pet animal retailer or wholesaler, the  
14 member from the general public and the representative of  
15 the dog breeders shall expire on July 1, 2011. The initial  
16 appointments of the bird breeder, the representative of  
17 boarding kennels or pet groomers, the representative of  
18 veterinary technicians and the licensed veterinary  
19 representative shall expire on July 1, 2012. A board  
20 member can serve no more than two consecutive terms.

21

1           (f) The members of the board shall be reimbursed for  
2 per diem, mileage and expenses for attending committee  
3 meetings in the same manner and amount as state employees.  
4

5           **11-29-116. Powers and duties of the board; director.**  
6

7           (a) The board and director are authorized to  
8 administer and enforce the provisions of this act and any  
9 rules and regulations adopted pursuant to this act.  
10

11           (b) The board is authorized to adopt all reasonable  
12 rules and regulations for the administration and  
13 enforcement of this act.  
14

15           (c) The board is authorized to determine the amount  
16 of any licensing fee authorized under this act based on the  
17 actual cost of administering and enforcing this act and any  
18 rules and regulations adopted pursuant to this act.  
19

20           (d) The board is authorized to enter into cooperative  
21 agreements with any agency or political subdivision of  
22 Wyoming or with any agency of the United States government

1 for the purpose of carrying out the provisions of this act,  
2 receiving grants-in-aid and securing uniformity of rules.

3

4 (e) The board shall appoint a director for the pet  
5 animal care and facilities program under this act. The  
6 director shall serve at the pleasure of the board and is  
7 responsible to and under the control and supervision of the  
8 board.

9

10 (f) The director shall appoint a deputy director for  
11 the pet animal care and facilities program under this act.  
12 The deputy director shall serve at the pleasure of the  
13 director and is responsible to and under the control and  
14 supervision of the director.

15

16 (g) The board and director are authorized to conduct  
17 hearings required under W.S. 11-29-119 and 11-29-120  
18 pursuant to the Wyoming Administrative Procedure Act and to  
19 use administrative law judges to conduct such hearings when  
20 their use would result in a net saving of costs to the  
21 board.

22

1           (h) The powers and duties vested in the board and the  
2 director by this act may be delegated to qualified  
3 employees of the pet animal care agency.

4

5           (j) The director shall supervise and control the  
6 action of the other employees and prescribe their duties  
7 and tenure of office.

8

9           (k) Unless otherwise specified in this act, the  
10 director may only remove employees in accordance with  
11 personnel rules of the state executive branch.

12

13           **11-29-117. Inspections; investigations; access;**  
14 **subpoena.**

15

16           (a) The director, upon his own motion or upon the  
17 complaint of any person, may make any investigations  
18 necessary to ensure compliance with this act.

19

20           (b) A complaint of record made to the director and  
21 the results of his investigation may, in the discretion of  
22 the director, be closed to public inspection, except to the  
23 person in interest, as defined in W.S. 16-4-201(a)(iii), or

1 as provided by court order, during the investigatory period  
2 and until dismissed or until notice of hearing and charges  
3 are served on a licensee.

4

5 (c) At any reasonable time during regular business  
6 hours, the director shall have free and unimpeded access  
7 upon consent or upon obtaining an administrative search  
8 warrant to:

9

10 (i) Those portions of all buildings, yards, pens  
11 and other areas in which any animals are kept, handled or  
12 transported for the purpose of carrying out any provision  
13 of this act or any rule promulgated pursuant to this act;  
14 and

15

16 (ii) All records required to be kept and he may  
17 make copies of the records for the purpose of carrying out  
18 any provision of this act or any rule promulgated pursuant  
19 to this act.

20

21 (d) After the denial, suspension or revocation of a  
22 license for a pet animal facility, the director shall have  
23 free and unimpeded access to the areas and records that are

1 reasonably necessary to verify that operation of the pet  
2 animal facility has ceased. The director shall have such  
3 access upon consent or upon obtaining a search warrant to  
4 the following areas and records:

5

6 (i) To those portions of all buildings, yards,  
7 pens and other areas in which animals are suspected of  
8 being kept, handled or transported without the appropriate  
9 license; and

10

11 (ii) To all records that are equivalent to those  
12 required to be kept for the purpose of carrying out the  
13 provisions of this act. The director may make copies of  
14 the records for the purpose of carrying out any provision  
15 of this act or any rule promulgated pursuant to this act.

16

17 (e) The director shall have full authority to  
18 administer oaths and take statements, issue subpoenas  
19 requiring the attendance of witnesses before him, and  
20 require the production of all books, memoranda, papers and  
21 other documents, articles, instruments and to compel the  
22 disclosure by witnesses of all facts known to them relative  
23 to the matters under investigation. Upon the failure or

1 refusal of any witness to obey any subpoena, the director  
2 may petition the district court, and upon a proper showing,  
3 the court may enter an order compelling the witness to  
4 appear and testify or produce documentary evidence.  
5 Failure to obey such an order of the court shall be  
6 punishable as a contempt of court.

7

8 **11-29-118. Enforcement.**

9

10 (a) The board, acting through itself or through the  
11 director, or the director acting through the authorities  
12 vested in him, shall enforce the provisions of this act.

13

14 (b) Whenever the director has reasonable cause to  
15 believe a violation of any provision of this act or any  
16 rule promulgated pursuant to this act has occurred and  
17 immediate enforcement is deemed necessary, he may issue a  
18 cease and desist order, which may require any person to  
19 cease violating any provision of this act or any rule  
20 promulgated pursuant to this act. The cease and desist  
21 order shall set forth the provisions alleged to have been  
22 violated, the facts alleged to have constituted the  
23 violation and the requirement that all actions cease

1 immediately. At any time after service of the order to  
2 cease and desist, the person may request a prompt hearing  
3 to determine whether or not the violation has occurred.  
4 The hearing shall be conducted pursuant to the Wyoming  
5 Administrative Procedure Act and shall be determined  
6 promptly.

7

8 (c) In the event that any person fails to comply with  
9 a cease and desist order within twenty-four (24) hours, the  
10 director may bring a suit for a temporary restraining order  
11 and for injunctive relief to prevent any further or  
12 continued violation of this act.

13

14 (d) No stay of a cease and desist order shall be  
15 issued before a hearing thereon involving both parties.

16

17 (e) Whenever the director possesses sufficient  
18 evidence satisfactorily indicating that any person has  
19 engaged in or is about to engage in any act or practice  
20 constituting a violation of any provision of this act or  
21 any rule adopted under this act, the director may apply to  
22 any court of competent jurisdiction to temporarily or  
23 permanently restrain or enjoin the act or practice in

1 question and to enforce compliance with this act or any  
2 rule or order issued under this act. In any such action,  
3 the director shall not be required to plead or prove  
4 irreparable injury or the inadequacy of the remedy at law.  
5 Under no circumstances shall the court require the director  
6 to post a bond.

7

8 **11-29-119. Disciplinary actions; denial of license.**

9

10 (a) The board, acting through the director and  
11 pursuant to the Wyoming Administrative Procedure Act, may  
12 issue letters of admonition or deny, suspend, refuse to  
13 renew, restrict or revoke any license authorized under this  
14 act if the applicant or licensee:

15

16 (i) Has refused or failed to comply with any  
17 provision of this act, any rule adopted under this act, or  
18 any lawful order of the director;

19

20 (ii) Has been convicted of cruelty to animals as  
21 defined in W.S. 6-3-203 or any similar statute of any other  
22 state;

23

1           (iii) Has had an equivalent license denied,  
2 revoked or suspended by any authority;

3

4           (iv) Has refused to provide the director with  
5 reasonable, complete and accurate information regarding the  
6 care of animals when requested by the director; or

7

8           (v) Has falsified any information requested by  
9 the director.

10

11           (b) In any proceeding held under this section, the  
12 director may accept as prima facie evidence of grounds for  
13 disciplinary action any disciplinary action taken against a  
14 licensee from another jurisdiction if the violation which  
15 prompted the disciplinary action in that jurisdiction would  
16 be grounds for disciplinary action under this section.

17

18           (c) No licensee whose license has been revoked may  
19 apply or reapply for a license under this act until two (2)  
20 years from the date of the revocation.

21

22           **11-29-120. Denial of license; animal cruelty**  
23 **conviction.**

1

2 (a) The board, acting through the director and  
3 pursuant to the Wyoming Administrative Procedure Act, may  
4 deny, refuse to renew or revoke any license authorized  
5 under this act if the applicant or licensee has been  
6 convicted of cruelty to animals pursuant to W.S. 6-3-203 or  
7 any similar statute of any other state.

8

9 (b) Notwithstanding subsection (a) of this section,  
10 the director, pursuant to the Wyoming Administrative  
11 Procedure Act, shall deny, refuse to renew or revoke any  
12 license authorized under this act if the applicant or  
13 licensee has been convicted, at any time, of one (1) or  
14 more violations of W.S. 6-3-203, the underlying factual  
15 basis of which has been found by the court to include the  
16 knowing or intentional torture or torment of an animal  
17 which needlessly injures, mutilates or kills an animal.

18

19 **11-29-121. Civil penalties.**

20

21 (a) Any person who violates any provision of this act  
22 or any rule adopted pursuant to this act is subject to a  
23 civil penalty, as determined by the director. The maximum

1 penalty shall not exceed one thousand dollars (\$1,000.00)  
2 per violation.

3

4 (b) No civil penalty may be imposed unless the person  
5 charged is given notice and opportunity for a hearing  
6 pursuant to the Wyoming Administrative Procedure Act.

7

8 (c) If the director is unable to collect the civil  
9 penalty or if any person fails to pay all or a set portion  
10 of the civil penalty as determined by the director, the  
11 director may:

12

13 (i) Bring suit to recover the amount of the  
14 civil penalty plus costs and attorney fees by action in any  
15 court of competent jurisdiction;

16

17 (ii) Refuse to renew any license authorized  
18 under this act that was issued to a person who has not paid  
19 the civil penalty pursuant to subsection (a) of this  
20 section.

21

22 **11-29-122. Criminal penalties.**

23

1 Any person who violates the provisions of W.S.  
2 11-49-111(a)(i), (ii), (iii), (vi) or (xiv) commits a  
3 misdemeanor and shall be punished as provided in W.S.  
4 11-1-103.

5

6 **11-29-123. Pet animal care and facility account;**  
7 **fees.**

8

9 There is created the pet animal care and facility account.  
10 All fees and civil fines collected pursuant to this act  
11 shall be transmitted to the state treasurer who shall  
12 credit them to the pet animal care and facility account.  
13 All monies credited to the account shall be a part of the  
14 account and shall not be transferred or credited to the  
15 general fund or to any other fund except as directed by the  
16 legislature. Notwithstanding any provision to the  
17 contrary, all interest derived from the deposit and  
18 investment of this account shall be credited to the  
19 account. The legislature shall make annual appropriations  
20 from the fund to the committee for direct and indirect  
21 expenses incurred in carrying out the purposes of this act.

22

23 **11-29-124. Report.**

1

2 The board shall submit an annual report to the joint  
3 appropriations interim committee, the joint agriculture,  
4 state and public lands and water resources interim  
5 committee and the governor by September 1 of each year.  
6 The report shall identify the actions taken and monies  
7 expended pursuant to this act.

8

9 **18-2-116. Contracts for pet animal care and**  
10 **facilities.**

11

12 A county may contract for the administration of pet animal  
13 care services as provided in W.S. 11-29-101 through  
14 11-29-124.

15

16 **Section 2.** W.S. 11-1-103, 11-29-101(a) by creating  
17 new paragraphs (iv) through (viii), by renumbering (iv) as  
18 (ix) and by creating a new subsection (b), 11-29-105 and  
19 11-29-106 and 11-29-109 through 11-29-111 are amended to  
20 read:

21

22 **11-1-103. Penalty for violations.**

23

1 A person who violates any of the following sections commits  
2 a misdemeanor punishable by imprisonment for not more than  
3 six (6) months, a fine of not more than seven hundred fifty  
4 dollars (\$750.00), or both for the first offense, or by  
5 imprisonment for not more than one (1) year, a fine of not  
6 more than one thousand five hundred dollars (\$1,500.00), or  
7 both for second or subsequent offenses: W.S. 11-6-210(a) or  
8 (f), 11-18-112, 11-19-101, 11-19-102, 11-19-111, 11-19-401,  
9 11-20-114, 11-20-117, 11-20-229, 11-20-230, 11-21-104,  
10 11-22-118, 11-23-106, 11-23-207, 11-24-106, 11-29-121 and  
11 11-30-114. A person who violates board rules promulgated  
12 pursuant to W.S. 11-18-103(a)(v) shall be subject to the  
13 penalties specified in this section.

14

15 **11-29-101. Definitions, short title.**

16

17 (a) As used in this act:

18

19 (iv) "Director" means the director of the pet  
20 animal care board;

21

22 (v) "Board" means the pet animal care board  
23 created by W.S. 11-29-115;

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(vi) "Licensed veterinarian" means a person who is licensed to practice veterinary medicine in Wyoming pursuant to W.S. 33-30-203;

(vii) "Livestock" means as defined in W.S.11-6-302(a)(vi);

(viii) "Pet animal" means dogs, cats, rabbits, guinea pigs, hamsters, mice, ferrets, birds, fish, reptiles, amphibians, invertebrates or any other species of wild, domestic or hybrid animal sold, transferred or retained for the purpose of being kept as a household pet. "Pet animal" shall not include livestock, as defined in paragraph (vii) of this subsection or an animal that is used for working purposes on a farm or ranch;

~~(iv)~~ (ix) "This act" means W.S. 11-29-101 through ~~11-29-113~~ 11-29-124.

(b) This act shall be known and may be cited as the "Pet Animal Care and Facilities Act".

1           11-29-105. ~~Livestock~~ Pet animal board; certificates  
2 or badges to be provided.

3

4 Officers and agents of the Wyoming ~~livestock~~ pet animal  
5 board shall be provided with a certificate by the board  
6 that they are officers and agents of the board, in such  
7 form as the board may choose, or with a badge bearing the  
8 name or seal of the board, and if requested, shall show the  
9 certificate or badge when acting officially.

10

11           11-29-106. ~~Livestock~~ Pet animal board; authority to  
12 prevent cruelty; penalty for interference with officer.

13

14 Any peace officer, agent or officer of the board 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 officer or agent of the board in the discharge of his duty  
19 shall be fined not less than two hundred dollars (\$200.00)  
20 nor more than one thousand five hundred dollars  
21 (\$1,500.00), or imprisoned not more than one (1) year, or  
22 both.

23 [Staff Note: This section is included only to show the  
24 name change in the title.]

1

2           **11-29-108. ~~Livestock~~Pet animal board; seized animals**  
3 **and vehicles; lien on seized chattels; civil action for**  
4 **unpaid expenses.**

5

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

17 **[Staff Note: This section is included only to show the**  
18 **name change in the title.]**

19

20           **11-29-109. ~~Livestock~~Pet animal board; care of**  
21 **abandoned animals; civil action for expenses; lien.**

22

23 Any peace officer, agent or officer of the board may take  
24 charge of any animal found abandoned, neglected or cruelly

1 treated. He shall give notice to the owner, if known, and  
2 may care and provide for the animal until the owner takes  
3 charge of the animal. The expenses of care and provision is  
4 a charge against the owner of the animal and collectible  
5 from the owner by the board or by the local government  
6 employing the peace officer taking charge of the animal in  
7 a civil action. The board or local government may detain  
8 the animals until the expense for food, shelter and care is  
9 paid and shall have a lien upon the animals therefor.

10 **[Staff Note: This section is included only to show the**  
11 **name change in the title.]**  
12

13 **11-29-110. ~~Livestock~~Pet animal board; enforcement of**  
14 **liens; notice to owner.**

15

16 Any person entitled to a lien under this act may enforce  
17 the lien by selling the animals and other personal property  
18 upon which the lien is given, at public auction, upon  
19 giving written notice to the owner, if he is known, of the  
20 time and place of the sale, at least five (5) days previous  
21 thereto, and by posting three (3) notices of the time and  
22 place of the sale in three (3) public places within the  
23 county at least five (5) days previous thereto. If the

1 owner is not known, the notice shall be posted at least ten  
2 (10) days previous to the sale.

3 **[Staff Note: This section is included only to show the**  
4 **name change in the title.]**  
5

6 11-29-111. ~~Livestock~~ Pet animal board; destruction of  
7 diseased animals.

8

9 Any agent or officer of the board may destroy or cause to  
10 be destroyed any animal in his charge when in his judgment  
11 and by the written certificate of two (2) reputable  
12 citizens called to view the animal in his presence, one (1)  
13 of whom may be selected by the owner of the animal if he so  
14 requests, the animal appears to be injured, disabled,  
15 diseased past recovery or unfit for any useful purpose.

16 **[Staff Note: This section is included only to show the**  
17 **name change in the title.]**  
18

19 **Section 3.** W.S. 11-29-113 is repealed.

20

21 **Section 4.** There is appropriated one million three  
22 hundred eighty thousand dollars (\$1,380,000.00) from the  
23 general fund to the Wyoming pet animal care board. This  
24 appropriation shall be for the period beginning with the  
25 effective date of this act and ending June 30, 2012. There

1 are authorized eleven (11) full-time positions, including a  
2 director, a deputy director, a small animal state  
3 veterinarian, a field small animal veterinarian, an  
4 administrative assistant and six (6) regional pet animal  
5 inspectors. This appropriation shall only be expended for  
6 the purpose of implementing the Pet Animal Care and  
7 Facilities Act, including funding for the new positions and  
8 for expenses of the board. Notwithstanding any other  
9 provision of law, this appropriation shall not be  
10 transferred or expended for any other purpose and any  
11 unexpended, unobligated funds remaining from this  
12 appropriation shall not revert as provided by law but shall  
13 remain in the account created by W.S. 11-29-111. One  
14 million three hundred eighty thousand dollars  
15 (\$1,380,000.00) shall be included in the Wyoming livestock  
16 board's 2013-2014 standard biennial budget request to  
17 continue the Pet Animal Care and Facilities Act.

18

19 **Section 5.** This act is effective July 1, 2010.

20

21 **[Staff Note: To set up a licensing program, there should**  
22 **be a section on licensing, licensing requirements, fees.**  
23 **renewals and enforcement.]**

24

25

(END)