

ENROLLED ACT NO. 49, HOUSE OF REPRESENTATIVES

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2006 BUDGET SESSION

AN ACT relating to agriculture and animals; modifying predator management districts and district boards; adding directors; modifying predator management fees; amending definitions; providing for service fees; providing an appropriation; providing for an additional position; providing for reports; and providing for an effective date.

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

Section 1. W.S. 11-6-107, 11-6-201, 11-6-202, 11-6-203(a)(intro), (i), (ii) and (b), 11-6-204, 11-6-205, 11-6-206, 11-6-207(a), (b) and (d), 11-6-208, 11-6-209, 11-6-210(a), (d), (f), (g)(intro) and (iii) and by creating new subsections (n) and (o), 11-6-302(a)(viii), (xi) and 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

ORIGINAL HOUSE
BILL NO. 0024

ENROLLED ACT NO. 49, HOUSE OF REPRESENTATIVES

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2006 BUDGET SESSION

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.

(b) There is created a state ~~predatory animal~~ predator management advisory board composed of one (1) representative of each ~~predatory animal~~ predator management district. The state ~~predatory animal~~ predator management advisory board representative shall be appointed by the individual ~~predatory animal~~ predator management district boards of directors and so designated in writing.

11-6-202. Administration of districts by district boards; number and qualifications of members; term; filling of vacancies.

(a) The affairs of each district shall be administered by a board of directors, each of whom shall be a bona fide resident of Wyoming. Directors for the positions identified in paragraphs (i) and (ii) of this subsection shall be elected at an annual meeting of district livestock owners. Directors for the positions identified in paragraphs (iv) and (v) of this subsection shall be appointed as described. The composition of the board shall be as follows:

(i) Three (3) directors shall be sheep or goat owners having paid ~~taxes or predatory animal control~~ predator management fees on sheep or goats in the district in the year preceding election. At each subsequent annual district meeting one (1) director shall be elected for a three (3) year term. All sheep or goat owners whether an individual, corporation or partnership, having paid ~~taxes or predatory animal control~~ predator management fees on sheep or goats in the district regardless of the domicile

ORIGINAL HOUSE
BILL NO. 0024

ENROLLED ACT NO. 49, HOUSE OF REPRESENTATIVES

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2006 BUDGET SESSION

of the sheep or goats, are entitled to one (1) vote at the meeting;

(ii) Three (3) directors shall be cattle owners having paid ~~taxes or predatory animal control~~ predator management fees on cattle in the district in the year preceding election. At each subsequent annual district meeting one (1) director shall be elected for a three (3) year term. All cattle owners whether an individual, corporation or partnership, having paid ~~taxes or predatory animal control~~ predator management fees on cattle in the district regardless of the domicile of the cattle, are entitled to one (1) vote at the meeting;

(iii) If a qualified applicant for a director position identified in paragraph (i) or (ii) of this subsection cannot be found or if no qualified applicant seeks election to the board of directors, then the director position may be filled by an otherwise qualified elector, provided no more than four (4) directors may represent any one (1) species of livestock;

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

(v) If the board of directors determines state funds are necessary for an effective predator management program to assure the statutory requirements provided in

ORIGINAL HOUSE
BILL NO. 0024

ENROLLED ACT NO. 49, HOUSE OF REPRESENTATIVES

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2006 BUDGET SESSION

W.S. 11-6-205 are fulfilled and state funds are appropriated and received for that purpose, then three (3) directors representing sportsmen and hunters from the district shall be appointed to the board of directors by the county commissioners serving the local district. Sportsmen and hunter representatives shall be bona fide residents of the district not engaged in raising sheep, goats or cattle and shall hold or have held either a valid Wyoming fishing or hunting license or a Wyoming wildlife damage management stamp within the preceding twelve (12) month period. County commissioners, to the greatest extent practical, shall select sportsmen and hunter representatives to ensure representation from as broad a geographic distribution of the district as possible. The county commissioners shall determine who of the three (3) sportsmen and hunter directors appointed to a board under this paragraph shall serve an initial term of one (1) year, who shall serve an initial term of (2) years and who shall serve a term of three (3) years. Thereafter, each term shall be for three (3) years.

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

11-6-203. Manner of calling annual meeting of predator management districts; when held; election of chairman and secretary.

ORIGINAL HOUSE
BILL NO. 0024

ENROLLED ACT NO. 49, HOUSE OF REPRESENTATIVES

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2006 BUDGET SESSION

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

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

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

(b) When assembled in accordance with the provisions of ~~the notice~~ subsection (a) of this section, the sheep, goat and cattle owners shall elect a chairman and secretary who shall act as judges of the election of directors representing livestock interests of the board.

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

At the annual meeting of the district board, following election of directors pursuant to W.S. 11-6-202(a)(i), (ii) and (iv) and upon appointment of directors pursuant to W.S. 11-6-202(a)(v), if applicable, the directors of ~~predatory animal districts elected at meetings provided by W.S. 11-6-203~~ shall ~~immediately after the adjournment of the meeting~~ organize by choosing from their number a president and vice-president and shall appoint a secretary-treasurer. Subsequent meetings may be called by the president upon

ORIGINAL HOUSE
BILL NO. 0024

ENROLLED ACT NO. 49, HOUSE OF REPRESENTATIVES

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2006 BUDGET SESSION

reasonable notice. A majority of the board constitutes a quorum for the transaction of business at any board meeting. The members of the board shall receive no compensation for serving as members. Each director shall take an oath for the faithful performance of his duties. If the board determines to request an appropriation of funds from the board of county commissioners, it shall, at least thirty (30) days prior to the time for annual levy of general taxes, notify the board of county commissioners of the amount the district board considers necessary for district operations during the following year.

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

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

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

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

(iii) Administer funds received from ~~predatory animal control~~ predator management fees and from other sources to carry out the ~~predatory animal control~~ predator management program; ~~+~~

(iv) Coordinate with affected individuals and entities to develop a comprehensive predator management program for each respective predator management district which addresses livestock, wildlife and public health concerns.

ORIGINAL HOUSE
BILL NO. 0024

ENROLLED ACT NO. 49, HOUSE OF REPRESENTATIVES

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2006 BUDGET SESSION

11-6-206. District boards; powers generally.

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

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

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

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

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

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

ORIGINAL HOUSE
BILL NO. 0024

ENROLLED ACT NO. 49, HOUSE OF REPRESENTATIVES

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2006 BUDGET SESSION

On or before January 1 of each year, the president and secretary-treasurer of each district board and each county treasurer shall make an annual report to their board of county commissioners showing all receipts and disbursement of district funds made by direction of the board during the preceding calendar year. A report of the receipts, expenditures and financial transactions of the district shall be made as provided by W.S. 9-1-507. The director of the state department of audit may call upon any district board or upon any county treasurer for further information relating to any ~~predatory animal~~ predator management district.

11-6-209. Annual meetings of predator management boards.

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

11-6-210. Creation of predator management district fund; predator management fees; donations; appropriation by county commissioners.

(a) At the time of collecting brand inspection fees imposed under W.S. 11-20-401 and 11-20-402, the brand inspector shall collect ~~predatory animal control~~ predator management fees on all sheep, goats and cattle inspected within each ~~predatory animal~~ predator management district. However, predator ~~control~~ management fees shall not be collected on cattle, and ~~sheep~~ and goats shipped into this state for immediate sale or slaughter. The amount of the fee for each ~~predatory animal~~ predator management district shall be established by each ~~predatory animal~~ predator

ORIGINAL HOUSE
BILL NO. 0024

ENROLLED ACT NO. 49, HOUSE OF REPRESENTATIVES

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2006 BUDGET SESSION

management district board in consultation with the state ~~predatory animal~~ predator management advisory board and shall not exceed ~~eighty cents (\$.80)~~ one dollar (\$1.00) per head on sheep, goats and ~~fifty cents (\$.50)~~ per head on cattle. The directors elected pursuant to W.S. 11-6-202(a)(i) and (ii) from each ~~predatory animal~~ predator management district board shall annually determine the ~~predatory animal control~~ predator management fee to be charged and collected in the district ~~based upon a recommendation of the majority of~~ taking into consideration comments solicited from the producers present at the district's annual meeting as provided for in W.S. 11-6-203, who have paid predator management fees within the district during the preceding twelve (12) months and shall inform the livestock board of the fee prior to January 1 each year. The fee shall not be collected on the same livestock more than once in any twelve (12) month period. The livestock board may retain not to exceed ~~three percent (3%)~~ five percent (5%) of the revenues collected for the actual cost of ~~administering the program collecting the predator management fee~~. Remaining revenues collected by the livestock board under this section shall be remitted to the state treasurer for deposit in an account. The state treasurer, on a quarterly basis, shall distribute the revenues to the county treasurer of the county from which the shipment originated unless, at the time of payment of the fees, the livestock owner designates the fees to be distributed in total to another county in this state in which the livestock are fed or pastured. The county treasurer shall deposit revenues distributed under this subsection into a special continuing fund, to be known as the "~~Predatory Animal~~ Predator Management District Fund of County" and to be administered by the ~~predatory animal~~ predator management board of that district.

ORIGINAL HOUSE
BILL NO. 0024

ENROLLED ACT NO. 49, HOUSE OF REPRESENTATIVES

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2006 BUDGET SESSION

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

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

(g) After January 1, 1992 each ~~predatory animal~~ predator management district board shall annually allocate five percent (5%) of all predator management fee collections to be used for refunds, in whole or in part. If a refund is requested the board shall pay the refund

ORIGINAL HOUSE
BILL NO. 0024

ENROLLED ACT NO. 49, HOUSE OF REPRESENTATIVES

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2006 BUDGET SESSION

within one hundred eighty (180) days of application. Refunds under this subsection shall be subject to the following:

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

(n) If a livestock producer requests predator management services from the district board representing the county in which the producer is pasturing or housing livestock, and no predator management fees have been collected from the producer within the previous twelve (12) months, or if the fees have been refunded, the board may charge a service fee to recover reasonable and actual costs of the predator management services provided.

(o) To be eligible to receive state funds, the district shall assess and collect all available fees on livestock in the district.

11-6-302. Definitions.

(a) As used in this article:

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

(xi) "Wildlife" means all wild mammals, birds, fish, amphibians, reptiles, crustaceans and mollusks, and wild bison designated by the Wyoming game and fish commission and the Wyoming livestock board within this state; ~~;~~

ORIGINAL HOUSE
BILL NO. 0024

ENROLLED ACT NO. 49, HOUSE OF REPRESENTATIVES

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2006 BUDGET SESSION

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

11-6-303. Animal damage management board (ADMB) created; composition; appointment; terms; vacancies; compensation.

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

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

(e) Except for the directors of the departments of agriculture and game and fish, the state director for the United States department of agriculture, animal and plant health inspection service, wildlife services (USDA/APHIS/WS), and the president of the state ~~predatory animal~~ predator management advisory board created under W.S. 11-6-201, the remaining members of the board shall hold office for staggered terms of four (4) years. For the remaining members of the initial board, four (4) members shall be appointed for a term of four (4) years, four (4) members shall be appointed for a term of two (2) years. Each appointed member shall be limited to serving on the board for eight (8) consecutive years, however, a member may be reappointed after a four (4) year absence. Each member shall hold office until his successor is appointed

ORIGINAL HOUSE
BILL NO. 0024

ENROLLED ACT NO. 49, HOUSE OF REPRESENTATIVES

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2006 BUDGET SESSION

and has been qualified. As terms of current ADMB members expire, the governor shall appoint each new member or reappointed member to a four (4) year term.

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

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

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

ORIGINAL HOUSE
BILL NO. 0024

ENROLLED ACT NO. 49, HOUSE OF REPRESENTATIVES

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2006 BUDGET SESSION

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

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

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

11-6-311. Exemptions.

The state ~~predatory animal~~ predator management advisory board or the ADMB may exempt persons from payment of the imposed fees when the respective board determines that livestock as defined in this act are permanently confined within pens or corrals within incorporated city limits where animal damage control activity by state or federal agencies is prohibited or severely restricted.

Section 2.

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

(i) Three hundred thousand dollars (\$300,000.00) of the general fund appropriation shall be appropriated to the department of agriculture for the biennium beginning July 1, 2006 to administer the predator management program. There is authorized one (1) additional full-time position

ORIGINAL HOUSE
BILL NO. 0024

ENROLLED ACT NO. 49, HOUSE OF REPRESENTATIVES

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2006 BUDGET SESSION

for the department of agriculture for the purposes of administering the predator management program;

(ii) Five million seven hundred thousand dollars (\$5,700,000.00) shall be distributed by the department of agriculture through the Wyoming animal damage management board to local predator management district boards who may apply for grants to supplement and enhance predator management efforts only after committing revenues from predator management fees and from other sources intended for that purpose. The application criteria for the predator management boards to receive supplemental funds through a competitive granting process shall be established by the Wyoming animal damage management board and promulgated by rule by the animal damage management board. The criteria shall include but not be limited to the cost of full-time and part-time trappers and the cost of fixed wing aircraft and helicopters, for predator management for livestock and wildlife. Prior to receiving any funds, each county predator management board shall submit a budget and a plan of work to the Wyoming animal damage management board. Upon receiving funds, each county predator management board shall submit a report to the Wyoming animal damage management board, identifying the actions taken, the accomplishments and the monies expended, by July 1 of each year;

(iii) The Wyoming department of agriculture shall submit to the joint agriculture, public lands and water resources interim committee by October 1, 2006, a report identifying the actions taken, the accomplishments and the monies expended by each county predator management board and the Wyoming animal damage management board pursuant to this act and shall submit the report by October 1 annually thereafter;

ORIGINAL HOUSE
BILL NO. 0024

ENROLLED ACT NO. 49, HOUSE OF REPRESENTATIVES

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2006 BUDGET SESSION

(iv) A request of three million dollars (\$3,000,000.00) shall be included in the department of agriculture's 2009-2010 biennium standard budget request for purposes of continuing funding of this program.

Section 3. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk