HOUSE BILL NO. HB0099

Animal reimbursement program-amendments.

Sponsored by: Representative(s) Hunt and Sommers and Senator(s) Bebout, Driskill and Moniz

A BILL

for

1 AN ACT relating to agriculture; amending parameters of the animal reimbursement program account; allowing for claims for reimbursement for certain brucellosis containment efforts; requiring rulemaking; conforming provisions; providing an appropriation; and providing for an effective date.

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

10 Section 1. W.S. 11-19-103 by creating a new subsection (k) and 11-19-106(c) and (d) are amended to read:

11 11-19-103. Quarantine of diseased animals generally; treatment, testing and vaccination thereof; effect of
failure to obey order of state veterinarian; appeal; stay of action.

(k) The owner or producer of animals quarantined for brucellosis containment efforts may submit a claim at any time during the quarantine, or within thirty (30) days after release from quarantine, for reimbursement for actual expenses incurred in mitigating or attempting to mitigate the effects of the quarantine. The Wyoming livestock board, in consultation with the state veterinarian, shall promulgate rules for the processing of claims under this section.

11-19-106. Removal of diseased animals; owner's claims.

(c) Prior to the state veterinarian endorsing any payment be made for the ordered disposal of any livestock under this section, W.S. 11-19-214 or 11-19-406, the state veterinarian shall ascertain that sufficient funds are available. The state veterinarian shall utilize available federal funds prior to state funds to pay the owner of the livestock. The indemnity granted under this section shall
be the difference between the fair market value of the livestock and the amount received for the sale, less any amount of reimbursement provided for and paid under federal law and regulation. Fair market value shall be determined by using comparable sales data from state markets at the time of removal or by the use of a qualified independent livestock appraiser as designated by the state veterinarian. If no sale is transacted, but an animal is removed for diagnostic purposes or disposal, the reimbursement provided shall be the fair market value minus any other reimbursement. Unless otherwise reimbursed, the cost of shipping or transportation and commission charges shall be added to the amount provided to the producer for livestock indemnification. It shall be paid to the owner upon his application and presentation of proofs prescribed herein within six (6) months of the date of ordered disposal for which payment is claimed. The claim shall be barred if not presented within the time limited.

(d) Payments shall be made by the state treasurer from funds appropriated to the animal reimbursement program account under W.S. 11-19-118 and as provided by W.S. 11-19-109. The right to indemnity is limited to
animals destroyed by reason of existence or suspected
existence of some epizootic form of infectious or
contagious diseases, generally fatal or incurable.

Section 2. W.S. 11-19-106(g) is amended and
renumbered as 11-19-118 to read:


(a) There is created the animal reimbursement
program account into which shall be deposited revenues as
provided by law. Interest on earnings from funds in the
account shall be credited to the account. Deposits into the
account shall only be expended pursuant to this section,
and the rules and regulations as required by subsection (d)
of this section W.S. 11-19-103, 11-19-106, 11-19-214,
11-19-406 and Wyoming livestock board rules.
Notwithstanding W.S. 9-2-1008 or 9-4-207, unexpended funds
shall not revert.

(b) The state veterinarian shall report the balance
of the account and the claims endorsed and paid each fiscal
year to the joint appropriations interim committee and the
joint agriculture, state and public lands and water resources interim committee.

(c) Before the state veterinarian endorses any payment to be made from this account for the ordered disposal of any livestock under W.S. 11-19-106, 11-19-214 or 11-19-406 or for brucellosis testing and containment efforts pursuant to Wyoming livestock board rules or under W.S. 11-19-103, the state veterinarian shall ascertain that sufficient funds are available in the account. The state veterinarian shall use available federal funds before using state funds to make any payment from this account.

(d) Not more than twenty-five thousand dollars ($25,000.00) shall be paid for any single quarantine effort under W.S. 11-19-103(k). The reimbursement limit under this subsection does not include any indemnity payment for livestock disposal under W.S. 11-19-106, 11-19-214 or 11-19-406. Payments from this account for quarantine efforts shall cease whenever the unexpended, unobligated account balance equals or is less than one hundred thousand dollars ($100,000.00). Payments from this account for quarantine efforts may resume after the unexpended,
unobligated account balance exceeds one hundred thousand dollars ($100,000.00).

(e) The Wyoming livestock board, in consultation with the state veterinarian, shall promulgate rules to carry out the purposes of this section.

Section 3. There is appropriated fifty thousand dollars ($50,000.00) from the general fund to the animal reimbursement program account for purposes consistent with requirements of that account under W.S. 11-19-118. This appropriation shall not be transferred or expended for any other purpose. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, this appropriation shall remain in effect and not lapse or revert at the end of the fiscal period except upon further legislative action.

Section 4. This act is effective July 1, 2020.