



Notice of Intent to Adopt Rules

A copy of the proposed rules may be obtained at <http://rules.wyo.gov>

Revised November 2016

1. General Information

a. Agency/Board Name* Livestock Board		
b. Agency/Board Address 1934 Wyott Drive	c. City Cheyenne	d. Zip Code 82002
e. Name of Agency Liaison Steve True, Director		f. Agency Liaison Telephone Number 307-777-6443
g. Agency Liaison Email Address steve.true@wyo.gov		
h. Date of Public Notice March 13, 2018		i. Comment Period End Date April 28, 2018
j. Public Comment URL or Email Address: wlsb-rules@wyo.gov		
k. Program General Agency, Board or Commission Rules		

* By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.

2. Legislative Enactment

For purposes of this Section 2, "new" only applies to regular rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No. Yes. Please provide the Enrolled Act Numbers and Years Enacted:

3. Rule Type and Information

a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.

Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification.

Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
8	Livestock Board Import Rules	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
9	Brand Inspection/Recording Fees	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
10	Livestock Board Service Fees	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
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		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed

4. Public Comments and Hearing Information

a. A public hearing on the proposed rules has been scheduled. No. Yes. Please complete the boxes below.

Date:	Time:	City:	Location:

b. What is the manner in which interested persons may present their views on the rulemaking action?

By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: <http://wfsb.state.wy.us/>

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: <http://wfsb.state.wy.us>

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Agency Liaison listed in Section 1 above.

5. Federal Law Requirements

a. These rules are created/amended/repealed to comply with federal law or regulatory requirements. No. Yes. Please complete the boxes below.

Applicable Federal Law or Regulation Citation:

Indicate one (1):

The proposed rules meet, but do not exceed, minimum federal requirements.

The proposed rules exceed minimum federal requirements.

Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

6. State Statutory Requirements

a. Indicate one (1):

The proposed rule change *MEETS* minimum substantive statutory requirements.

The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b. Indicate one (1):

The Agency has complied with the requirements of W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:

By contacting the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: <http://wfsb.state.wy.us/>

Not Applicable.

7. Additional APA Provisions

a. Complete all that apply in regards to uniform rules:

These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j).

The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j):

(Provide chapter numbers)

These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j) (see Statement of Principal Reasons).

(Provide chapter numbers)

b. Checklist

The Statement of Principal Reasons is attached to this Notice and, in compliance with *Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.

If applicable: In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Chapter 3, *Types of Rules Filings*, Section 1, Proposed Rules, of the Rules on Rules).

8. Authorization

a. I certify that the foregoing information is correct.

Printed Name of Authorized Individual

Rena Krakow

Title of Authorized Individual

Executive Assistant/Rule Coordinator

Date of Authorization

March 9, 2018

Chapter 8 Livestock Board Import Rules Statement of Reasons

The attached proposed amended rules are authorized by W.S. §11-18-103(a) (v) and §11-32-102.

The Board voted at its February 26, 2018, meeting to amend Section 21 (Requirements for Importation of Swine) of its Chapter 8 rules governing livestock importation due to strong public comments regarding the swine importation requirements. The Chapter 8 rules were revised in 2017 to, among other things, modify the section on swine import requirements to clarify testing requirements for certain diseases due to concerns regarding the risks of swine brucellosis and pseudorabies exposure from feral swine in other states.

Following the rule change, the Board sent reminders to swine exhibitors (4-H, FFA, University of Wyoming Extension) to remind them of the requirement to have imported swine tested for swine brucellosis and pseudorabies. At that time the Board received numerous complaints from Wyoming producers/exhibitors and questions from other states about the need for the test requirements. In response to the feedback, Dr. Logan worked with staff and other state veterinarians to establish a protocol that will protect Wyoming's livestock and utilize a more specific approach based on risk verification on imported swine as opposed to the uniform test requirement from all states in the current rule.

The Board issued emergency rules in order to address the swine importation concerns immediately and before the majority of producers/exhibitors need to import their swine into the State. The Board now proposes to make those emergency rules permanent and will continue to protect the Wyoming livestock industry from incursion of diseases that feral swine in other states carry without unduly burdening our Wyoming swine industry.

CHAPTER 8
LIVESTOCK BOARD IMPORT RULES

Section 1. Authority to create import rules.

(a) Pursuant to the authority vested in the Wyoming Livestock Board by virtue of Wyoming Statute §11-18-103(a)(v) and §11-32-102, the following rules are hereby promulgated.

Section 2. Purpose of import rules.

(a) The purpose of these rules is to protect the health of Wyoming's animals, livestock industry, and the general public by establishing procedures for the import of Animals and Biologic Agents into the State of Wyoming.

Section 3. Severability

(a) If any portion of these rules is found to be invalid or unenforceable, the remainder of the rules shall continue in effect.

Section 4. Definitions used in rules.

(a) For the purposes of implementing these rules, the following definitions exist:

(i) "Accredited Veterinarian" means a veterinarian who is licensed to practice veterinary medicine and is accredited by the USDA/APHIS/VS in the state where he or she practices.

(ii) "Adjacent State Contiguous Property Movement Permit" means a permit issued by the Wyoming Livestock Board, for movement of Animals across the state line waiving certain Animal health import requirements, upon the applicant satisfactorily demonstrating that he or she owns land or has leased land for at least two (2) or more consecutive years that is contiguous with land he or she owns or has leased for two (2) or more consecutive years in an adjacent state.

(iii) "Animal" means any living vertebrate that is not a human being, excluding those animals covered in W.S. 23-3-301(a).

(iv) "Approved Livestock Market" means a livestock market that is licensed by the Board and has in place a signed Livestock Facility Agreement with the USDA.

(v) "Biologic Agent" means any biologic product used for agricultural or veterinary purposes including semen, embryos, and vaccines. This does not include specimens imported to a laboratory for diagnostic purposes.

(vi) "Black-faced Sheep" means any purebred Suffolk, Hampshire, Shropshire; any non-purebred Sheep (haired or woolled) known to have Suffolk, Hampshire, or Shropshire ancestors; and any woolled Sheep of unknown ancestry with a black face.

(vii) "Board" means the Wyoming Livestock Board, state agency 051, 1934 Wyott Drive, Cheyenne, WY 82002-0051, (307) 777-7515, and whose website is <http://wlsb.state.wy.us>.

(viii) "Brucellosis" means any of the species specific disease conditions caused by bacteria in the genus *Brucella*, including *Brucella abortus*, *Brucella canis*, *Brucella mellitensis*, *Brucella ovis*, or *Brucella suis*.

(ix) "Brucellosis Designated Surveillance Area" means an area defined by the Wyoming Livestock Board Chapter 2 Rules as amended by a Board order that identifies the boundaries within which risk of exposure to Brucellosis-infected wildlife has been established.

(x) "Camel Family Species" means a ruminant mammal that includes alpacas, camels, guanacos, llamas and vicunas.

(xi) "Cattle" means any ruminant mammal of the genus *Bos*, including crossbred Cattle/Hybrid Animals and Yaks.

(xii) "Commercial Swine" means swine raised indoors in an integrated production and marketing system.

(xiii) "Commuter Permit" means a written permit that allows for the movement of Bison, Cattle, Sheep, Goats, and Horses used for herd management purposes, between Wyoming and an adjacent state. This permit shall be approved by state Animal health officials in the state of origin and state of destination prior to movement.

(xiv) "Companion Animal" means any dog, cat or ferret.

(xv) "Dairy Cattle" means all Cattle of the dairy breeds, and all Cattle used for milk production and/or born in a dairy herd.

(xvi) "Designated Feedlot" means any feedlot that is designated by the Board to feed with no provision for grazing and properly identify and manage Restricted Livestock in a designated portion of the feedlot, preventing direct contact between restricted and non-restricted livestock.

(xvii) "Direct Movement" means movement of Animals to their final destination without unloading or commingling with other Animals.

(xviii) "Extended Equine Certificate of Veterinary Inspection" means a document issued under the authority of the state veterinarian, in accordance with the guidelines outlined in a Memorandum of Agreement between Wyoming and other states, allowing equine to travel between such states without an ICVI. At a minimum, an examination by an Accredited Veterinarian, a negative Coggins test, Official Identification, and a real-time travel log will be required.

(xix) "Exhibition Purposes" means Animals, other than Rodeo Cattle, that are imported to Wyoming exclusively to attend a Wyoming exhibition without commingling with

other livestock at any premises other than the exhibition, and leaving Wyoming without change of ownership within 14 days of entry to Wyoming.

(xx) "Farm or Ranch of Origin" means the farm or ranch where the Animal resided immediately prior to entering Wyoming.

(xxi) "Feral Animal" means a domestic Animal, that is not under the control of nor cared for by a person and which has returned to a wild or semi-wild state. A feral animal may or may not be owned by a person.

(xxii) "Flock" means all Goats and/or Sheep maintained together on a single Premise or maintained together under common ownership on two or more Premises with interchange between the Premises. Goats or Sheep maintained temporarily on a Premise for activities such as shows and sales or while in marketing channels are not a Flock. More than one Flock may be maintained on a single Premises provided commingling as defined in the USDA APHIS Scrapie Uniform Method and Rules does not occur.

(xxiii) "Horses" means any herbivorous mammal of the genus *Equus*, including donkeys, horses, mules, and zebras.

(xxiv) "Immediate Slaughter" means the Direct Movement to and slaughter of an Animal within three (3) working days at a Recognized Slaughter Establishment.

(xxv) "Import Permit" means a number correlated with the ICVI and issued by the Board within ten (10) days prior to any Animal requiring such a permit being imported. Information on obtaining permits can be found at the WLSB web page: <http://wlsb.state.wy.us> or by calling (307) 777-7515.

(xxvi) "Interstate Certificate of Veterinary Inspection (ICVI)" means a uniquely numbered official document for the purpose of recording and reporting an Animal's origin, destination, health status and official identification(s).

(xxvii) "Lifetime Brand Inspection" means a document created by a state recognized recording authority and issued as a permanent or lifetime inspection to the owner of Horses in the state or area under its authority.

(xxviii) "Mexican-Origin Cattle" means any Cattle that have ever resided in Mexico.

(xxix) "National Poultry Improvement Plan Form VS 9-3" means a form used to document interstate sales and movement of Hatching Eggs, Poultry and flightless birds.

(xxx) "Official Brucellosis Vaccinate " means a female Bison or Cattle that has been inoculated with RB51 vaccine by a state or federal veterinarian or an Accredited Veterinarian according to label directions and the USDA APHIS Brucellosis Uniform Methods and Rules. Verification of official vaccination status requires evidence of the vaccination shield or presence of an approved USDA/APHIS/VS vaccination tag or device.

(xxxix) "Official Individual Identification" means any form of identification approved by USDA/APHIS/VS as per the Animal Disease Traceability Rule. Specific approved types of Official ID can be found on the Wyoming Livestock Board's website.

(xl) "Port of Entry" means a facility operated and staffed by personnel from the Wyoming Highway Department where commercial Animal carriers must stop and provide necessary documentation regarding the health status of the Animals being imported.

(xli) "Poultry" means fowl Animals commonly referred to as chickens, ducks, geese, guineas, peacocks, pigeons and turkeys.

(xlii) "Premises" means an identifiable physical location that represents a unique and describable geographic location where Animals are kept.

(xliii) "Quarantine" means an official document, issued by the Wyoming State Veterinarian or authorized representative, that restricts the movement of specified Animals and prohibits their being commingled, slaughtered, turned loose, removed, or permitted to escape, and sets forth requirements regarding their testing or qualification for import and Quarantine release. The Animal owner or owner's agent is responsible for all liability and expenses associated with Quarantine requirements.

(xliv) "Recognized Slaughter Establishment" means any slaughter establishment operating under the provisions of the Federal Meat Inspection Act, (21U.S.C. 601-695 as amended), or the Wyoming Food Safety Rule found at Chapter 1 Purpose, Variances, Definitions, Demonstration of Knowledge, and Health Status as promulgated and amended by the Wyoming Department of Agriculture. These documents are available to the public at the office of the Board or online at <http://wyagric.state.wy.us/divisions/chs/meat-a-poultry-program>.

(xlv) "Rodeo Cattle" means all Cattle previously used for, or currently used for recreational purposes, such as rodeo events, roping events, cattle cutting events, cattle penning events, gymkhanas, and steer wrestling events. This includes any Cattle that have commingled with Rodeo Cattle.

(xlvi) "Scrapie Live Animal Test" means an ante-mortem test for Scrapie approved by USDA/APHIS and the Wyoming State Veterinarian.

(xlvii) "Secure Food Supply Plan" means a plan endorsed by USDA and the Center for Food Security and the Public Health designed to provide business continuity for a specific commodity in the face of a foreign animal disease outbreak.

(xlviii) "Shipping Number" means the Accredited Veterinarian's six-digit National Veterinary Accreditation number used outside Board business hours, if website permits are not available, in lieu of an Import Permit. When used, the Accredited Veterinarian obtain an actual permit number from the Board on the next regular business day.

(xlix) "Show Lamb Fungus," also known as ring worm, means a contagious skin disease of Sheep caused by a species of fungi that invades the skin and creates lesions.

(xlii) "Trichomoniasis Test Eligible Bull" means any non-virgin, sexually intact male Cattle or any bull over eighteen (18) months of age.

(xliii) "Tuberculosis" means a chronic, progressive disease caused by a bacteria, *Mycobacterium bovis* in Cattle and other species, including humans.

(xliv) "USDA/APHIS/VS" means the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services.

(xlv) "USDA/APHIS/VS/AD" means the USDA/APHIS/VS Assistant Director.

(xlvi) "VS Form 1-27" means an official restricted movement document form created and supplied by the USDA/APHIS/VS and issued by a state or federal representative or by an Accredited Veterinarian.

(xlvii) "Wildlife" means all wild mammals, birds, fish, amphibians, reptiles, crustaceans, and mollusks.

(xlviii) "Wyoming Game and Fish Commission" means state agency 040, whose address is 5400 Bishop Boulevard, Cheyenne, WY 82006, (307) 777-4600.

(xlix) "Wyoming State Veterinarian" means a Wyoming Accredited and licensed Veterinarian employed by the Board who serves as the State Veterinarian for the State of Wyoming as outlined in W.S. 11-19-101.

Section 5. Penalty for a violation of rules.

(a) Penalties for a violation of these rules shall be pursuant to law.

Section 6. Adoption of Federal Regulations.

(a) The following Sub-chapters of Title 9, Chapter 1 (Animal and Plant Health Inspection Service, Department of Agriculture) of the United States Code of Federal Regulations are hereby incorporated by reference as a part of these rules, so long as the procedures are not inconsistent with the rules, regulations and laws of the State of Wyoming: Sub-chapter B (Cooperative Control and Eradication of Livestock or Poultry Diseases) (including all its parts and subparts); Sub-chapter C (Interstate Transportation of Animals (Including Poultry) and Animal Products) (including all its parts and subparts); Sub-chapter D (Exportation and Importation of Animals (Including Poultry) and Animal Products) (including all its parts and subparts); Sub-chapter E (Viruses, Serums, Toxins, and Analogous Products; Organisms and Vectors) (including all its parts and subparts); Sub-chapter G (Livestock Improvement) (including all its parts and subparts). The Board has determined that incorporation of the full text in these rules would be cumbersome and inefficient given the length and nature of the rules. The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond January 1, 2017. Copies of the Code of Federal Regulations are available to the public at the office of the Board, and online at www.ecfr.gov.

Section 7. General import requirements.

(a) All Animals imported into Wyoming shall be accompanied by a paper or digital Interstate Certificate of Veterinary Inspection, and an Import Permit or Shipping Number when required, issued in compliance with these Rules and all applicable state and federal Animal health regulations, except:

(i) Animals consigned for Direct Movement from a Farm or Ranch of Origin within the United States to an Approved Livestock Market, or to a Recognized Slaughter Establishment for Immediate Slaughter.

(ii) Animals imported directly to a Wyoming licensed veterinarian for treatment, diagnosis, or testing, and then returning directly to the farm or ranch of origin are not required to have an ICVI. Return to farm or ranch of origin requires a Wyoming brand inspection and compliance with the destination state's import requirements. Wyoming veterinarians receiving such animals shall notify the Board and/or maintain records of all such activities as required by the Wyoming State Veterinarian.

(iii) Animals returning to Wyoming on a Commuter Permit or an Adjacent State Contiguous Property Movement Permit as detailed in Sections 21 and 22 of this rule.

(iv) Horses moving on a valid Extended Equine Certificate of Veterinary Inspection in compliance with the requirements.

(b) All commercial Animal carriers importing Animals are required to stop at the first Port of Entry encountered in Wyoming.

(c) Any person importing, causing to be imported, or directing to be imported any Animal into Wyoming shall comply with these Rules and all applicable federal Animal health regulations.

Section 8. Interstate Certificates of Veterinary Inspections (ICVI) & Permits.

(a) ICVIs shall only be valid if properly issued by an Accredited Veterinarian or USDA/APHIS/VS veterinarian.

(b) ICVIs shall only be issued after a visual examination of all Animals intended for importation into Wyoming has been completed and all other requirements for identification, testing, treatment, vaccinations, and declarations are met.

(c) ICVIs are valid for thirty (30) days following proper examination of the Animal(s), unless otherwise specified by these Rules or by order of the Wyoming State Veterinarian.

(d) ICVIs shall be forwarded to the Board by the Animal health official of the state of origin or the issuing Accredited Veterinarian so as to be received within fourteen (14) days of issuance.

(e) Each ICVI shall contain the following information:

(i) Import Permit number and/or Shipping Number shall be recorded on the ICVI for those species for which it is required;

(ii) Name, complete mailing address, phone number, and physical address of the consignor and the physical address of the origin of the Animal(s) if different from that of the consignor's;

(iii) Name, complete mailing address, phone number, and physical address of the consignee, and the physical address of the Animals' Wyoming destination if different from that of the consignee's;

(iv) Printed name and signature, complete mailing address, phone number, and National Accreditation Number of the issuing Accredited Veterinarian;

(v) Number of Animals covered by the ICVI and Permit;

(vi) Species of Animal(s);

(vii) Age of Animal(s);

(viii) Gender of Animal(s);

(ix) Purpose for which the Animals are being moved;

(x) Verification that the Animal(s) being moved is/are in good health and free of disease, including any required statements;

(xi) Date of required testing, the specific test, the specific test result, and the herd/flock certification number, if applicable;

(xii) Date and name of each required vaccination, if applicable;

(xiii) List of Official Individual Identification device or other approved individual identification of each Animal as required; or the statement "All animals in this shipment are officially individually identified," when regulations allow.

(f) State of origin tags and country of origin tags (for foreign imports) must be in all animals required to be identified unless an exception is provided in these Rules, and these tags shall not be removed following importation. Unless approved by the Wyoming State Veterinarian, all Official Individual Identification numbers must be recorded on the ICVI.

(i) Brand certificate numbers, when required; and

(ii) United States Department of Agriculture license numbers for Animals used in circuses, carnivals and petting zoos.

Section 9 Duties of Animal owners, owner’s agents, and commercial Animal carriers.

(a) Any person, including but not limited to Animal owners, owner’s agents, consignors, consignees, and transporters, shall:

(i) Not import any Animal into Wyoming except in compliance with these Rules and all other applicable federal Animal health and transportation regulations;

(ii) Not import any Animal into Wyoming unless each vehicle transporting Animals has immediate possession of all required documents related to the Animals being transported; and

(iii) Not divert any Animal imported into Wyoming from the Wyoming destination stated on the ICVI without the prior written permission of the Wyoming State Veterinarian.

(iv) Not import any Animal into Wyoming unless all such conveyances used in the transportation of Animals are maintained in a clean and sanitary condition, including disinfection as may be required, and in compliance with state and federal Animal health and transportation regulations; and

(b) In addition, the owners and operators of commercial Animal carriers importing Animals into Wyoming shall:

(i) Stop at the first Port of Entry encountered in Wyoming.

Section 10. Interstate shipments with a VS Form 1-27.

(a) Interstate Animal shipments, under specified restriction by the USDA/APHIS/VS may be transported into or through Wyoming if accompanied by a VS Form 1-27 with prior written approval from the Wyoming State Veterinarian.

Section 11. Animals that may not be imported into Wyoming.

(a) No Animal may be imported into Wyoming that is affected with, or has recently been exposed to any infectious, contagious, or communicable disease or that originates from an area under Quarantine.

(b) No Feral Animal may be imported into Wyoming, except:

(i) Feral Horses within the APHIS/BLM Wild Horse and Burro Partnership may be imported in compliance with these Rules and other requirements at the discretion of the Wyoming State Veterinarian.

(c) Wildlife may only be imported into Wyoming with prior authorization from the Wyoming Game and Fish Commission.

Section 12. Quarantine, movement and release of imported Animals.

(a) Animals entering Wyoming in violation of these Rules shall be held in Quarantine at the owner's or owner's agent's liability and expense and shall be subject to all inspection, test, treatment, and vaccination requirements at owners expense as outlined in the quarantine release requirements.

(b) Movement of Quarantined Animals shall only be allowed pursuant to a VS Form 1-27, approved by the Wyoming State Veterinarian prior to movement.

Section 13. Requirements for the importation and use of Biologic Agents.

(a) Only USDA/APHIS/VS licensed or approved veterinary Biologic Agents or products may be imported into Wyoming.

(b) Written approval from the Wyoming State Veterinarian shall be obtained prior to importation of:

(i) Any virulent Biologic Agents;

(ii) Biologic Agents not licensed or federally approved.

(iii) Any Biologic Agent that originates from a Quarantine area or an area suspected of harboring disease.

Section 14. Requirements for the importation of Bison and Cattle.

(a) An ICVI and an Import Permit are required on all Bison and Cattle entering Wyoming, unless excepted in Section 7(a)(i), (ii) or (iii).

(b) Identification requirements:

(i) All sexually intact Bison and Cattle twelve (12) months of age and older shall each have Official Individual Identification.

(ii) All sexually intact females, regardless of age, entering the Brucellosis Designated Surveillance Area are required to be identified with Official Individual Identification prior to arriving.

(iii) Bison and Cattle imported from Canada be identified in accordance with USDA requirements.

(iv) Bison and Cattle from Mexico shall be identified in accordance with USDA requirements.

(v) All Bison and Cattle originating from any foreign country whether imported directly or indirectly, shall be individually identified with a country of origin official tag which may not be removed during the life of the animal.

(vi) Any female Bison or Cattle spayed prior to entry shall be identified with a spay tag recognized by the Animal health official in the state of origin.

(vii) Cattle not already identified with state of origin official identification and imported to an approved tagging site, may be permitted under the condition that, immediately upon arrival at such approved tagging site, they shall be officially identified.

(c) Brucellosis vaccination, test and identification requirements

(i) All sexually intact female Bison and Cattle imported into the Brucellosis Designated Surveillance Area shall be Official Vaccinates prior to importation, unless they are less than four (4) months of age and accompanying their mothers.

(ii) Unvaccinated Bison and Cattle less than twelve (12) months of age imported for breeding purposes may be imported into Wyoming outside of the Brucellosis Designated Surveillance Area under Quarantine. They must become Official Brucellosis Vaccinates prior to reaching 365 days of age.

(iii) Unvaccinated female Bison and Cattle greater than twelve (12) months of age may be imported into Wyoming outside of the Designated Surveillance Area to a Designated Feedlot as Restricted Livestock under the conditions of the feedlot agreement.

(iv) If originating from a single source not assembled within the previous 90 days, unvaccinated female Bison and Cattle greater than twelve (12) months of age may be imported into Wyoming to a ranch or Premises under Quarantine to become Official Vaccinates within thirty (30) days of importation or after calving if they are pregnant at the time of importation. Issuance of an entry permit is contingent upon the importer signing an adult vaccination application with the Wyoming State Veterinarian.

(v) Bison or Cattle from any country, state, region, area, or zone which is not Brucellosis Free, or where current Brucellosis quarantines for livestock are in effect, or where there is an infected wildlife reservoir present, shall meet all pre- and post-entry test requirements, quarantines and restrictions required by the Wyoming State Veterinarian.

(d) Trichomoniasis requirements for Cattle, excluding yaks:

(i) Trichomoniasis Test Eligible Bulls being imported into Wyoming for breeding purposes shall have a negative PCR (*Polymerase Chain Reaction*) test, conducted at an American Association of Veterinary Laboratory Diagnosticians or International Organization for Standardization or equivalent accrediting organization-approved laboratory, within sixty (60) days prior to entry with no female exposure 14 days prior to test and from the time of test until import.

(ii) Female Cattle over twelve (12) months of age intended for breeding purposes shall not be imported from a herd under Quarantine for Trichomoniasis or known to be affected with Trichomoniasis.

(iii) Trichomoniasis Test Eligible Bulls being returned to Wyoming from

another state by a producer pursuant to a Commuter Permit or Adjacent State Contiguous Property Movement Permit, from property owned or controlled by the importer, or Trichomoniasis Test Eligible Bulls returning from an artificial insemination collection facility where no female exposure has occurred do not need to be tested for Trichomoniasis provided the Cattle are returning to their Wyoming ranch of origin. Bulls exposed to any female cattle other than those on the permit will require a negative test prior to their next turn out with female cattle.

(e) Tuberculosis requirements:

(i) No Tuberculosis test is required, unless otherwise directed by the Wyoming State Veterinarian, for:

(A) Bison and Cattle imported under Direct Movement Direct to Slaughter; or

(B) Bison or Cattle from an Accredited-free herd.

(ii) The following shall have one negative Tuberculosis test performed within sixty (60) days prior to importation:

(A) Bison and Cattle from any state or zone within the United States which is not Accredited-free or Modified Accredited Advanced; or

(B) Bison and Cattle from any foreign nation recognized by USDA/APHIS/VS as Modified Accredited Advanced; or

(C) Sexually intact Dairy Cattle, six (6) months of age and over.

(iii) Bison or Cattle, including Rodeo Cattle, originating from a foreign nation or an area within a foreign nation recognized by USDA/APHIS/VS as history of two (2) negative Tuberculosis tests performed within the previous nine (9) months. The second of these tests must be within ninety (90) days prior to importation. The Wyoming State Veterinarian has the discretion to allow such cattle to be imported under Quarantine and subjected to the second test. A complete history of prior Tuberculosis testing, including the date, location, and testing veterinarian's name, must be provided on the ICVI. These Animals are required to have a country of origin official tag which must not be removed for the life of the Animal.

(A) If the second negative test was performed outside of Wyoming in an Accredited-free area or state in the United States, and the date, location, and testing veterinarian's name is provided on the ICVI with a copy of the Tuberculosis test chart for review by the State Veterinarian, then no further testing may be required at the discretion of the Wyoming State Veterinarian.

(iv) All U.S.-origin Rodeo Cattle shall have a negative Tuberculosis test within twelve (12) months prior to importation, in addition to other applicable Tuberculosis testing requirements. Rodeo Cattle less than two months of age with Official Individual Identification entering Wyoming for Recreational Purposes and then leaving Wyoming directly from the event may have testing requirements waived or modified with the prior written approval of the

Wyoming State Veterinarian.

(v) The importation of and test requirements for Bison or Cattle originating from any area with an existing or suspected wildlife reservoir of Tuberculosis or from any area with endemic infection in livestock, regardless of country, state, or zone classification, shall be at the discretion of the Wyoming State Veterinarian.

Section 15. Requirements for the importation of Camel Family Species.

(a) An ICVI is required on all Camel Family Species entering Wyoming.

(b) Identification requirements:

(i) A state of origin tag, a USDA brite tag, a micro-chip number approved by USDA APHIS and recorded on the ICVI is required on all imported Camel Family Species.

(ii) Animals subject to Brucellosis or Tuberculosis testing shall have USDA Official Identification.

(iii) Camel Family Species imported for Exhibition Purposes may enter with name and a clear description of the animal(s) imported as accepted identification.

(c) Tuberculosis requirements:

(i) Camel Family Species Animals of U.S. origin from an Accredited-free or Modified accredited advanced state are not required to be Tuberculosis tested.

(ii) Camel Family Species Animals from any state or zone within the United States which is not Accredited-free or Modified accredited advanced shall have a negative Tuberculosis test conducted in the axillary region within sixty (60) days prior to importation.

(iii) Camel Family Species Animals originating from a foreign nation not recognized by USDA/APHIS/VS as accredited Tuberculosis free shall be tested negative for Tuberculosis in the axillary region within sixty (60) days prior to importation and shall be held under Quarantine pending the results of a post importation Tuberculosis test conducted in the axillary region sixty (60) to ninety (90) days following the negative pre importation Tuberculosis test.

(d) Brucellosis requirements:

(i) Negative Brucellosis test required within sixty (60) days prior to importation from any state or area with less than Brucellosis Class Free status.

Section 16. Requirements for Companion Animals

(a) All Companion Animals three (3) months of age and older shall be accompanied with an ICVI and a current rabies vaccination certificate issued by a licensed veterinarian.

Section 17. Requirements for the importation of Flightless Birds, including Ostriches and Emus.

- (a) An ICVI is required on all flightless birds entering Wyoming.
- (b) Flightless birds being imported shall have a negative test result for the following diseases within thirty (30) days prior to entry unless they are from an NPIP clean flock for the respective disease(s):
 - (i) Avian Influenza;
 - (ii) Pullorum-Typhoid.

Section 18. Requirements for the importation of Horses.

- (a) An ICVI is required on all Horses entering Wyoming, unless excepted in Section 7(a)(i), (ii), (iii) or (iv).
- (b) A negative Equine Infectious Anemia test performed within twelve (12) months prior to importation is required, except for foals six (6) months of age and less, accompanying and not yet weaned from their birth mothers.
- (c) Horses moving pursuant to a Commuter Permit or an Adjacent State Contiguous Property Movement Permit are not required to be tested for Equine Infectious Anemia.

Section 19. Requirements for the importation of Poultry and Hatching Eggs.

- (a) An ICVI or a National Poultry Improvement Plan Form VS 9-3 is required on all Poultry and Hatching Eggs entering Wyoming.
- (b) Poultry imported for resale or commercial egg or meat production shall have a negative test result for the following diseases within thirty (30) days prior to import unless from an NPIP clean flock for the respective disease(s):
 - (i) Pullorum – Typhoid;
 - (ii) Avian Influenza;
 - (iii) *Mycoplasma gallisepticum*;
 - (iv) *Mycoplasma synoviae*; and
 - (v) *Salmonella enteritidis*.
- (c) No poultry or Hatching Egg shall be imported into Wyoming that originates from a Quarantine area or control zone suspected of harboring poultry disease unless permitted by the Wyoming State Veterinarian under a “Secure Food Supply Plan.”
- (d) A copy of the ICVI shall be attached to each container in which the poultry are

being shipped. Each container of Poultry or Hatching Eggs imported into Wyoming shall be labeled with the following information:

- (i) The name and address of the shipper;
- (ii) The number of Poultry or Hatching Eggs in the container;
- (iii) The breed of the Poultry or Hatching Eggs in the container;
- (iv) The sex of the Poultry in the container;
- (v) The age and hatch date of the Poultry in the container;
- (vi) The name of the hatchery or person producing the Poultry or Hatching Eggs in the container.

Section 20. Requirements for the importation of Sheep and Goats.

(a) An ICVI and an Import Permit are required on all Sheep and Goats entering Wyoming unless excepted in Section 7(a)(i), (ii) or (iii). The certificate shall include the statement, "All animals in this shipment are free from Foot Rot and Ring Worm (Club Lamb Fungus) and originate from a flock/herd that has not had Scrapie in the past five years."

(b) All Sheep and Goats imported for breeding or exhibition regardless of age and all Sheep and Goats over eighteen (18) months of age shall be identified as per USDA APHIS Scrapie requirements.

(c) *Brucella melitensis* requirements:

(i) Sheep or Goats exposed to a known or suspected *Brucella melitensis* positive Animal or Premise are prohibited from importation into Wyoming.

(ii) Sheep or Goats originating from a nation that is not free of *Brucella melitensis* shall be tested negative for *Brucella melitensis* within thirty (30) days prior to importation.

(d) *Brucella ovis* requirements for Sheep:

(i) Sexually intact male Sheep, six (6) months of age and older, shall test negative for *Brucella ovis* using the enzyme linked immunoassay or other test approved by the Wyoming State Veterinarian within thirty (30) days prior to importation, except those imported from a state certified *Brucella ovis* free Flock. The certified flock number must be recorded on the ICVI.

(e) Scrapie requirements:

(i) Sexually intact Sheep or Goats exposed to any known or suspected Scrapie positive Animal or Premise are prohibited from importation into Wyoming, except:

(A) Sheep and Goats enrolled in a Scrapie Post Exposure Management and Monitoring Plan approved by APHIS, the state veterinarian from the state of origin, and the Wyoming State Veterinarian, may be imported with the prior written approval of the Wyoming State Veterinarian.

(ii) All sexually intact Black-faced Sheep as defined in this rule imported for reproductive purposes shall be tested “RR” or “QR” by an approved genetic susceptibility test for Scrapie prior to importation, except:

(A) Sheep originating from an Export Certified Flock as defined in the Scrapie UM&R may have this testing requirement waived or modified with the prior written approval of the Wyoming State Veterinarian;

(B) Sheep fourteen (14) months of age or older, susceptible to Scrapie on the genetics test (QQ) may be imported, if they are found negative to a Scrapie Live Animal Test prior to importation;

(C) Sheep less than fourteen (14) months of age, susceptible to Scrapie on the genetics test (QQ) may be imported under Quarantine to be tested with a Scrapie Live Animal Test immediately upon reaching fourteen (14) months of age.

(f) Show Lamb Fungus requirements for Sheep:

(i) All Sheep imported as show market Sheep (club lambs) shall be examined prior to importation and found free of Show Lamb Fungus.

Section 21. Requirements for the importation of Swine.

(a) An ICVI and an Import Permit are required on all Swine entering Wyoming, unless excepted in Section 7(a)(i), (ii) or (iii).

(b) All Swine shall have an Official Individual Identification tag number listed on the ICVI.

(i) Exhibition swine less than four (4) months of age may be imported to be identified on arrival with a Wyoming State Fair tag. The statement, “Exhibition Swine to be identified on arrival,” shall be written on the ICVI. Tag numbers must be written on the ICVI by the receiver and a copy sent to the Board within seven (7) days of the tags being applied.

(ii) Commercial Swine may be imported to integrated commercial premises with USDA approved group identification.

(c) No Swine shall be imported which has been fed human garbage unless processed or treated pursuant to W.S. 11-27-106.

(d) Brucellosis test requirements:

(i) Non-commercial swine shall test negative for Brucellosis within thirty (30) days prior to importation, except for the following:

(A) Swine from a validated Brucellosis free herd

(B) Swine from a validated Brucellosis free state or area, and from which the state veterinarian of the state of origin has verified that swine from the area where they originate are of negligible risk of exposure to feral swine and infection with swine Brucellosis.

(C) Swine moving directly to a Wyoming approved slaughter establishment to be killed within three (3) days of arrival.

(ii) Swine from a state or area with lower status than validated Brucellosis free shall test negative for Brucellosis within thirty (30) days prior to importation and then may be placed under Quarantine and subjected to a second test performed sixty (60) to ninety (90) days after the pre-import test.

(e) Pseudorabies requirements:

(i) No Pseudorabies vaccinated Swine, or Swine from a Pseudorabies vaccinated herd, shall be imported into Wyoming without prior written approval of the Wyoming State Veterinarian.

(ii) Non-commercial swine from a Pseudorabies Stage IV or V state or area shall have a negative Pseudorabies test within thirty (30) days prior to importation unless the state veterinarian of the state of origin has verified that swine from the area where they originate are of negligible risk of exposure to feral swine and infection with Pseudorabies virus.

(iii) The following have no Pseudorabies test requirement:

(A) Swine from a qualified Pseudorabies negative herd in a Pseudorabies stage III, IV, or V state or area.

(B) Swine moving directly to a Wyoming approved slaughter establishment to be killed within three (3) days of arrival.

(iv) Swine from a state or area with less than a Pseudorabies Stage IV status shall test negative for Pseudorabies within thirty (30) days prior to importation and then may be imported under Quarantine and subjected to a second test performed thirty (30) to sixty (60) days post importation.

Section 22. Commuter Permits

(a) Commuter Permits may be issued for one (1) year upon making application to the Board and when approved by the Wyoming State Veterinarian and the state veterinarian of the origin state.

(b) The producer applying for a Commuter Permit shall own or control property in Wyoming and a state adjacent to Wyoming.

(c) Any Cattle moving on a Commuter Permit shall be branded and identified with Official Individual Identification.

(d) Animals that move on a Commuter Permit shall originate from an established breeding herd and shall not have been assembled from three (3) or more herds within the past six (6) months.

(e) All mature female Bison and/or Cattle moving under a Commuter Permit shall be Official Brucellosis Vaccinates.

(f) Animals from an adjoining state moving under a Commuter Permit shall enter Wyoming with an ICVI and a copy of the Commuter Permit.

(g) Wyoming origin Animals returning to Wyoming under a Commuter Permit may enter without an ICVI provided the original ICVI for movement to the adjacent state and a copy of the Commuter Permit accompany the return shipment.

(h) Animals moving from Wyoming on a Commuter Permit shall meet the adjacent state's import and export requirements.

(i) The Wyoming State Veterinarian may revoke a Commuter Permit at any time for disease control or non-compliance with the terms of the Permit.

(j) Commuter Permits do not waive any brand inspection requirements.

Section 23. Adjacent State Contiguous Property Movement Permits

(a) In areas where the state line divides a contiguous property, Animals may move into Wyoming from an adjacent state without an ICVI provided the owner has made application to the Board and has been issued an Adjacent State Contiguous Property Movement Permit and the state veterinarian in the adjacent state has also signed the permit.

CHAPTER 8
LIVESTOCK BOARD IMPORT RULES

Section 1. Authority to create import rules.

(a) Pursuant to the authority vested in the Wyoming Livestock Board by virtue of Wyoming Statute §11-18-103(a)(v) and §11-32-102, the following rules are hereby promulgated.

Section 2. Purpose of import rules.

(a) The purpose of these rules is to protect the health of Wyoming's animals, livestock industry, and the general public by establishing procedures for the import of Animals and Biologic Agents into the State of Wyoming.

Section 3. Severability

(a) If any portion of these rules is found to be invalid or unenforceable, the remainder of the rules shall continue in effect.

Section 4. Definitions used in rules.

(a) For the purposes of implementing these rules, the following definitions exist:

(i) "Accredited Veterinarian" means a veterinarian who is licensed to practice veterinary medicine and is accredited by the USDA/APHIS/VS in the state where he or she practices.

(ii) "Adjacent State Contiguous Property Movement Permit" means a permit issued by the Wyoming Livestock Board, for movement of Animals across the state line waiving certain Animal health import requirements, upon the applicant satisfactorily demonstrating that he or she owns land or has leased land for at least two (2) or more consecutive years that is contiguous with land he or she owns or has leased for two (2) or more consecutive years in an adjacent state.

(iii) "Animal" means any living vertebrate that is not a human being, excluding those animals covered in W.S. 23-3-301(a).

(iv) "Approved Livestock Market" means a livestock market that is licensed by the Board and has in place a signed Livestock Facility Agreement with the USDA.

(v) "Biologic Agent" means any biologic product used for agricultural or veterinary purposes including semen, embryos, and vaccines. This does not include specimens imported to a laboratory for diagnostic purposes.

(vi) "Black-faced Sheep" means any purebred Suffolk, Hampshire, Shropshire; any non-purebred Sheep (haired or woolled) known to have Suffolk, Hampshire, or Shropshire ancestors; and any woolled Sheep of unknown ancestry with a black face.

(vii) "Board" means the Wyoming Livestock Board, state agency 051, 1934 Wyott Drive, Cheyenne, WY 82002-0051, (307) 777-7515, and whose website is <http://wlsb.state.wy.us>.

(viii) "Brucellosis" means any of the species specific disease conditions caused by bacteria in the genus *Brucella*, including *Brucella abortus*, *Brucella canis*, *Brucella mellitensis*, *Brucella ovis*, or *Brucella suis*.

(ix) "Brucellosis Designated Surveillance Area" means an area defined by the Wyoming Livestock Board Chapter 2 Rules or as amended by a Board order that identifies the boundaries within which risk of exposure to Brucellosis-infected wildlife has been established.

(x) "Camel Family Species" means a ruminant mammal that includes alpacas, camels, guanacos, llamas and vicunas.

(xi) "Cattle" means any ruminant mammal of the genus *Bos*, including crossbred Cattle/Hybrid Animals and Yaks.

(xii) "Commercial Swine" means swine raised indoors in an integrated production and marketing system.

(xiii) "Commuter Permit" means a written permit that allows for the movement of Bison, Cattle, Sheep, Goats, and Horses used for herd management purposes, between Wyoming and an adjacent state. This permit shall be approved by state Animal health officials in the state of origin and state of destination prior to movement.

(xiv) "Companion Animal" means any dog, cat or ferret.

(xv) "Dairy Cattle" means all Cattle of the dairy breeds, and all Cattle used for milk production and/or born in a dairy herd.

(xvi) "Designated Feedlot" means any feedlot that is designated by the Board to feed – with no provision for grazing – and properly identify and manage Restricted Livestock in a designated portion of the feedlot, preventing direct contact between restricted and non-restricted livestock.

(xvii) "Direct Movement" means movement of Animals to their final destination without unloading or commingling with other Animals.

(xviii) "Extended Equine Certificate of Veterinary Inspection" means a document issued under the authority of the state veterinarian, in accordance with the guidelines outlined in a Memorandum of Agreement between Wyoming and other states, allowing equine to travel between such states without an ICVI. At a minimum, an examination by an Accredited Veterinarian, a negative Coggins test, Official Identification, and a real-time travel log will be required.

(xix) "Exhibition Purposes" means Animals, other than Rodeo Cattle, that are imported to Wyoming exclusively to attend a Wyoming exhibition without commingling with

other livestock at any premises other than the exhibition, and leaving Wyoming without change of ownership within 14 days of entry to Wyoming.

(xx) "Farm or Ranch of Origin" means the farm or ranch where the Animal resided immediately prior to entering Wyoming.

(xxi) "Feral Animal" means a domestic Animal, that is not under the control of nor cared for by a person and which has returned to a wild or semi-wild state. A feral animal may or may not be owned by a person.

(xxii) "Flock" means all Goats and/or Sheep maintained together on a single Premise or maintained together under common ownership on two or more Premises with interchange between the Premises. Goats or Sheep maintained temporarily on a Premise for activities such as shows and sales or while in marketing channels are not a Flock. More than one Flock may be maintained on a single Premises provided commingling as defined in the USDA APHIS Scrapie Uniform Method and Rules does not occur.

(xxiii) "Horses" means any herbivorous mammal of the genus *Equus*, including donkeys, horses, mules, and zebras.

(xxiv) "Immediate Slaughter" means the Direct Movement to and slaughter of an Animal within three (3) working days at a Recognized Slaughter Establishment.

(xxv) "Import Permit" means a number correlated with the ICVI and issued by the Board within ten (10) days prior to any Animal requiring such a permit being imported. Information on obtaining permits can be found at the WLSB web page: <http://wlsb.state.wy.us> or by calling (307) 777-7515.

(xxvi) "Interstate Certificate of Veterinary Inspection (ICVI)" means a uniquely numbered official document for the purpose of recording and reporting an Animal's origin, destination, health status and official identification(s).

(xxvii) "Lifetime Brand Inspection" means a document created by a state recognized recording authority and issued as a permanent or lifetime inspection to the owner of Horses in the state or area under its authority.

(xxviii) "Mexican-Origin Cattle" means any Cattle that have ever resided in Mexico.

(xxix) "National Poultry Improvement Plan Form VS 9-3" means a form used to document interstate sales and movement of Hatching Eggs, Poultry and flightless birds.

(xxx) "Official Brucellosis Vaccinate " means a female Bison or Cattle that has been inoculated with RB51 vaccine by a state or federal veterinarian or an Accredited Veterinarian according to label directions and the USDA APHIS Brucellosis Uniform Methods and Rules. Verification of official vaccination status requires evidence of the vaccination shield or presence of an approved USDA/APHIS/VS vaccination tag or device.

(xxxix) "Official Individual Identification" means any form of identification approved by USDA/APHIS/VS as per the Animal Disease Traceability Rule. Specific approved types of Official ID can be found on the Wyoming Livestock Board's website.

(xxxvii) "Port of Entry" means a facility operated and staffed by personnel from the Wyoming Highway Department where commercial Animal carriers must stop and provide necessary documentation regarding the health status of the Animals being imported.

(xxxviii) "Poultry" means fowl Animals commonly referred to as chickens, ducks, geese, guineas, peacocks, pigeons and turkeys.

(xxxix) "Premises" means an identifiable physical location that represents a unique and describable geographic location where Animals are kept.

(xl) "Quarantine" means an official document, issued by the Wyoming State Veterinarian or authorized representative, that restricts the movement of specified Animals and prohibits their being commingled, slaughtered, turned loose, removed, or permitted to escape, and sets forth requirements regarding their testing or qualification for import and Quarantine release. The Animal owner or owner's agent is responsible for all liability and expenses associated with Quarantine requirements.

(xli) "Recognized Slaughter Establishment" means any slaughter establishment operating under the provisions of the Federal Meat Inspection Act, (21U.S.C. 601-695 as amended), or the Wyoming Food Safety Rule found at Chapter 1 Purpose, Variances, Definitions, Demonstration of Knowledge, and Health Status as promulgated and amended by the Wyoming Department of Agriculture. These documents are available to the public at the office of the Board or online at <http://wyagric.state.wy.us/divisions/chs/meat-a-poultry-program>.

(xliv) "Rodeo Cattle" means all Cattle previously used for, or currently used for recreational purposes, such as rodeo events, roping events, cattle cutting events, cattle penning events, gymkhanas, and steer wrestling events. This includes any Cattle that have commingled with Rodeo Cattle.

(xlv) "Scrapie Live Animal Test" means an ante-mortem test for Scrapie approved by USDA/APHIS and the Wyoming State Veterinarian.

(xlvi) "Secure Food Supply Plan" means a plan endorsed by USDA and the Center for Food Security and the Public Health designed to provide business continuity for a specific commodity in the face of a foreign animal disease outbreak.

(xlvii) "Shipping Number" means the Accredited Veterinarian's six-digit National Veterinary Accreditation number used outside Board business hours, if website permits are not available, in lieu of an Import Permit. When used, the Accredited Veterinarian obtain an actual permit number from the Board on the next regular business day.

(xlviii) "Show Lamb Fungus," also known as ring worm, means a contagious skin disease of Sheep caused by a species of fungi that invades the skin and creates lesions.

(xlii) "Trichomoniasis Test Eligible Bull" means any non-virgin, sexually intact male Cattle or any bull over eighteen (18) months of age.

(xliii) "Tuberculosis" means a chronic, progressive disease caused by a bacteria, *Mycobacterium bovis* in Cattle and other species, including humans.

(xliv) "USDA/APHIS/VS" means the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services.

(xlv) "USDA/APHIS/VS/AD" means the USDA/APHIS/VS Assistant Director.

(xlvi) "VS Form 1-27" means an official restricted movement document form created and supplied by the USDA/APHIS/VS and issued by a state or federal representative or by an Accredited Veterinarian.

(xlvii) "Wildlife" means all wild mammals, birds, fish, amphibians, reptiles, crustaceans, and mollusks.

(xlviii) "Wyoming Game and Fish Commission" means state agency 040, whose address is 5400 Bishop Boulevard, Cheyenne, WY 82006, (307) 777-4600.

(xlix) "Wyoming State Veterinarian" means a Wyoming Accredited and licensed Veterinarian employed by the Board who serves as the State Veterinarian for the State of Wyoming as outlined in W.S. 11-19-101.

Section 5. Penalty for a violation of rules.

(a) Penalties for a violation of these rules shall be pursuant to law.

Section 6. Adoption of Federal Regulations.

(a) The following Sub-chapters of Title 9, Chapter 1 (Animal and Plant Health Inspection Service, Department of Agriculture) of the United States Code of Federal Regulations are hereby incorporated by reference as a part of these rules, so long as the procedures are not inconsistent with the rules, regulations and laws of the State of Wyoming: Sub-chapter B (Cooperative Control and Eradication of Livestock or Poultry Diseases) (including all its parts and subparts); Sub-chapter C (Interstate Transportation of Animals (Including Poultry) and Animal Products) (including all its parts and subparts); Sub-chapter D (Exportation and Importation of Animals (Including Poultry) and Animal Products) (including all its parts and subparts); Sub-chapter E (Viruses, Serums, Toxins, and Analogous Products; Organisms and Vectors) (including all its parts and subparts); Sub-chapter G (Livestock Improvement) (including all its parts and subparts). The Board has determined that incorporation of the full text in these rules would be cumbersome and inefficient given the length and nature of the rules. The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond January 1, 2017. Copies of the Code of Federal Regulations are available to the public at the office of the Board, and online at www.ecfr.gov.

Section 7. General import requirements.

(a) All Animals imported into Wyoming shall be accompanied by a paper or digital Interstate Certificate of Veterinary Inspection, and an Import Permit or Shipping Number when required, issued in compliance with these Rules and all applicable state and federal Animal health regulations, except:

(i) Animals consigned for Direct Movement from a Farm or Ranch of Origin within the United States to an Approved Livestock Market, or to a Recognized Slaughter Establishment for Immediate Slaughter.

(ii) Animals imported directly to a Wyoming licensed veterinarian for treatment, diagnosis, or testing, and then returning directly to the farm or ranch of origin are not required to have an ICVI. Return to farm or ranch of origin requires a Wyoming brand inspection and compliance with the destination state's import requirements. Wyoming veterinarians receiving such animals shall notify the Board and/or maintain records of all such activities as required by the Wyoming State Veterinarian.

(iii) Animals returning to Wyoming on a Commuter Permit or an Adjacent State Contiguous Property Movement Permit as detailed in Sections 21 and 22 of this rule.

(iv) Horses moving on a valid Extended Equine Certificate of Veterinary Inspection in compliance with the requirements.

(b) All commercial Animal carriers importing Animals are required to stop at the first Port of Entry encountered in Wyoming.

(c) Any person importing, causing to be imported, or directing to be imported any Animal into Wyoming shall comply with these Rules and all applicable federal Animal health regulations.

Section 8. Interstate Certificates of Veterinary Inspections (ICVI) & Permits.

(a) ICVIs shall only be valid if properly issued by an Accredited Veterinarian or USDA/APHIS/VS veterinarian.

(b) ICVIs shall only be issued after a visual examination of all Animals intended for importation into Wyoming has been completed and all other requirements for identification, testing, treatment, vaccinations, and declarations are met.

(c) ICVIs are valid for thirty (30) days following proper examination of the Animal(s), unless otherwise specified by these Rules or by order of the Wyoming State Veterinarian.

(d) ICVIs shall be forwarded to the Board by the Animal health official of the state of origin or the issuing Accredited Veterinarian so as to be received within fourteen (14) days of issuance.

(e) Each ICVI shall contain the following information:

(i) Import Permit number and/or Shipping Number shall be recorded on the ICVI for those species for which it is required;

(ii) Name, complete mailing address, phone number, and physical address of the consignor and the physical address of the origin of the Animal(s) if different from that of the consignor's;

(iii) Name, complete mailing address, phone number, and physical address of the consignee, and the physical address of the Animals' Wyoming destination if different from that of the consignee's;

(iv) Printed name and signature, complete mailing address, phone number, and National Accreditation Number of the issuing Accredited Veterinarian;

(v) Number of Animals covered by the ICVI and Permit;

(vi) Species of Animal(s);

(vii) Age of Animal(s);

(viii) Gender of Animal(s);

(ix) Purpose for which the Animals are being moved;

(x) Verification that the Animal(s) being moved is/are in good health and free of disease, including any required statements;

(xi) Date of required testing, the specific test, the specific test result, and the herd/flock certification number, if applicable;

(xii) Date and name of each required vaccination, if applicable;

(xiii) List of Official Individual Identification device or other approved individual identification of each Animal as required; or the statement "All animals in this shipment are officially individually identified," when regulations allow.

(f) State of origin tags and country of origin tags (for foreign imports) must be in all animals required to be identified unless an exception is provided in these Rules, and these tags shall not be removed following importation. Unless approved by the Wyoming State Veterinarian, all Official Individual Identification numbers must be recorded on the ICVI.

(i) Brand certificate numbers, when required; and

(ii) United States Department of Agriculture license numbers for Animals used in circuses, carnivals and petting zoos.

Section 9 Duties of Animal owners, owner's agents, and commercial Animal carriers.

(a) Any person, including but not limited to Animal owners, owner's agents, consignors, consignees, and transporters, shall:

(i) Not import any Animal into Wyoming except in compliance with these Rules and all other applicable federal Animal health and transportation regulations;

(ii) Not import any Animal into Wyoming unless each vehicle transporting Animals has immediate possession of all required documents related to the Animals being transported; and

(iii) Not divert any Animal imported into Wyoming from the Wyoming destination stated on the ICVI without the prior written permission of the Wyoming State Veterinarian.

(iv) Not import any Animal into Wyoming unless all such conveyances used in the transportation of Animals are maintained in a clean and sanitary condition, including disinfection as may be required, and in compliance with state and federal Animal health and transportation regulations; and

(b) In addition, the owners and operators of commercial Animal carriers importing Animals into Wyoming shall:

(i) Stop at the first Port of Entry encountered in Wyoming.

Section 10. Interstate shipments with a VS Form 1-27.

(a) Interstate Animal shipments, under specified restriction by the USDA/APHIS/VS may be transported into or through Wyoming if accompanied by a VS Form 1-27 with prior written approval from the Wyoming State Veterinarian.

Section 11. Animals that may not be imported into Wyoming.

(a) No Animal may be imported into Wyoming that is affected with, or has recently been exposed to any infectious, contagious, or communicable disease or that originates from an area under Quarantine.

(b) No Feral Animal may be imported into Wyoming, except:

(i) Feral Horses within the APHIS/BLM Wild Horse and Burro Partnership may be imported in compliance with these Rules and other requirements at the discretion of the Wyoming State Veterinarian.

(c) Wildlife may only be imported into Wyoming with prior authorization from the Wyoming Game and Fish Commission.

Section 12. Quarantine, movement and release of imported Animals.

(a) Animals entering Wyoming in violation of these Rules shall be held in Quarantine at the owner's or owner's agent's liability and expense and shall be subject to all inspection, test, treatment, and vaccination requirements at owners expense as outlined in the quarantine release requirements.

(b) Movement of Quarantined Animals shall only be allowed pursuant to a VS Form 1-27, approved by the Wyoming State Veterinarian prior to movement.

Section 13. Requirements for the importation and use of Biologic Agents.

(a) Only USDA/APHIS/VS licensed or approved veterinary Biologic Agents or products may be imported into Wyoming.

(b) Written approval from the Wyoming State Veterinarian shall be obtained prior to importation of:

(i) Any virulent Biologic Agents;

(ii) Biologic Agents not licensed or federally approved.

(iii) Any Biologic Agent that originates from a Quarantine area or an area suspected of harboring disease.

Section 14. Requirements for the importation of Bison and Cattle.

(a) An ICVI and an Import Permit are required on all Bison and Cattle entering Wyoming, unless excepted in Section 7(a)(i), (ii) or (iii).

(b) Identification requirements:

(i) All sexually intact Bison and Cattle twelve (12) months of age and older shall each have Official Individual Identification.

(ii) All sexually intact females, regardless of age, entering the Brucellosis Designated Surveillance Area are required to be identified with Official Individual Identification prior to arriving.

(iii) Bison and Cattle imported from Canada be identified in accordance with USDA requirements.

(iv) Bison and Cattle from Mexico shall be identified in accordance with USDA requirements.

(v) All Bison and Cattle originating from any foreign country whether imported directly or indirectly, shall be individually identified with a country of origin official tag which may not be removed during the life of the animal.

(vi) Any female Bison or Cattle spayed prior to entry shall be identified with a spay tag recognized by the Animal health official in the state of origin.

(vii) Cattle not already identified with state of origin official identification and imported to an approved tagging site, may be permitted under the condition that, immediately upon arrival at such approved tagging site, they shall be officially identified.

(c) Brucellosis vaccination, test and identification requirements

(i) All sexually intact female Bison and Cattle imported into the Brucellosis Designated Surveillance Area shall be Official Vaccinates prior to importation, unless they are less than four (4) months of age and accompanying their mothers.

(ii) Unvaccinated Bison and Cattle less than twelve (12) months of age imported for breeding purposes may be imported into Wyoming outside of the Brucellosis Designated Surveillance Area under Quarantine. They must become Official Brucellosis Vaccinates prior to reaching 365 days of age.

(iii) Unvaccinated female Bison and Cattle greater than twelve (12) months of age may be imported into Wyoming outside of the Designated Surveillance Area to a Designated Feedlot as Restricted Livestock under the conditions of the feedlot agreement.

(iv) If originating from a single source not assembled within the previous 90 days, unvaccinated female Bison and Cattle greater than twelve (12) months of age may be imported into Wyoming to a ranch or Premises under Quarantine to become Official Vaccinates within thirty (30) days of importation or after calving if they are pregnant at the time of importation. Issuance of an entry permit is contingent upon the importer signing an adult vaccination application with the Wyoming State Veterinarian.

(v) Bison or Cattle from any country, state, region, area, or zone which is not Brucellosis Free, or where current Brucellosis quarantines for livestock are in effect, or where there is an infected wildlife reservoir present, shall meet all pre- and post-entry test requirements, quarantines and restrictions required by the Wyoming State Veterinarian.

(d) Trichomoniasis requirements for Cattle, excluding yaks:

(i) Trichomoniasis Test Eligible Bulls being imported into Wyoming for breeding purposes shall have a negative PCR (*Polymerase Chain Reaction*) test, conducted at an American Association of Veterinary Laboratory Diagnosticians or International Organization for Standardization or equivalent accrediting organization-approved laboratory, within sixty (60) days prior to entry with no female exposure 14 days prior to test and from the time of test until import.

(ii) Female Cattle over twelve (12) months of age intended for breeding purposes shall not be imported from a herd under Quarantine for Trichomoniasis or known to be affected with Trichomoniasis.

(iii) Trichomoniasis Test Eligible Bulls being returned to Wyoming from

another state by a producer pursuant to a Commuter Permit or Adjacent State Contiguous Property Movement Permit, from property owned or controlled by the importer, or Trichomoniasis Test Eligible Bulls returning from an artificial insemination collection facility where no female exposure has occurred do not need to be tested for Trichomoniasis provided the Cattle are returning to their Wyoming ranch of origin. Bulls exposed to any female cattle other than those on the permit will require a negative test prior to their next turn out with female cattle.

(e) Tuberculosis requirements:

(i) No Tuberculosis test is required, unless otherwise directed by the Wyoming State Veterinarian, for:

(A) Bison and Cattle imported under Direct Movement Direct to Slaughter; or

(B) Bison or Cattle from an Accredited-free herd.

(ii) The following shall have one negative Tuberculosis test performed within sixty (60) days prior to importation:

(A) Bison and Cattle from any state or zone within the United States which is not Accredited-free or Modified Accredited Advanced; or

(B) Bison and Cattle from any foreign nation recognized by USDA/APHIS/VS as Modified Accredited Advanced; or

(C) Sexually intact Dairy Cattle, six (6) months of age and over.

(iii) Bison or Cattle, including Rodeo Cattle, originating from a foreign nation or an area within a foreign nation recognized by USDA/APHIS/VS as history of two (2) negative Tuberculosis tests performed within the previous nine (9) months. The second of these tests must be within ninety (90) days prior to importation. The Wyoming State Veterinarian has the discretion to allow such cattle to be imported under Quarantine and subjected to the second test. A complete history of prior Tuberculosis testing, including the date, location, and testing veterinarian's name, must be provided on the ICVI. These Animals are required to have a country of origin official tag which must not be removed for the life of the Animal.

(A) If the second negative test was performed outside of Wyoming in an Accredited-free area or state in the United States, and the date, location, and testing veterinarian's name is provided on the ICVI with a copy of the Tuberculosis test chart for review by the State Veterinarian, then no further testing may be required at the discretion of the Wyoming State Veterinarian.

(iv) All U.S.-origin Rodeo Cattle shall have a negative Tuberculosis test within twelve (12) months prior to importation, in addition to other applicable Tuberculosis testing requirements. Rodeo Cattle less than two months of age with Official Individual Identification entering Wyoming for Recreational Purposes and then leaving Wyoming directly from the event may have testing requirements waived or modified with the prior written approval of the

Wyoming State Veterinarian.

(v) The importation of and test requirements for Bison or Cattle originating from any area with an existing or suspected wildlife reservoir of Tuberculosis or from any area with endemic infection in livestock, regardless of country, state, or zone classification, shall be at the discretion of the Wyoming State Veterinarian.

Section 15. Requirements for the importation of Camel Family Species.

(a) An ICVI is required on all Camel Family Species entering Wyoming.

(b) Identification requirements:

(i) A state of origin tag, ~~or~~ a USDA brite tag, a micro-chip number approved by USDA APHIS and recorded on the ICVI is required on all imported Camel Family Species.

(ii) Animals subject to Brucellosis or Tuberculosis testing shall have USDA Official Identification.

(iii) Camel Family Species imported for Exhibition Purposes may enter with name and a clear description of the animal(s) imported as accepted identification.

(c) Tuberculosis requirements:

(i) Camel Family Species Animals of U.S. origin from an Accredited-free or Modified accredited advanced state are not required to be Tuberculosis tested.

(ii) Camel Family Species Animals from any state or zone within the United States which is not Accredited-free or Modified accredited advanced shall have a negative Tuberculosis test conducted in the axillary region within sixty (60) days prior to importation.

(iii) Camel Family Species Animals originating from a foreign nation not recognized by USDA/APHIS/VS as accredited Tuberculosis free shall be tested negative for Tuberculosis in the axillary region within sixty (60) days prior to importation and shall be held under Quarantine pending the results of a post importation Tuberculosis test conducted in the axillary region sixty (60) to ninety (90) days following the negative pre importation Tuberculosis test.

(d) Brucellosis requirements:

(i) Negative Brucellosis test required within sixty (60) days prior to importation from any state or area with less than Brucellosis Class Free status.

Section 16. Requirements for Companion Animals

(a) All Companion Animals three (3) months of age and older shall be accompanied with an ICVI and a current rabies vaccination certificate issued by a licensed veterinarian.

Section 17. Requirements for the importation of Flightless Birds, including Ostriches and Emus.

- (a) An ICVI is required on all flightless birds entering Wyoming.
- (b) Flightless birds being imported shall have a negative test result for the following diseases within thirty (30) days prior to entry unless they are from an NPIP clean flock for the respective disease(s):
 - (i) Avian Influenza;
 - (ii) Pullorum-Typhoid.

Section 18. Requirements for the importation of Horses.

- (a) An ICVI is required on all Horses entering Wyoming, unless excepted in Section 7(a)(i), (ii), (iii) or (iv).
- (b) A negative Equine Infectious Anemia test performed within twelve (12) months prior to importation is required, except for foals six (6) months of age and less, accompanying and not yet weaned from their birth mothers.
- (c) Horses moving pursuant to a Commuter Permit or an Adjacent State Contiguous Property Movement Permit are not required to be tested for Equine Infectious Anemia.

Section 19. Requirements for the importation of Poultry and Hatching Eggs.

- (a) An ICVI or a National Poultry Improvement Plan Form VS 9-3 is required on all Poultry and Hatching Eggs entering Wyoming.
- (b) Poultry imported for resale or commercial egg or meat production shall have a negative test result for the following diseases within thirty (30) days prior to import unless from an NPIP clean flock for the respective disease(s):
 - (i) Pullorum – Typhoid;
 - (ii) Avian Influenza;
 - (iii) *Mycoplasma gallisepticum*;
 - (iv) *Mycoplasma synoviae*; and
 - (v) *Salmonella enteritidis*.
- (c) No poultry or Hatching Egg shall be imported into Wyoming that originates from a Quarantine area or control zone suspected of harboring poultry disease unless permitted by the Wyoming State Veterinarian under a “Secure Food Supply Plan.”
- (d) A copy of the ICVI shall be attached to each container in which the poultry are

being shipped. Each container of Poultry or Hatching Eggs imported into Wyoming shall be labeled with the following information:

- (i) The name and address of the shipper;
- (ii) The number of Poultry or Hatching Eggs in the container;
- (iii) The breed of the Poultry or Hatching Eggs in the container;
- (iv) The sex of the Poultry in the container;
- (v) The age and hatch date of the Poultry in the container;
- (vi) The name of the hatchery or person producing the Poultry or Hatching Eggs in the container.

Section 20. Requirements for the importation of Sheep and Goats.

(a) An ICVI and an Import Permit are required on all Sheep and Goats entering Wyoming unless excepted in Section 7(a)(i), (ii) or (iii). The certificate shall include the statement, "All animals in this shipment are free from Foot Rot and Ring Worm (Club Lamb Fungus) and originate from a flock/herd that has not had Scrapie in the past five years."

(b) All Sheep and Goats imported for breeding or exhibition regardless of age and all Sheep and Goats over eighteen (18) months of age shall be identified as per USDA APHIS Scrapie requirements.

(c) *Brucella melitensis* requirements:

(i) Sheep or Goats exposed to a known or suspected *Brucella melitensis* positive Animal or Premise are prohibited from importation into Wyoming.

(ii) Sheep or Goats originating from a nation that is not free of *Brucella melitensis* shall be tested negative for *Brucella melitensis* within thirty (30) days prior to importation.

(d) *Brucella ovis* requirements for Sheep:

(i) Sexually intact male Sheep, six (6) months of age and older, shall test negative for *Brucella ovis* using the enzyme linked immunoassay or other test approved by the Wyoming State Veterinarian within thirty (30) days prior to importation, except those imported from a state certified *Brucella ovis* free Flock. The certified flock number must be recorded on the ICVI.

(e) Scrapie requirements:

(i) Sexually intact Sheep or Goats exposed to any known or suspected Scrapie positive Animal or Premise are prohibited from importation into Wyoming, except:

(A) Sheep and Goats enrolled in a Scrapie Post Exposure Management and Monitoring Plan approved by APHIS, the state veterinarian from the state of origin, and the Wyoming State Veterinarian, may be imported with the prior written approval of the Wyoming State Veterinarian.

(ii) All sexually intact Black-faced Sheep as defined in this rule imported for reproductive purposes shall be tested “RR” or “QR” by an approved genetic susceptibility test for Scrapie prior to importation, except:

(A) Sheep originating from an Export Certified Flock as defined in the Scrapie UM&R may have this testing requirement waived or modified with the prior written approval of the Wyoming State Veterinarian;

(B) Sheep fourteen (14) months of age or older, susceptible to Scrapie on the genetics test (QQ) may be imported, if they are found negative to a Scrapie Live Animal Test prior to importation;

(C) Sheep less than fourteen (14) months of age, susceptible to Scrapie on the genetics test (QQ) may be imported under Quarantine to be tested with a Scrapie Live Animal Test immediately upon reaching fourteen (14) months of age.

(f) Show Lamb Fungus requirements for Sheep:

(i) All Sheep imported as show market Sheep (club lambs) shall be examined prior to importation and found free of Show Lamb Fungus.

Section 21. Requirements for the importation of Swine.

(a) An ICVI and an Import Permit are required on all Swine entering Wyoming, unless excepted in Section 7(a)(i), (ii) or (iii).

(b) All Swine shall have an Official Individual Identification tag number listed on the ICVI.

(i) Exhibition swine less than four (4) months of age may be imported to be identified on arrival with a Wyoming State Fair tag. The statement, “Exhibition Swine to be identified on arrival,” shall be written on the ICVI. Tag numbers must be written on the ICVI by the receiver and a copy sent to the Board within seven (7) days of the tags being applied.

(ii) Commercial Swine may be imported to integrated commercial premises with USDA approved group identification.

(c) No Swine shall be imported which has been fed human garbage unless processed or treated pursuant to W.S. 11-27-106.

(d) Brucellosis test requirements:

~~(i) Swine from a validated Brucellosis free herd may be imported with no~~

~~Brucellosis test requirement regardless of requirements below.~~

~~(ii) Swine from a validated Brucellosis free state or area that are not Commercial Swine shall test negative for Brucellosis within thirty (30) days prior to importation~~

(i) Non-commercial swine shall test negative for Brucellosis within thirty (30) days prior to importation, except for the following:

(A) Swine from a validated Brucellosis free herd

(B) Swine from a validated Brucellosis free state or area, and from which the state veterinarian of the state of origin has verified that swine from the area where they originate are of negligible risk of exposure to feral swine and infection with swine Brucellosis.

(C) Swine moving directly to a Wyoming approved slaughter establishment to be killed within three (3) days of arrival.

(iii) Swine from a state or area with lower status than validated Brucellosis free shall test negative for Brucellosis within thirty (30) days prior to importation and then may be placed under Quarantine and subjected to a second test performed sixty (60) to ninety (90) days after the pre-import test.

(e) Pseudorabies requirements:

(i) No Pseudorabies vaccinated Swine, or Swine from a Pseudorabies vaccinated herd, shall be imported into Wyoming without prior written approval of the Wyoming State Veterinarian.

(ii) Non-commercial swine from a Pseudorabies Stage IV or V state or area shall have a negative Pseudorabies test within thirty (30) days prior to importation unless the state veterinarian of the state of origin has verified that swine from the area where they originate are of negligible risk of exposure to feral swine and infection with Pseudorabies virus.

(iii) The following have no Pseudorabies test requirement:

(A) Swine from a qualified Pseudorabies negative herd in a Pseudorabies stage III, IV, or V state or area.

(B) Swine moving directly to a Wyoming approved slaughter establishment to be killed within three (3) days of arrival.

~~(iii) Swine from a Pseudorabies Stage IV or V state or area that are not Commercial Swine shall have a negative Pseudorabies test within thirty (30) days prior to importation.~~

(iv) Swine from a state or area with less than a Pseudorabies Stage IV status shall test negative for Pseudorabies within thirty (30) days prior to importation and then may be imported under Quarantine and subjected to a second test performed thirty (30) to sixty (60) days

post importation.

Section 22. Commuter Permits

(a) Commuter Permits may be issued for one (1) year upon making application to the Board and when approved by the Wyoming State Veterinarian and the state veterinarian of the origin state.

(b) The producer applying for a Commuter Permit shall own or control property in Wyoming and a state adjacent to Wyoming.

(c) Any Cattle moving on a Commuter Permit shall be branded and identified with Official Individual Identification.

(d) Animals that move on a Commuter Permit shall originate from an established breeding herd and shall not have been assembled from three (3) or more herds within the past six (6) months.

(e) All mature female Bison and/or Cattle moving under a Commuter Permit shall be Official Brucellosis Vaccinates.

(f) Animals from an adjoining state moving under a Commuter Permit shall enter Wyoming with an ICVI and a copy of the Commuter Permit.

(g) Wyoming origin Animals returning to Wyoming under a Commuter Permit may enter without an ICVI provided the original ICVI for movement to the adjacent state and a copy of the Commuter Permit accompany the return shipment.

(h) Animals moving from Wyoming on a Commuter Permit shall meet the adjacent state's import and export requirements.

(i) The Wyoming State Veterinarian may revoke a Commuter Permit at any time for disease control or non-compliance with the terms of the Permit.

(j) Commuter Permits do not waive any brand inspection requirements.

Section 23. Adjacent State Contiguous Property Movement Permits

(a) In areas where the state line divides a contiguous property, Animals may move into Wyoming from an adjacent state without an ICVI provided the owner has made application to the Board and has been issued an Adjacent State Contiguous Property Movement Permit and the state veterinarian in the adjacent state has also signed the permit.

Wyoming Livestock Board Chapter 9 Brand Inspection Fees Rules and Regulations

Statement of Reasons

The amended rules are authorized by W.S. § 11-18-103 (v), W.S. § 11-20-201 through W.S. § 11-20-229 and W.S. § 11-20-401 through W.S. § 11-20-409.

These rules establish the fees charged for Brand Inspection and Brand Recording in compliance with W. S. §11-20-103, W. S. § 11-20-115, W. S. § 11-20-116, W. S. § 11-20-217, W. S. § 11-20-401 and W. S. § 11-20-402. The Chapter 9 rules currently in effect were revised in 2017.

In the last few legislative sessions, there were significant cuts to the Wyoming Livestock Board Brand Inspection Program. The cumulative total of cuts in these sessions was approximately \$1.6 million in General Funding. The intent of the legislature was that these cuts in General Funding were to be offset, at least partially, by increases in user fees, as evidenced by the passing of Enrolled Act 34, which increases the Boards ability to raise user fees in a fiscal year. The Chapter 9 rules currently in effect were revised in 2017. At the time, the Livestock Board raised the fees by approximately ten percent while they did a comprehensive review of the program with input from industry and stakeholders. Through that review it was determined that an additional increase of approximately fifteen percent is necessary. Failure to increase fees to offset those cuts will necessitate curtailing services to livestock producers, which could hinder their ability to market livestock at the optimum time.

The amendments to the rules are in underline and strikeout format and can be summarized as follows:

Section 6. Brand Inspection fees will increase approximately fifteen percent. This is following a Wyoming Livestock Board review of the program that included the Board, staff, livestock producers, and other stakeholders. The increase is to help offset the cumulative \$1.6 million in cuts in General Funding that were taken in the last few legislative sessions. The rules will also remove the sunset provision that was placed on the fee increase during the 2017 revision to the rules.

Section 8. The rules would increase the Accustomed Range Permit fees approximately fifteen percent. The fee for the first county under a permit would be eighty dollars and fifty cents, (\$80.50) and the fee for additional counties would be Sixty nine dollars, (\$69.00). The fee for out of state range permit inspections would increase from thirty percent of the regular inspection fee to thirty four and one half percent.

CHAPTER 9
BRAND INSPECTION AND BRAND RECORDING FEES

Section 1. Authority.

(a) Pursuant to the authority vested in the Wyoming Livestock Board by virtue of Wyoming Statute § 11-18-103(a)(v), W.S. §§ 11-20-101 through 125, W.S. §§ 11-20-201 through 230 and W.S. §§ 11-20-401 through 409 the following rules and regulations are hereby promulgated.

Section 2. Purpose.

(a) The purpose of these rules is to define the fees charged for brand recording and brand inspection services as authorized and established by W.S. §§ 11-20-101 through 125, W.S. §§ 11-20-201 through 230 and W.S. §§ 11-20-401 through 409.

Section 3. Definitions.

(a) For the purposes of implementing the brand inspection program, the definitions in W.S. § 11-20-101 and the following definitions are applicable:

(i) “Board” means the Wyoming Livestock Board; State Agency 051.

(ii) “Brand Inspection Forms” means a document or brand inspection certificate created and issued by the Board for the purpose of implementing the Brand Inspection Program as proscribed by W.S. § 11-20-201, *et seq.* Brand inspection forms include:

A Form - A document created by the Board and used for intrastate and/or interstate movement of livestock; also issued when a change of ownership occurs. The blue copy of this form is considered title to the livestock as described on the form.

B Form - A document created by the Board and issued at licensed Wyoming livestock markets as title and clearance to destination. The blue copy of this form is considered title to the livestock as described on the form.

D Form - A document created by the Board and issued for intrastate and interstate movement of hides.

G Form - A document created by the Board and issued for the intrastate movement of livestock to a Wyoming livestock market, and for interstate movement of cattle, horses, mules, and asses to any Board approved out-of-state livestock market where Wyoming Brand inspection is maintained.

H Form – A document created by the Board and issued for intrastate movement of work, show or rodeo stock for one year from the date of issue.

L Form – A document created by the Board and issued as a permanent or lifetime inspection to the owner of livestock used for rodeo, show, racing, pleasure or Wyoming farm or ranch work. The blue copy of this form or picture copy with raised seal is considered title to the livestock as described on the form and is void upon change of ownership.

(iii) “Brand Inspector” means an agent or employee of the Board authorized to perform brand inspections pursuant to W.S. § 11-20-201, *et seq.*

(iv) “Delinquent Brand” means a previously recorded brand that has expired and was not renewed within sixty (60) days from the expiration date of the brand. A delinquent brand may be rerecorded by the brand owner who shall submit a rerecording application and pay a delinquent fee. If a delinquent brand is not rerecorded within one (1) year from the expiration date of the brand, the brand will be declared abandoned.

(v) “Livestock” means cattle, sheep, horses, mules, and asses.

(vi) “Non-mandatory inspections” mean those brand inspections on livestock for brands or ownership, pursuant to W.S. § 11-20-402(a)(xi), that are requested by any livestock owner, or his agent, but are not required by law.

Section 4. Predatory Management Fees.

(a) Pursuant to W.S. § 11-6-210(a), the predatory management fee shall be set by each predator management district board at their annual meeting.

(b) The brand inspector shall collect predator management fees on all sheep and cattle inspected at the time of collecting brand inspection fees except for out of state cattle and sheep shipped into this State for immediate sale or slaughter in a licensed or exempted market facility or on livestock shipped or traileed within the State if a change of ownership does not occur.

(c) Pursuant to W.S. § 11-6-210(a), the predator management fee shall not be collected more than once every twelve (12) months regardless of ownership on any cattle or sheep inspected. It is the responsibility of the livestock owner to provide the brand inspector with documentation that the predator management fee has been previously collected.

(d) Sheep and cattle taken out-of-state and re-branded with a brand recorded in another state or province prior to being shipped back into Wyoming shall be considered out-of-state sheep and cattle and shall be subject to any applicable predator management fees.

Section 5. Bonding.

(a) Any private agency empowered or directed to collect funds under W.S. §11-6-210, W.S. § 11-20-201, W.S. § 11-20-203, W.S. § 11-20-212, W.S. § 11-20-217, W.S. § 11-20-222, W.S. § 11-20-223, W.S. § 11-20-224, W.S. § 11-20-225, W.S. § 11-20-401 and W.S. § 11-20-402, shall execute to the State a blanket bond or individual bonds with good and sufficient surety in an amount determined by the Board.

Section 6. Brand Inspection Fees.

(a) Pursuant to W.S. § 11-20-401(a) and W.S. § 11-20-402, brand inspection fees shall be:

(i) One dollar and eighty-five cents (\$1.85) for all cattle, including any hide or carcass, inspected on A and B forms except those which qualify for the G form authorized by W.S. § 11-20-217 and the accustomed range permits authorized by W.S. § 11-20-212 and W.S. § 11-20-223.

(ii) Forty cents (\$0.40) per head on all sheep, including any hide or carcass, inspected on A and B forms.

(iii) Thirteen dollars and fifty cents (\$13.50) per head for the first ten head of horses, asses, or mules, including any hide or carcass, inspected on the A and B forms, and one dollar fifty cents (\$1.50) for each additional horse, ass, mule, hide or carcass, inspected at the same time and place.

(iv) Eleven dollars and twenty five cents (\$11.25) surcharge per inspection by the brand inspector. The surcharge will be waived in cases where no mileage is incurred by the brand inspector, or the inspection is done at an approved location, licensed livestock market, or at events such as youth events, shows, or rodeos where inspections are performed as a regular part of event check-in or weigh-in procedures.

(v) Twenty three dollars and no cents (\$23.00) for each L Form issued pursuant to W.S. § 11- 20-224.

(vi) Sixteen dollars and no cents (\$16.00) per animal for each H Form for the first ten (10) head inspected and one dollar and fifty cents (\$1.50) for each additional head inspected pursuant to W.S. § 11-20-225.

(vii) One dollars and eighty five cents (\$1.85) for each certificate issued to a hide buyer as required by W.S. § 11-23-204.

(viii) Actual hourly cost of sixteen dollars and fifty cents (\$16.50) per hour, plus mileage costs as provided by W.S. § 9-3-103 for any non-mandatory inspections requested by a livestock owner or his agent.

Section 7. Certificates and Agreements In Lieu Of Inspection.

(a) Pursuant to W.S. § 11-20-217, the fee is: One dollar and no cents (\$1.00) for cattle, horses, asses, or mules moving interstate to any Board approved out of state livestock markets where Wyoming brand inspection is maintained.

Section 8. Range Permits.

(a) Pursuant to W.S. § 11-20-212, and W.S. § 11-20-402(a)(x), the fee for an in-state range movement permit is eighty dollars and fifty cents (\$80.50) for the first permit issued to an individual applicant and sixty nine dollars and no cents (\$69.00) for each additional permit issued.

(b) Pursuant to W.S. § 11-20-223 and W.S. § 11-20-402(a)(viii), out-of-state accustomed range permit inspection fees are an amount equal to thirty four, point five percent (34.5%) of the inspection fees established by the Board in Section 6(a)(i) through (iii) of these rules.

Section 9. Brand Recording Fees.

(a) Pursuant to W.S. § 11-20-103(b) the application fee for recording a brand shall be one hundred sixty five dollars and no cents (\$165.00) for the first species of livestock and eighty-two dollars and fifty cents (\$82.50) for each additional species of livestock for which the brand is to be used. Of this fee, forty-one dollars and twenty five cents (\$41.25) shall be retained by the Livestock Board for application research for the first species of livestock and twenty-two dollars and fifty cents (\$22.50) for application research for each additional species of livestock, in the event the brand is not recorded.

(b) Pursuant to W.S. § 11-20-116(a) the fee for renewing a previously recorded brand shall be three hundred thirty dollars and no cents (\$330.00) and shall cover any additional species of livestock for which the brand was previously recorded.

(c) Pursuant to W.S. § 11-20-116(b) the fee for recording a bill of sale or other instrument transferring ownership of a recorded brand shall be one hundred ten dollars and no cents (\$110.00) for each recorded brand.

(d) Pursuant to W.S. § 11-20-115(a), if a delinquent brand is renewed, a fee of one hundred fifty dollars and no cents (\$150.00) must be paid in addition to the required renewal fee.

CHAPTER 9
BRAND INSPECTION AND BRAND RECORDING FEES

Section 1. Authority.

(a) Pursuant to the authority vested in the Wyoming Livestock Board by virtue of Wyoming Statute § 11-18-103(a)(v), W.S. §§ 11-20-101 through 125, W.S. §§ 11-20-201 through 230 and W.S. §§ 11-20-401 through 409 the following rules and regulations are hereby promulgated.

Section 2. Purpose.

(a) The purpose of these rules is to define the fees charged for brand recording and brand inspection services as authorized and established by W.S. §§ 11-20-101 through 125, W.S. §§ 11-20-201 through 230 and W.S. §§ 11-20-401 through 409.

Section 3. Definitions.

(a) For the purposes of implementing the brand inspection program, the definitions in W.S. § 11-20-101 and the following definitions are applicable:

(i) “Board” means the Wyoming Livestock Board; State Agency 051.

(ii) “Brand Inspection Forms” means a document or brand inspection certificate created and issued by the Board for the purpose of implementing the Brand Inspection Program as proscribed by W.S. § 11-20-201, *et seq.* Brand inspection forms include:

A Form - A document created by the Board and used for intrastate and/or interstate movement of livestock; also issued when a change of ownership occurs. The blue copy of this form is considered title to the livestock as described on the form.

B Form - A document created by the Board and issued at licensed Wyoming livestock markets as title and clearance to destination. The blue copy of this form is considered title to the livestock as described on the form.

D Form - A document created by the Board and issued for intrastate and interstate movement of hides.

G Form - A document created by the Board and issued for the intrastate movement of livestock to a Wyoming livestock market, and for interstate movement of cattle, horses, mules, and asses to any Board approved out-of-state livestock market where Wyoming Brand inspection is maintained.

H Form – A document created by the Board and issued for intrastate movement of work, show or rodeo stock for one year from the date of issue.

L Form – A document created by the Board and issued as a permanent or lifetime inspection to the owner of livestock used for rodeo, show, racing, pleasure or Wyoming farm or ranch work. The blue copy of this form or picture copy with raised seal is considered title to the livestock as described on the form and is void upon change of ownership.

(iii) “Brand Inspector” means an agent or employee of the Board authorized to perform brand inspections pursuant to W.S. § 11-20-201, *et seq.*

(iv) “Delinquent Brand” means a previously recorded brand that has expired and was not renewed within sixty (60) days from the expiration date of the brand. A delinquent brand may be rerecorded by the brand owner who shall submit a rerecording application and pay a delinquent fee. If a delinquent brand is not rerecorded within one (1) year from the expiration date of the brand, the brand will be declared abandoned.

(v) “Livestock” means cattle, sheep, horses, mules, and asses.

(vi) “Non-mandatory inspections” mean those brand inspections on livestock for brands or ownership, pursuant to W.S. § 11-20-402(a)(xi), that are requested by any livestock owner, or his agent, but are not required by law.

Section 4. Predatory Management Fees.

(a) Pursuant to W.S. § 11-6-210(a), the predatory management fee shall be set by each predator management district board at their annual meeting.

(b) The brand inspector shall collect predator management fees on all sheep and cattle inspected at the time of collecting brand inspection fees except for out of state cattle and sheep shipped into this State for immediate sale or slaughter in a licensed or exempted market facility or on livestock shipped or traileed within the State if a change of ownership does not occur.

(c) Pursuant to W.S. § 11-6-210(a), the predator management fee shall not be collected more than once every twelve (12) months regardless of ownership on any cattle or sheep inspected. It is the responsibility of the livestock owner to provide the brand inspector with documentation that the predator management fee has been previously collected.

(d) Sheep and cattle taken out-of-state and re-branded with a brand recorded in another state or province prior to being shipped back into Wyoming shall be considered out-of-state sheep and cattle and shall be subject to any applicable predator management fees.

Section 5. Bonding.

(a) Any private agency empowered or directed to collect funds under W.S. §11-6-210, W.S. § 11-20-201, W.S. § 11-20-203, W.S. § 11-20-212, W.S. § 11-20-217, W.S. § 11-20-222, W.S. § 11-20-223, W.S. § 11-20-224, W.S. § 11-20-225, W.S. § 11-20-401 and W.S. § 11-20-402, shall execute to the State a blanket bond or individual bonds with good and sufficient surety in an amount determined by the Board.

Section 6. Brand Inspection Fees.

(a) Pursuant to W.S. § 11-20-401(a) and W.S. § 11-20-402, brand inspection fees shall be:

(i) ~~One dollar and sixty five cents (\$1.65)~~ One dollar and eighty-five cents (\$1.85) for all cattle, including any hide or carcass, inspected on A and B forms except those which qualify for the G form authorized by W.S. § 11-20-217 and the accustomed range permits authorized by W.S. § 11-20-212 and W.S. § 11-20-223. ~~After August 15, 2018, the fee shall be one dollar and fifty cents (\$1.50).~~

(ii) ~~Thirty five cents (\$0.35)~~ Forty cents (\$0.40) per head on all sheep, including any hide or carcass, inspected on A and B forms. ~~After August 15, 2018, the fee shall be thirty cents (\$0.30).~~

(iii) ~~Twelve Dollars and no cents (\$12.00)~~ Thirteen dollars and fifty cents (\$13.50) per head for the first ten head of horses, asses, or mules, including any hide or carcass, inspected on the A and B forms, and one dollar fifty cents (\$1.50) for each additional horse, ass, mule, hide or carcass, inspected at the same time and place. ~~After August 15, 2018, the fee shall be ten dollars and fifty cents (\$10.50).~~

(iv) ~~Ten dollars and no cents (\$10.00)~~ Eleven dollars and twenty five cents (\$11.25) surcharge per inspection by the brand inspector. The surcharge will be waived in cases where no mileage is incurred by the brand inspector, or the inspection is done at an approved location, licensed livestock market, or at events such as youth events, shows, or rodeos where inspections are performed as a regular part of event check-in or weigh-in procedures. ~~After August 15, 2018, the fee shall be nine dollars and no cents (\$9.00).~~

(v) ~~Twenty dollars and no cents (\$20.00)~~ Twenty three dollars and no cents (\$23.00) for each L Form issued pursuant to W.S. § 11- 20-224. ~~After August 15, 2018, the fee shall be eighteen dollars and no cents (\$18.00).~~

(vi) ~~Fourteen dollars and no cents (\$14.00)~~ Sixteen dollars and no cents (\$16.00) per animal for each H Form for the first ten (10) head inspected and one dollar and fifty cents (\$1.50) for each additional head inspected pursuant to W.S. § 11-20-225. ~~After August 15, 2018, the fee shall be twelve dollars and no cents (\$12.00).~~

(vii) ~~One dollars and sixty five cents (\$1.65)~~ One dollars and eighty five cents (\$1.85) for each certificate issued to a hide buyer as required by W.S. § 11-23-204. ~~After August 15, 2018, the fee shall be one dollar and fifty cents (\$1.50).~~

(viii) Actual hourly cost of ~~fourteen dollars and forty cents (\$14.40)~~ sixteen dollars and fifty cents (\$16.50) per hour, plus mileage costs as provided by W.S. § 9-3-103 for any non-mandatory inspections requested by a livestock owner or his agent. ~~After August 15, 2018, the fee shall be twelve dollars and no cents (\$12.00).~~

Section 7. Certificates and Agreements In Lieu Of Inspection.

(a) Pursuant to W.S. § 11-20-217, the fee is: ~~(i) One dollar and no cents (\$1.00)~~ for cattle, horses, asses, or mules moving interstate to any Board approved out of state livestock markets where Wyoming ~~Brand~~ brand inspection is maintained. ~~After August 15, 2018, the fee shall be ninety cents (\$0.90).~~

Section 8. Range Permits.

(a) Pursuant to W.S. § 11-20-212, and W.S. § 11-20-402(a)(x), the fee for an in-state range movement permit is ~~seventy dollars and no cents (\$70.00) for the first permit issued to an individual applicant and sixty dollars and no cents (\$60.00) for each additional permit issued.~~ eighty dollars and fifty cents (\$80.50) for the first permit issued to an individual applicant and sixty nine dollars and no cents (\$69.00) for each additional permit issued. ~~After August 15, 2018, the fee for an in-state range movement permit shall be sixty dollars and no cents (\$60.00) for the first permit issued to an individual applicant and fifty dollars and no cents (\$50.00) for each additional permit issued.~~

(b) Pursuant to W.S. § 11-20-223 and W.S. § 11-20-402(a)(viii), out-of-state accustomed range permit inspection fees are an amount equal to ~~thirty percent (30%)~~ thirty four, point five percent (34.5%) of the inspection fees established by the Board in Section 6(a)(i) through (iii) of these rules. ~~After August 15, 2018, the fee for an out of state accustomed range permit inspection fees shall be an amount equal to twenty five percent (25%) of the inspection fees established by the Board in Section 6(a)(i) through (iii) of these rules.~~

Section 9. Brand Recording Fees.

(a) Pursuant to W.S. § 11-20-103(b) the application fee for recording a brand shall be one hundred sixty five dollars and no cents (\$165.00) for the first species of livestock and eighty-two dollars and fifty cents (\$82.50) for each additional species of livestock for which the brand is to be used. Of this fee, forty-one dollars and twenty five cents (\$41.25) shall be retained by the Livestock Board for application research for the first species of livestock and twenty-two dollars and fifty cents (\$22.50) for application research for each additional species of livestock, in the event the brand is not recorded. ~~After August 15, 2018, the application fee for recording a brand shall be one hundred fifty dollars and no cents (\$150.00) for the first species of livestock and seventy five dollars and no cents (\$75.00) for each additional species of livestock for which the brand is to be used. Of this fee, thirty seven dollars and fifty cents (\$37.50) shall be retained by~~

~~the Livestock Board for application research for the first species of livestock and eighteen dollars and seventy five cents (\$18.75) for application research for each additional species of livestock, in the event the brand is not recorded.~~

(b) Pursuant to W.S. § 11-20-116(a) the fee for renewing a previously recorded brand shall be three hundred thirty dollars and no cents (\$330.00) and shall cover any additional species of livestock for which the brand was previously recorded. ~~After August 15, 2018, the fee for renewing a previously recorded brand shall be three hundred dollars and no cents (\$300.00) and shall cover any additional species of livestock for which the brand was previously recorded.~~

(c) Pursuant to W.S. § 11-20-116(b) the fee for recording a bill of sale or other instrument transferring ownership of a recorded brand shall be one hundred ten dollars and no cents (\$110.00) for each recorded brand. ~~After August 15, 2018, the fee for recording a bill of sale or other instrument transferring ownership of a recorded brand shall be one hundred dollars and no cents (\$100.00) for each recorded brand.~~

(d) Pursuant to W.S. § 11-20-115(a), if a delinquent brand is renewed, a fee of one hundred fifty dollars and no cents (\$150.00) must be paid in addition to the required renewal fee.

Statement of Reasons
Chapter 10 Livestock Board Service Fees

The Wyoming Livestock Board hereby establishes uniform procedures, fees, costs, and charges for inspection, copies, and production of public records.

CHAPTER 10 LIVESTOCK BOARD SERVICE FEES

Section 1. Authority. Pursuant to the authority vested in the Wyoming Livestock Board by virtue of Wyoming Statute § 16-4-204, and W.S. § 16-3-103(j).

Section 2. Purpose. The purpose of these rules is to establish fees for Agency office services.

Section 3. Definitions.

(a) “Applicant” means the person that is making the public records request.

(b) “Clerical/support staff” means employees who generally perform office or administrative support duties. Clerical/support staff employees include secretaries and administrative assistants.

(c) “Electronic public record” means a public record that is primarily or solely stored in an electronic format. Typically, the custodian will only be able to produce a copy of the original electronic public record due to the native format, security, and integrity of the original data or electronic record.

(d) “Information technology staff” means employees who perform duties relating to retrieving, compiling, constructing, formatting, or extracting electronic public records located on computer systems, software, servers, or networks. Information technology staff employees may also perform computer programming or other computer services relating to electronic public records.

(e) “Professional staff” means employees who are not clerical/support or information technology staff as defined herein. Professional staff employees perform administrative, managerial, or professional duties.

(f) “Supervise copying” as stated in section 5(b)(viii) occurs if someone other than the custodian is allowed under W.S. 16-4-204(b) to make copies, printouts, or photographs. Under W.S. 16-4-204(b), the custodian is authorized to charge a reasonable fee to supervise the copying, printing out, or photographing if someone other than the custodian makes the copies, printouts or photographs. The supervision fee shall be the hourly rates stated in section 4(c)(i) through (iii). For instance, if clerical/support staff is required to supervise the copying, printing out, or photographing, the hourly rate will be \$15.50.

Section 4. Electronic Public Records.

(a) Production and Construction Costs. Under W.S. 16-4-202(d)(i), a custodian shall charge an applicant the reasonable costs of producing and constructing a copy of an electronic public record for inspection and copying. This cost may include, but is not limited to, the time spent retrieving, compiling, sorting, reviewing, redacting, formatting, converting, or copying the electronic public record, as well as activities required to create or construct a new electronic public record from existing data sources and all associated programming and computer services.

(b) Minimum Requirement to Charge Costs. Production and construction costs will be charged only if they exceed \$180.00. If the costs exceed \$180.00, the initial \$180.00 will be a credit and not charged to the applicant. If electronic production and/or construction costs for a request total \$180.00, the applicant will not be charged any costs for production and/or construction of said electronic records. If, for example, the production and/or construction costs for a request total \$200.00, the applicant will be charged \$20.00. The initial \$180.00 is a credit upon the total amount charged for the production and/or construction of electronic records. Applicants may not use multiple record requests to evade this \$180.00 threshold. The custodian has discretion to consolidate public records requests that he or she reasonably believes have been drafted and submitted to evade this \$180.00 threshold.

(c) Production and Construction Costs. Production and construction costs for electronic public records shall be as follows:

- (i) \$15.50/hour for clerical staff time.
- (ii) \$30.00/hour for information technology staff time.
- (iii) \$40.00/hour for professional staff time.
- (iv) Actual cost of programming and computer services.

(d) Payment. The custodian must provide the applicant with an estimate of the reasonable costs of production and construction of the electronic public records. The applicant must pre-pay the estimated costs before the custodian produces or constructs the electronic public records or provides any copies for inspection. Payment shall be made to the custodian. If the custodian reaches the limit of the payment by the applicant, the custodian will produce the records that are ready and available at that point and will provide an additional estimate pursuant to this subsection prior to continuing with the request.

(e) Refund. If a custodian estimates and receives costs exceeding the actual time required to produce and construct the electronic public records, the custodian shall refund the excess charge received at the same time that he allows the applicant to inspect the electronic

public records.

(f) Inspection. The custodian shall notify the applicant in writing when copies of the electronic public records are produced and available for inspection. The applicant shall have one month from the time the custodian provides notification to come to the custodian's designated location to inspect the records. After the one month time period, the request shall be officially closed.

(g) Request Priority. Requests that are at or below the \$180.00 threshold will be handled expeditiously by the custodian and will take priority over other public record requests that are above the threshold.

(h) Costs for Producing Copies. The fee schedules described in Section 5(b),(d), and (e) apply to electronic public records.

Section 5. Non-Electronic Public Records.

(a) Inspection. The custodian shall notify the applicant in writing when copies of the non-electronic public records are produced and available for inspection. The applicant shall have one month from the time the custodian provides notification to come to the custodian's designated location to inspect the records. After the one month time period, the request shall be officially closed.

(b) Fees for Copying Non-Electronic Public Records. Under W.S. 16-4-204, an applicant may obtain a paper copy of a non-electronic public record upon payment as follows:

- | | | |
|--------|---------------------------------------------------|-----------------------------------|
| (i) | Standard (8.5 by 11 inch) - Black and White Copy. | \$0.10/page |
| (ii) | Standard (8.5 by 11 inch) - Colored Copy. | \$0.60/page |
| (iii) | Legal (8.5 by 14 inch) - Black and White Copy. | \$0.25/page |
| (iv) | Legal (8.5 by 14 inch) - Colored Copy. | \$1.00/page |
| (v) | Other sheet size. | Actual Cost |
| (vi) | Photograph. | Actual Cost |
| (vii) | Utilization of an outside vendor for copying. | Actual Cost |
| (viii) | Custodian's fee to supervise copying. | See section 4(c)(i) through (iii) |
| (ix) | Special instances, i.e. film. | Actual Cost |

(c) Payment. The applicant shall pre-pay the fees in section 5(b) before the

custodian provides the copies, if requested. Payment shall be made to the custodian.

(d) Costs for Producing Electronic Copies. An applicant may obtain an electronic copy of a non-electronic public record upon payment as follows:

- (i) Scanning non-electronic public records. \$0.10/page
- (ii) Electronic Media (disk, thumb drive, etc.). Actual Cost

(e) Fees for Transmitting Public Records. The custodian may charge the following fees for transmitting non-electronic public records:

- (i) Mailing, including cost of the shipping container. Actual Cost
- (ii) Facsimile. Actual Cost

CHAPTER 10
LIVESTOCK BOARD SERVICE FEES

Section 1. Authority. Pursuant to the authority vested in the Wyoming Livestock Board by virtue of ~~W.S.yoming Statute § 16-4-204(a), and W.S. § 16-3-103(j) and W.S. 11-18-103 (v_~~ the following rules and regulations are hereby promulgated.

Section 2. Purpose. The purpose of these rules is to establish fees for Agency office services.

Section 3. Definitions. ~~For the purposes of implementing these fees the following definitions exist.~~

~~(a) — Agency — The Wyoming Livestock Board, a state agency.~~

~~(b) — Manual Files — Physical copies of documents or records, which may be viewed without the aid of any mechanical or electronic equipment.~~

~~(c) — Computer Files — Information stored on microfilm, electronic or magnetic tapes/disks which can only be retrieved through the use of a computer.~~

Section 4. Posting/Notification of Fees.

~~(a) — Fees will be posted in a conspicuous place within the Agency.~~

~~(b) — Agency personnel will attempt to announce the fees before charging them.~~

Section 5. Manual File Research Fee.

~~(a) — A ten dollar (\$10.00) per hour fee will be charged, in quarter hour segments, for manual research when performed by Agency personnel. In most cases, the customer may perform their own manual research at no charge.~~

Section 6. Computer File Research Fee.

~~(a) — A fifteen dollar (\$15.00) per hour fee will be assessed, in quarter hour segments, for computer research when performed by Agency personnel.~~

Section 7. Copies.

~~(a) — A fifty cent (\$.50) per page fee will be assessed~~

for copies.

(b) ~~Section 8. Certified Copies.~~

~~(a) — A one dollar (\$1.00) per page fee will be assessed for certified copies.~~

~~Section 9. Fax.~~

~~(a) — A one dollar (\$1.00) per page fee will be assessed for faxes sent or received by the agency.~~

~~Section 10. — Postage.~~

~~(a) — Postage fees will be assessed at current United States postal rates.~~

~~Section 11. Miscellaneous Fees.~~

~~(a) — Other fees necessary to defray the costs of supplies and labor to the Agency, to be determined and announced as the need arises.~~

Section 3. Definitions.

(a) “Applicant” is means the person that is making the public records request.

(b) “Clerical/support staff” are means employees who generally perform office or administrative support duties. Clerical/support staff employees include secretaries and administrative assistants.

(c) “Electronic public record” is means a public record that is primarily or solely stored in an electronic format. Typically, the custodian will only be able to produce a copy of the original electronic public record due to the native format, security, and integrity of the original data or electronic record.

(d) “Information technology staff” are means employees who perform duties relating to retrieving, compiling, constructing, formatting, or extracting electronic public records located on computer systems, software, servers, or networks. Information technology staff employees may also perform computer programming or other computer services relating to electronic public records.

(e) “Professional staff” are means employees who are not clerical/support or

information technology staff as defined herein. Professional staff employees perform administrative, managerial, or professional duties.

(f) “Supervise copying” as stated in section 5(b)(viii) occurs if someone other than the custodian is allowed under W.S. 16-4-204(b) to make copies, printouts, or photographs. Under W.S. 16-4-204(b), the custodian is authorized to charge a reasonable fee to supervise the copying, printing out, or photographing if someone other than the custodian makes the copies, printouts or photographs. The supervision fee shall be the hourly rates stated in section 4(c)(i) through (iii). For instance, if clerical/support staff is required to supervise the copying, printing out, or photographing, the hourly rate will be \$15.50.

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(b) Minimum Requirement to Charge Costs. Production and construction costs will be charged only if they exceed \$180.00. If the costs exceed \$180.00, the initial \$180.00 will be a credit and not charged to the applicant. If electronic production and/or construction costs for a request total \$180.00, the applicant will not be charged any costs for production and/or construction of said electronic records. If, for example, the production and/or construction costs for a request total \$200.00, the applicant will be charged \$20.00. The initial \$180.00 is a credit upon the total amount charged for the production and/or construction of electronic records. Applicants may not use multiple record requests to evade this \$180.00 threshold. The custodian has discretion to consolidate public records requests that he or she reasonably believes have been drafted and submitted to evade this \$180.00 threshold.

(c) Production and Construction Costs. Production and construction costs for electronic public records shall be as follows:

- (i) \$15.50/hour for clerical staff time.
- (ii) \$30.00/hour for information technology staff time.
- (iii) \$40.00/hour for professional staff time.
- (iv) Actual cost of programming and computer services.

(d) Payment. The custodian must provide the applicant with an estimate of the reasonable costs of production and construction of the electronic public records. The applicant must pre-pay the estimated costs before the custodian produces or constructs the electronic public records or provides any copies for inspection. Payment shall be made to the custodian. If the custodian reaches the limit of the payment by the applicant, the custodian will produce the records that are ready and available at that point and will provide an additional estimate pursuant to this subsection prior to continuing with the request.

(e) Refund. If a custodian estimates and receives costs exceeding the actual time required to produce and construct the electronic public records, the custodian shall refund the excess charge received at the same time that he allows the applicant to inspect the electronic public records.

(f) Inspection. The custodian shall notify the applicant in writing when copies of the electronic public records are produced and available for inspection. The applicant shall have one month from the time the custodian provides notification to come to the custodian's designated location to inspect the records. After the one month time period, the request shall be officially closed.

(g) Request Priority. Requests that are at or below the \$180.00 threshold will be handled expeditiously by the custodian and will take priority over other public record requests that are above the threshold.

(h) Costs for Producing Copies. The fee schedules described in Section 5(b),(d), and (e) apply to electronic public records.

Section 5. Non-Electronic Public Records.

(a) Inspection. The custodian shall notify the applicant in writing when copies of the non-electronic public records are produced and available for inspection. The applicant shall have one month from the time the custodian provides notification to come to the custodian's designated location to inspect the records. After the one month time period, the request shall be officially closed.

(b) Fees for Copying Non-Electronic Public Records. Under W.S. 16-4-204, an applicant may obtain a paper copy of a non-electronic public record upon payment as follows:

- (i) Standard (8.5 by 11 inch) - Black and White Copy. \$0.10/page
- (ii) Standard (8.5 by 11 inch) - Colored Copy. \$0.60/page
- (iii) Legal (8.5 by 14 inch) - Black and White Copy. \$0.25/page

- (iv) Legal (8.5 by 14 inch) - Colored Copy. \$1.00/page
- (v) Other sheet size. Actual Cost
- (vi) Photograph. Actual Cost
- (vii) Utilization of an outside vendor for copying. Actual Cost
- (viii) Custodian's fee to supervise copying. See section 4(c)(i) through (iii)
- (ix) Special instances, i.e. film. Actual Cost

(c) Payment. The applicant shall pre-pay the fees in section 5(b) before the custodian provides the copies, if requested. Payment shall be made to the custodian.

(d) Costs for Producing Electronic Copies. An applicant may obtain an electronic copy of a non-electronic public record upon payment as follows:

- (i) Scanning non-electronic public records. \$0.10/page
- (ii) Electronic Media (disk, thumb drive, etc.). Actual Cost

(e) Fees for Transmitting Public Records. The custodian may charge the following fees for transmitting non-electronic public records:

- (i) Mailing, including cost of the shipping container. Actual Cost
- (ii) Facsimile. Actual Cost