



Research Memorandum

PREDATOR MANAGEMENT IN WYOMING AND SURROUNDING STATES

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QUESTIONS:

1. What is the statutory history of predator management in Wyoming?
2. What form of take is allowed for predator management? What forms of predator take are already regulated or restricted in Wyoming?
3. What are the statutory provisions for animal cruelty in Wyoming? How do they relate to predators?
4. What do other states do for predator management or predator take?

SHORT ANSWER:

Wyoming agencies and boards, including the Game and Fish Department and the Department of Agriculture, manage predators to protecting livestock, domestic animals, and human life. Management practices include hunting, eradication, and compensation programs. With some exceptions, over the last 50 years regulations controlling the taking of predators have not changed significantly. Other states in the Rocky Mountain Region manage predators in a similar manner to Wyoming. The exception is Colorado, where predatory animals are generally only taken without a license in response to depredation.

QUESTION 1: STATUTORY HISTORY ON PREDATOR MANAGEMENT:

Ownership of wildlife

W.S. 23-1-103 currently states:

All wildlife in Wyoming is the property of the state, including shed antlers or horns located on state or public lands. It is the purpose of this act and the policy of the state to provide an adequate and flexible system for control, propagation, management, protection and regulation of all Wyoming wildlife. There shall be no private ownership of live animals classified in this act as big or trophy game animals or of any wolf or wolf hybrid.

The original statutory language on ownership of wildlife dates to the creation of the Wyoming Game and Fish Commission in 1939. In 1975 the section was amended to prohibit private ownership of live animals classified as big game or trophy animals. In 2003 ownership of wolves or wolf hybrids was prohibited and in 2023 shed antlers and horns found on state or public lands were clarified as belonging to the state.¹

In 2011, the Wyoming Legislature passed Senate Joint Resolution 1-Right to hunt fish and trap to amend the Wyoming Constitution. The constitutional amendment passed. Article 1, section 39 of the Wyoming Constitution states:

The opportunity to fish, hunt and trap wildlife is a heritage that shall forever be preserved to the individual citizens of the state, subject to regulation as prescribed by law, and does not create a right to trespass on private property, diminish other private rights or alter the duty of the state to manage wildlife.

The concept of state ownership of wildlife is rooted in the public trust doctrine. The doctrine holds that states are trustees, not absolute owners, of wildlife. States hold the responsibility to manage wildlife for the benefit of current and future generations. Wyoming is not exclusive in its implementation of the public trust doctrine to wildlife management, however, implementation of the doctrine varies from state to state.²

Definition of predatory animal

The definition of a “predatory animal” has fluctuated slightly over the last 50 years. In 1973, the term included the “bobcat, coyote, jackrabbit, porcupine, raccoon, red fox, skunk, stray cat, wolf, or weasel”.³ In 1979 the definition was amended, removing the bobcat and weasel.⁴ The most notable change to the definition of “predatory animal” was in 2003, when wolves were removed from the primary list of predatory animals. A conditional statement was added, defining wolves as predatory animals up to the date gray wolves were removed from the list of experimental nonessential population, endangered species, or threatened species in Wyoming, after which “predatory animal” is to include gray wolves within areas of the state where the state has jurisdiction for wildlife management, but not where the gray wolf is designated a trophy game animal.^{5,6} This definition has been largely unchanged until present with a statutory reference

¹ Wyoming Session Laws 1939 Ch. 65 § 1; Laws 1975 Ch. 249 § 1; Laws 2003 Ch. 115 § 2; Laws 2023 Ch. 144 § 1.

² Michael Blumm & Lucas Ritchie, The Pioneer Spirit and the Public Trust: The American Rule of Capture and State Ownership of Wildlife, 35 Env't L. 101, 2005, https://lawcommons.lclark.edu/faculty_articles/114.

³ 1973 Wyoming Session Laws Ch. 249 § 1.

⁴ 1979 Wyoming Session Laws Ch. 140 § 1.

⁵ 2003 Wyoming Session Laws Ch. 115 § 2.

⁶ Endangered Species Act protections were removed for wolves in Wyoming in September 2012 following the approval of the Wyoming Gray Wolf Management Plan, Wyoming Game and Fish Commission regulations, and Wyoming Statutes by the U.S. Fish and Wildlife. The delisting was ultimately upheld by the U.S. Court of Appeals

change in 2007,⁷ and a subpart repeal in 2012, bringing the current definition of “predatory animal” to:

(viii) “Predatory animal” means:

- (A) Coyote, jackrabbit, porcupine, raccoon, red fox, skunk or stray cat; and
- (B) Until the date gray wolves are removed from the list of experimental nonessential population, endangered species or threatened species in Wyoming as provided by W.S. 23-1-108, “predatory animal” includes wolves. After that date, “predatory animal” shall include any gray wolf within areas of the state where the state of Wyoming has jurisdiction for wildlife management, but not within an area of the state in which the gray wolf is:
 - (I) Designated as a trophy game animal under subdivision (xii)(B)(I) or (II) of this subsection.
 - (II) Repealed By Laws 2012, Ch. 25, 2.⁸

Taking of predatory animals

In 1973, the Legislature recodified the Wyoming Game and Fish laws. After recodification, W.S. 23.1-56 specified predatory animals and predacious birds may be taken without a license, at any time, with any manner, except under a few conditions, including:

- The use of an automatic weapon;⁹
- With other game taken as bait to trap or poison wildlife;¹⁰
- From a highway or public road;
- When firing across a highway or public road;
- From one person’s enclosed land to another’s enclosed land;
- On private land without permission;

which ruled in favor of the U.S. Fish and Wildlife Service and State and returned management of wolves to the State of Wyoming on April 25, 2017. Since delisting, wolves have been monitored and managed by the National Park Service in Yellowstone National Park and Grand Teton National Park, the Eastern Shoshone and Northern Arapaho Tribal Fish and Game Department in cooperation with the U.S. Fish and Wildlife Service Lander Fish and Wildlife Conservation Office on tribal lands in the Wind River Reservation, the U.S. Fish and Wildlife Service on the National Elk Refuge, and the State of Wyoming in all remaining areas of Wyoming outside these jurisdictions. Each management agency has different laws, regulations, and/or management plans governing wolf management and, accordingly, each jurisdiction has varying wolf management objectives and philosophies. The following is a summary of wolf management direction by agency, Wyoming Game and Fish Wyoming Gray Wolf Monitoring and Management 2023 Annual Report. <https://wgfd.wyo.gov/media/30067/download?inline> (last visited June 13, 2024).

⁷ 2007 Wyoming Session Laws Ch. 168 § 3.

⁸ W.S. § 23-1-101(a)(viii).

⁹ 1973 Wyoming Session Laws Ch. 249 § 1 23.1-65.

¹⁰ 1973 Wyoming Session Laws Ch. 249 § 1 23.1-78(b).

- On private land at night without permission;¹¹ and
- While intoxicated.¹²

Additionally, predatory animal take was permitted by use of any “flying machine, automotive vehicle, trailer, motor propelled wheeled vehicle, or vehicle designed for travel over snow.” Taking of any other wildlife from a vehicle was prohibited.¹³ This provision has remained largely unchanged in intervening years, with the addition of artificial light and thermal or infrared imaging as permitted for use when hunting predatory animals, subject to limitations established by the Game and Fish Commission, but no other wildlife in the state.¹⁴ Predatory take by use of a trap was amended in 1977 to require metal tags be affixed to the trap with the owner’s name and address.¹⁵

Generally, regulations relating to the taking of predatory animals have remained largely unchanged from the 1970’s to today. Currently, predatory animals may be taken without a license any time and in any manner,¹⁶ excepting:

- With a snare or trap that is not properly tagged with the owner’s name and address;
- With a trap or snare set within 30 feet of any exposed bait or carcass over five pounds in weight;
- With a trap or snare not equipped with a break-away device;¹⁷
- Use of fully automatic weapons;¹⁸
- By use of a game animal, bird, or fish used as bait to trap or poison;¹⁹
- From, upon, along, or across a highway or public road;
- On private land except with permission from the owner or lessee;
- From the enclosed lands of one person onto or across the enclosed lands of another without the permission of both persons;
- At night on private lands without permission from the landowner or lessee;²⁰
- While intoxicated.²¹

¹¹ 1973 Wyoming Session Laws Ch. 249 § 1 23.1-79.

¹² 1973 Wyoming Session Laws Ch. 249 § 1 23.1-81.

¹³ 1973 Wyoming Session Laws Ch. 249 § 1.

¹⁴ W.S. § 23-3-306(b).

¹⁵ 1977 Wyoming Session Laws Ch. 112 § 1.

¹⁶ W.S. § 23-3-306.

¹⁷ W.S. § 23-2-303(d).

¹⁸ W.S. § 23-3-112.

¹⁹ W.S. § 23-3-304(b).

²⁰ W.S. 23-3-305.

²¹ W.S. § 23-3-307.

Taking and management of gray wolves differs from other predatory animals. Wyoming classifies gray wolves as trophy game or predatory animals in three management areas throughout the state.²² Gray wolves concentrate primarily in suitable habitat in the northwest portion of the state where they are legally classified as trophy game animals. The Game and Fish Department has management authority for wolves designated as trophy game animals in the northwest. Wolves outside the area are classified as predatory animals. A third management area in western Wyoming classifies wolves as predatory or trophy game animals depending on the time of year. In the northwest, Game and Fish sets wolf hunting seasons annually in these areas and actively monitors the progress of wolf hunting seasons. Wolves outside the managed areas are considered predatory animals and are not actively managed by Game and Fish. Wolves classified as predatory animals can be harvested year-round without a license. Any wolf harvested in the predatory animal area must be reported to the department within 10 days of harvest. Gray wolves designated as trophy game animals may only be taken during open gray wolf hunting seasons.^{23, 24}

QUESTION 2: PREDATOR MANAGEMENT IN WYOMING:

The taking and management of predatory animals in Wyoming is regulated by several agencies and boards of the state, including the Department of Game and Fish, the Department of Agriculture, Predatory Management District Boards, the State Predatory Management Advisory Board, and the Wyoming Animal Damage Management Board. **Appendix A** includes an overview of pertinent statutes and rules for predatory management in Wyoming.

According to W.S. 23-1-102 (a)(vii) "take" means hunt, pursue, catch, capture, shoot, fish, seine, trap, kill, or possess, or attempt to hunt, pursue, catch, capture, shoot, fish, seine, trap, kill, or possess. Any method of "take" of predatory animals is permitted except those outlined . . . as exceptions to the taking of predators.²⁵

In addition to statutes and regulations relating to the Department of Game and Fish under Title 23, Title 11, Agriculture, Livestock and Other Animals grants permissions to manage predators for depredation of livestock. This includes a process by which a livestock owner may apply to the Board of County Commissioners for permission to eradicate predatory animals on grazing lands not controlled by the livestock owner when the owner or lessee of the lands has refused permission to the livestock owner to destroy depredating animals.²⁶ Secondly, aerial hunting licenses to eradicate rodents and predators may be issued by the Department of Agriculture for the protection of livestock, domesticated animals, or human life.²⁷

²² Wyoming Game and Fish Dept., Wolves in Wyoming, <https://wgfd.wyo.gov/wyoming-wildlife/large-carnivore/wolves-wyoming> (last visited June 13, 2024).

²³ W.S. § 23-3-103(b).

²⁴ Wyoming Game and Fish Regulations, ch. 45, § 47(b).

²⁵ W.S. § 23-3-103.

²⁶ W.S. § 11-6-101—103.

²⁷ W.S. § 11-6-105.

Wyoming Statutes 11-6-201 designates each county as a Predator Management District with a Predator Management Board. A State Predator Management Advisory Board is composed of representatives from each Predator Management District Board. District Board duties include:

- General supervision over the control of predatory animals and predacious birds that prey upon and destroy livestock, other domestic animals, and wildlife;
- Devise and place in operation methods to best manage or control damage caused by predatory animals or predacious birds;
- Administer funds received from predator management fees and other sources to carry out the predator management program; and
- Coordinate with affected individuals and entities to develop a comprehensive predator management program for each respective predator management district which addresses livestock, wildlife, and public health concerns.²⁸

Wyoming Statutes Title 11, article 23 establishes the Wyoming Animal Damage Management Board. The purpose of the Board is to mitigate damage caused to livestock, wildlife, and crops by predatory animals, predacious birds, and depredating animals for the protection of human health and safety.²⁹

QUESTION 3: ANIMAL ABUSE AND PREDATOR EXEMPTIONS:

Animal cruelty is a criminal offense under Wyoming's criminal code (**Appendix B**). Misdemeanor and felony animal cruelty includes:

- Knowingly overriding an animal or driving an animal when overloaded.
- Intentionally or knowingly, injuring or beating an animal unnecessarily.
- Knowingly carrying an animal in a manner that poses undue risk of injury or death.
- The person has the charge and custody of any animal, and the person keeps it under circumstances which manifest extreme indifference to the animal's safety, health or life.³⁰
- Owning, possessing, keeping or training fowls or dogs with the intent for the animal to engage in a fight with another dog or fowl.
- Allowing any dog or fowl to engage in a fight with another dog or fowl, for gain.
- Promoting any dog or fowl fighting.
- Knowingly permitting dog or fowl fighting on property under the person's control.

²⁸ W.S. § 11-6-205.

²⁹ W.S. § 11-6-303.

³⁰ W.S. § 6-3-1002(a)(iv) includes several additional examples in subparagraphs (A) through (D).

- Intentionally acting to seriously injure or destroy any livestock or domesticated animal owned by another person while the animal is on property where the animal is authorized to be present.³¹

Misdemeanor animal cruelty is punishable by up to 6 months imprisonment and a \$750 fine.^{32,33,34} A second or subsequent offense that arises from a separate occurrence within a five-year period is punishable by up to 6 months imprisonment and a \$5,000 fine. Felony animal cruelty is punishable by up to 2 years imprisonment and a fine of \$5,000.³⁵ A person convicted of felony cruelty to animals may also have the animal permanently forfeited.³⁶

In addition to the punishments for misdemeanor and felony animal abuse, a court may require the person to pay impoundment fees and impose continuing limitations on the person's ability to own, possess, or take custody of any animal.³⁷

It is important to note that there are several exceptions to the animal abuse statutes and that one of the exemptions is that predatory animals are excluded from animal cruelty.³⁸ Nothing in the animal abuse statutes may be construed to prohibit:

- A person humanely destroying an animal, including livestock.
- The use of industry accepted agricultural and livestock practices on livestock or another animal used in the practice of agriculture.
- Rodeo events, training for rodeo events, or participating in rodeo events.
- The use of dogs in the management of livestock.
- The use of dogs or raptors in hunting;
- The training of dogs or raptors or the use of equipment in the training of dogs or raptors for any purpose not prohibited by law.
- *The hunting, capture, killing or destruction of any predatory animal, pest or other wildlife in any manner not otherwise prohibited by law.*³⁹

³¹ W.S. § 6-3-1002(a).

³² W.S. § 6-3-1004(b).

³³ W.S. § 6-3-1004(a).

³⁴ Destroying an animal using a decompression or carbon monoxide chamber, knowingly being present where dog or fowl fighting occurs and keeping a household pet confined in conditions that would be a public health hazard also constitute animal cruelty. These crimes are only punishable as misdemeanors. W.S. 6-3-1003.³⁴

³⁵ W.S. § 6-3-1005(b)(ii).

³⁶ W.S. § 6-3-1005(b)(i).

³⁷ W.S. § 6-3-1006.

³⁸ W.S. § 6-3-1008(a)(vii).

³⁹ W.S. § 6-3-1008 (emphasis added).

QUESTION 4: OTHER STATES' PREDATOR MANAGEMENT:***Montana***

Predator management in Montana is regulated by the Montana Fish Wildlife and Parks Department and the Department of Livestock. “Predatory animal” is defined in Montana law as a coyote, weasel, skunk, or civet cat.⁴⁰ Predators may be shot year-round without a license by both resident and nonresident hunters. Residents may trap predators year-round without a license or permit. Nonresidents must purchase a Conservation License and a Nonresident Trapping License to take nongame wildlife, including predatory animals, using traps and snares.⁴¹ Aerial shooting of predatory animals is prohibited without a permit from the Department of Livestock.⁴² Recorded or electrically amplified bird sounds may be used to assist in the hunting or taking of predatory animals and wolves.⁴³ Hunting or attempted hunting of predatory animals from motorized vehicles is not prohibited in Montana, as it is prohibited for hunting game animals.⁴⁴

Gray wolf management in Montana is determined by the Fish and Wildlife Commission. The Commission may establish hunting and trapping seasons for wolves with the intent to reduce the wolf population of Montana to a sustainable level, with no less than the number of wolves necessary to support 15 breeding pairs. Landowners or their agents may take a wolf on their property at any time without purchasing a wolf license when a wolf is a potential threat to human safety, livestock, or dogs. For game management purposes, the Commission may allow different management techniques specific to an administrative region, such as issuing more than one wolf hunting license to an applicant, or harvest of an unlimited number of wolves by the holder of a single hunting or trapping license.⁴⁵ A person can take up to 20 wolves with no more than 10 via hunting and no more than 10 via trapping (maximum harvest of 20 wolves per person). For hunting, a separate license is required for each wolf. For trapping, only a single Trapping License is required.⁴⁶

Idaho

The Idaho Department of Fish and Game regulates predator management in the state.⁴⁷ The coyote, jackrabbit, skunk, weasel, starling, racoon, and rattlesnake are predatory wildlife under Idaho

⁴⁰ Mont. Code Ann. § 87-6-101(25).

⁴¹ Montana Fish, Wildlife, and Parks, Trapping and Hunting Regulations 2023,

<https://fwp.mt.gov/binaries/content/assets/fwp/hunt/regulations/2023/2023-wolf-and-furbearer-final-for-web.pdf>.

⁴² Mont. Code Ann. § 81-7-501(1) (permits are species and geographical area specific).

⁴³ Mont. Code Ann. § 87-6-401(1)(b).

⁴⁴ Mont. Code Ann. § 87-6-405(1).

⁴⁵ Mont. Code Ann. § 87-1-901.

⁴⁶ Montana Fish, Wildlife, and Parks, Species Guide: Wolf, June 2024,

<https://fwp.mt.gov/hunt/regulations/wolf#:~:text=For%20hunting%2C%20a%20separate%20license,time%20wolf%20trapping%20certification%20course>.

⁴⁷ Idaho Department of Fish and Game, Understanding Predator Management, June 2024,

<https://idfg.idaho.gov/old-web/docs/wildlife/predationMgmtBrochure.pdf>.

law.⁴⁸ Predatory animals can be taken without a license at any time of the day or year. The use of artificial light in the hunting of predatory animals is permitted when the hunting is conducted for the protection of property or livestock by a landowner, lessee, or agent.⁴⁹ Additionally, black bears, mountain lions, and other predators may be disposed of by livestock owners, their employees, and agents when the animal is attacking or molesting livestock, without first obtaining a permit.⁵⁰ Hunting predatory animals and wolves from a motorized vehicle is not prohibited under Idaho law, as is the case with hunting big game animals.⁵¹

Wolves are not listed in the definition of “predatory wildlife” under Idaho law. Any animal, including wolves, however, may be taken by a landowner, lessee, or agent when depredation of livestock occurs. The taking of wolves in Idaho that are not attacking livestock or domestic animals requires a permit. There are no daily or season limits on taking wolves. No person, however, may take more wolves than the number of legal tags they possess. Trapping wolves requires a trapping permit and a wolf tag for each wolf taken. Additionally, weapons restrictions which apply to big game hunts do not apply to wolf hunts.⁵²

Colorado

The Department of Agriculture and the Division of Parks and Wildlife manage predator control in Colorado. For predation management in Colorado coyotes, foxes, bobcats, bears, mountain lions, wolves, beavers, muskrats, raccoons, opossums, and striped skunks may be taken year-round as necessary to protect private property.⁵³ Additionally, the Colorado Division of Parks and Wildlife has by rule permitted the taking of wolves when predation of livestock is occurring.⁵⁴ By statute, black bears and mountain lions may also be taken by an owner, family member, designee, or agent of the livestock when depredation occurs.⁵⁵ A license is not required of any owner, member of the owner’s family, lessee, agent, designee, or any employee of the owner when the taking is necessary to protect private property.

There are several conditions which must be followed for predator management in Colorado related to use of artificial light, vehicles, and trapping. When trapping for depredating animals, if the target animal is taken alive, the animal shall be quickly and humanely killed, or the animal may be relocated if prior approval has been granted by the Division of Parks and Wildlife.⁵⁶ An owner or

⁴⁸ Idaho Code § 36-201(1).

⁴⁹ Idaho Code § 36-1101(b)(6).

⁵⁰ Idaho Code § 36-1107(b).

⁵¹ Idaho Code 36-1101(b)(1).

⁵² Idaho Fish and Game, Big Game 2024 Seasons and Rules, 2024,

<https://idfg.idaho.gov/sites/default/files/seasons-rules-big-game-2024.pdf#page=77>.

⁵³ Colo. Rev. Stat. § 35-40-100.2(1); .

⁵⁴ Colorado Department of Agriculture, 8 CCR 1201-12(1.3).

⁵⁵ Colo. Rev. Stat. § 35-40-101(2).

⁵⁶ Colorado Department of Agriculture, Depredating Animal Regulations, March 2020,

<https://cpw.state.co.us/Documents/RulesRegs/Brochure/DepredatingAnimalRegulationsBrochure.pdf>.

lessee of a parcel of private property, or the employees the owner or lessee, or identified designee may use artificial light on private land where depredation has occurred or is occurring to hunt predatory animals. However, hunting any wildlife in Colorado from a snowmobile is prohibited unless the user is permitted to do so by the Division of Parks and Wildlife. Pursuing, driving, harassing, or intentionally disturbing wildlife from a snowmobile is prohibited, unless a person is using a snowmobile to protect the person's crops or other property.⁵⁷

Colorado differs from the other Rocky Mountain states in that statutes and rules relating to predator management only permit the taking of predatory animals when depredation occurs to protect personal property. In Idaho, Montana, and Wyoming, predators may be taken at anytime, anywhere, excepting private property when permission has not been granted by the landowner. Hunters in Colorado may take a coyote with an unfilled big game license, a small game license, or a furbearer license, during the season for the given license issued by the Division.⁵⁸ Gray wolves are protected by the Endangered Species Act in Colorado. As stated above, however, they can be taken when depredation of livestock occurs.⁵⁹

If you have any further questions, please do not hesitate to contact LSO Research at 777-7881.

⁵⁷ Colo. Rev. Stat. § 33-14-117(1).

⁵⁸ Colorado Parks and Wildlife, Furbearers, June 2024, <https://cpw.state.co.us/thingstodo/Pages/Furbearers.aspx>.

⁵⁹ Colorado Department of Agriculture, 8 CCR 1201-12(1.3); Colorado Division of Parks and Wildlife, Gray and Mexican Wolves, June 2024, <https://cpw.state.co.us/learn/Pages/SOC-Wolves.aspx>.

APPENDIX A:

Source: Wyoming Department of Agriculture; Joint Agriculture, State and Public Lands & Water Resources Meeting; May 2021.

Statutes:
Predatory Animals

**Chapter 14 – Predatory Animal
Regulations**

**Wyoming Animal Damage
Management Board**

**Chapter 25 – Rabies Prevention in
Wildlife**

**Chapter 1 – Regulations Governing
the Granting of Predator Management
Program Funds**

PREDATORY ANIMALS

ARTICLE 1 - CONTROL GENERALLY

11-6-101. Permission to eradicate upon refusal of entry by property owner.

Whenever predatory animals become a menace to livestock owned or controlled by any resident of Wyoming and the owner or lessee of any real estate in the vicinity where the livestock is ranged or pastured refuses permission to the owner of the livestock, his agents or employees, to enter upon the real estate for the purpose of destroying such predatory animals, entry may be obtained as provided by W.S. 11-6-102 and 11-6-103.

11-6-102. Application to county commissioners; hearing; determination; limitation on use of firearms.

The owner of the livestock may file a written application with the board of county commissioners of the county where the real estate is located, applying for permission to eradicate predatory animals. If, after giving the owner or lessee an opportunity of a hearing, the county commissioners may grant such permission, but the person receiving the permission shall not use firearms in destroying such animals without first obtaining permission from the owner or lessee of the real estate.

11-6-103. Liability for damage to property.

The permission granted shall permit the petitioner to enter upon the real estate but shall not relieve the petitioner from any damages which he inflicts upon any property of the owner or lessee of the real estate.

11-6-104. Centralized and coordinated rodent and predator control plan authorized; release of information restricted.

(a) The department may establish and implement a cooperative and coordinated plan for rodent and predator control. It may cooperate with federal agencies in the control of rodents, predatory animals and predacious birds, as defined in W.S. 23-1-101, which are destructive to livestock, game and poultry, or are detrimental to feed and foodstuffs, crops and forage production and human health. The department may promulgate necessary rules and regulations to carry out the purposes of this section.

(b) Any information regarding the number or nature of rodents or predators legally taken within the state pursuant to this section shall only be released in its aggregate form. The identity of any person legally taking a rodent or predator within this state is solely for the use of the responsible agency or appropriate law enforcement agency, shall not be released without the individual's written consent and is not a public record for purposes of W.S. 16-4-201 through 16-4-205.

11-6-105. Issuance of aerial hunting permits authorized.

The department may issue permits for the aerial hunting of rodents and predators to any person for the protection of livestock, domesticated animals or human life, upon a showing that the person or their designated pilot, along with the aircraft to be utilized in the aerial hunting, have been licensed and qualified in accordance with the requirements of the Wyoming aeronautics commission. The department shall furnish to the game and fish department a list of the names and addresses of the persons to whom they have issued aerial permits. The department may predicate the issuance or retention of such permits upon the recipients' full and prompt disclosure of information as the department may request for submission to the authorities designated in accordance with section 13 of the Fish and Wildlife Act of 1956 or its successor. The department shall collect a fee from each person who has any aircraft permitted under this section on or before April 1 of each year in the amount authorized by W.S. 11-1-104.

11-6-106. Receiving and expending monies for supplies.

The department may receive money for rodent and predator control from the federal government, state appropriations, counties, agencies, boards, associations, commissions, individuals and any other cooperators and may expend such monies to purchase supplies, materials, services, and to employ or contract personnel for rodent and predator control. The department may make such supplies, materials, services and personnel available to cooperators at approximate cost.

11-6-107. Disposition of proceeds.

All predator furs, skins and specimens taken by hunters or trappers whose salaries are paid in full by cooperating agencies, shall be sold and the proceeds returned to the respective predator management district of the county in which the furs, skins or specimens originated. All receipts from sales of materials and services related to predatory animal and rodent control received by the department shall be paid into the state general fund.

11-6-108. Cooperative agreements generally.

The department may enter into cooperative agreements with other governmental agencies, counties, associations, corporations or individuals for carrying out the purposes of W.S. 11-6-104 through 11-6-107.

ARTICLE 2 - DISTRICTS AND DISTRICT BOARDS

11-6-201. Creation and designation of districts; state predator management advisory board.

(a) Each county is created and designated as a predator management district. Each district shall be known as the "Predator Management District of County, Wyoming," and it may hold property and be a party to suits and contracts.

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

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

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

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

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

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

(iv) The board of county commissioners shall appoint one (1) director to serve for an initial term of two (2) years and thereafter for three (3) year terms from electors in the county not engaged in raising sheep or cattle. No appointed member may serve for a consecutive period of more than six (6) years;

(v) If the board of directors determines state funds are necessary for an effective predator management program to assure the statutory requirements provided in W.S. 11-6-205 are fulfilled and state funds are appropriated and received for that purpose, then three (3) directors representing sportsmen and hunters from the district shall be appointed to the board of directors by the county commissioners serving the local district. Sportsmen and hunter representatives shall be bona fide residents of the district not engaged in raising sheep or cattle and shall hold or have held either a valid Wyoming fishing or hunting license or a Wyoming wildlife damage management stamp within the preceding twelve (12) month period. County commissioners, to the greatest extent practical, shall select sportsmen and hunter representatives to ensure representation from as broad a geographic distribution of the district as possible. The county

commissioners shall determine who of the three (3) sportsmen and hunter directors appointed to a board under this paragraph shall serve an initial term of one (1) year, who shall serve an initial term of (2) years and who shall serve a term of three (3) years. Thereafter, each term shall be for three (3) years.

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

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

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

(i) On or before December 1, obtain an accurate list of all persons who have paid predator management fees on sheep or cattle in the district;

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

(iii) Set the date of the meeting so as not to conflict with the date of similar meetings held in adjoining districts in order that sheep and cattle owners operating in more than one (1) district may attend and vote in other districts where they are engaged in such business;

(iv) Set the annual predatory animal control fee for the district as provided by W.S. 11-6-210(a).

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

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

At the annual meeting of the district board, following election of directors pursuant to W.S. 11-6-202(a)(i), (ii) and (iv) and upon appointment of directors pursuant to W.S. 11-6-202(a)(v), if applicable, the directors shall organize by choosing from their number a president and vice-president and shall appoint a secretary-treasurer. Subsequent meetings may be called by the president upon reasonable notice. A majority of the board constitutes a quorum for the transaction of business at any board meeting. The members of the board shall receive no compensation for serving as members. Each director shall take an oath for the faithful

performance of his duties. If the board determines to request an appropriation of funds from the board of county commissioners, it shall, at least thirty (30) days prior to the time for annual levy of general taxes, notify the board of county commissioners of the amount the district board considers necessary for district operations during the following year.

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

(a) Each predator management district board shall:

- (i) Exercise general supervision over the control of predatory animals and predacious birds that prey upon and destroy livestock, other domestic animals and wildlife;
- (ii) Devise and put in operation those methods that best manage or control damage caused by predatory animals or predacious birds;
- (iii) Administer funds received from predator management fees and from other sources to carry out the predator management program;
- (iv) Coordinate with affected individuals and entities to develop a comprehensive predator management program for each respective predator management district which addresses livestock, wildlife and public health concerns.

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

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

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

- (a) The secretary-treasurer of each predator management district shall keep a complete and accurate record of the proceedings of the board.
- (b) All salaries, expenses or bounties shall be paid from the predator management district fund of the district by the secretary-treasurer.
- (c) All expenditures of the district shall be supported by properly approved vouchers and supporting documents in writing signed by the board president and any other director.
- (d) The county treasurer shall issue monthly warrants to the predator management district for all monies collected in the county for the predator management district.

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

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

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

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

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

(a) At the time of collecting brand inspection fees imposed under W.S. 11-20-401 and 11-20-402, the brand inspector shall collect predator management fees on all sheep and cattle inspected within each predator management district. However, predator management fees shall not be collected on cattle and sheep shipped into this state for immediate sale or slaughter. The amount of the fee for each predator management district shall be established by each predator management district board in consultation with the state predator management advisory board and shall not exceed one dollar (\$1.00) per head on sheep and cattle. The directors elected pursuant to W.S. 11-6-202(a)(i) and (ii) from each predator management district board shall annually determine the predator management fee to be charged and collected in the district taking into consideration comments solicited from the producers present at the district's annual meeting as provided for in W.S. 11-6-203, who have paid predator management fees within the district during the preceding twelve (12) months and shall inform the livestock board of the fee prior to January 1 each year. The fee shall not be collected on the same livestock more than once in any twelve (12) month period. The livestock board may retain not to exceed five percent (5%) of the revenues collected for the actual cost of collecting the predator management fee.

Remaining revenues collected by the livestock board under this section shall be remitted to the state treasurer for deposit in an account. The state treasurer, on a quarterly basis, shall distribute the revenues to the county treasurer of the county from which the shipment originated unless, at the time of payment of the fees, the livestock owner designates the fees to be distributed in total to another county in this state in which the livestock are fed or pastured. The county treasurer shall deposit revenues distributed under this subsection into a special continuing fund, to be known as the "Predator Management District Fund of County" and to be administered by the predator management board of that district.

(b) Repealed by Laws 1990, ch. 87, 3.

(c) Repealed by Laws 1990, ch. 87, 3.

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

(e) Repealed by Laws 1990, ch. 87, 3.

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

(g) Each predator management district board shall annually allocate five percent (5%) of all predator management fee collections to be used for refunds, in whole or in part. If a refund is requested the board shall pay the refund within one hundred eighty (180) days of application. Refunds under this subsection shall be subject to the following:

(i) To be valid, the application for refund shall be received no later than sixty (60) days after the end of the calendar year in which the fee was paid;

(ii) No person receiving a refund shall receive any predatory animal control services funded in whole or in part by the predatory animal control fees until that person has paid one hundred fifty percent (150%) of all refunds received during the year in which the services were sought and the three (3) preceding calendar years; and

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

(h) Notwithstanding subsection (a) of this section, no predatory animal control fee shall be collected on livestock shipped or trailed within this state if change of ownership does not occur.

(j) Any person failing to pay the predator animal control fee imposed by subsection (a) or (f) of this section shall be punished as provided by W.S. 11-1-103.

(k) In addition to the other fees imposed by this section, any person paying the predator control fee may pay an additional ten cents (\$.10) per head to fund the predator management activities of the Wyoming animal damage management board created by W.S. 11-6-303. Any fees collected

pursuant to this subsection shall be deposited in the animal damage management account created by W.S. 11-6-306.

(m) After July 1, 2002 and before December 1, 2002, a predatory animal district board may hold a special meeting during which an adjustment of the predatory animal control fee set under subsection (a) of this section may be made for the balance of calendar year 2002. The special meeting shall be held pursuant to the procedures found in W.S. 11-6-203(a)(ii) and (iii) except that the notice shall state the time and place and that a fee increase shall be considered. The board shall immediately notify in writing the livestock board of any fee adjustment made under this subsection. The fee adjustment shall take effect thirty (30) days after the date of mailing of the notice to the livestock board and shall remain in effect through December 31, 2002.

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

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

ARTICLE 3 - WYOMING ANIMAL DAMAGE MANAGEMENT PROGRAM

11-6-301. Short title.

This article may be cited as the "Wyoming animal damage management program".

11-6-302. Definitions.

(a) As used in this article:

(i) "Board" means the Wyoming animal damage management board (ADMB);

(ii) "Crop" or "agricultural crop" when not otherwise defined by statute means corn, oats, wheat, barley, flax, sorghums and other grains, potatoes, vegetables, forage legumes, hay, and any other product of cultivation, trees, bees, honey and hives;

(iii) "Damage" means any injury to or loss of livestock, agricultural crops or wildlife inflicted by predatory animals, predacious birds or depredating animals;

(iv) "Depredating animal" means any trophy game animal or furbearing animal that causes damage;

(v) "Furbearing animal" means badger, beaver, bobcat, marten, mink, muskrat or weasel;

(vi) "Livestock" means horses, mules, cattle, swine, sheep, goats, poultry, guard animals or any other animal maintained under domestication. Bison are considered livestock unless otherwise designated by the Wyoming livestock board and the Wyoming game and fish commission;

(vii) "Person" means as defined by W.S. 8-1-102(a)(vi);

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

(ix) "Predatory animal" means:

(A) Coyote, jackrabbit, porcupine, raccoon, red fox, skunk or stray cat; and

(B) Until the date gray wolves are removed from the list of experimental nonessential population, endangered species or threatened species in Wyoming as provided by W.S. 23-1-108, "predatory animal" includes wolves. After that date, "predatory animal" shall include any gray wolf not within an area of the state in which the gray wolf is:

(I) Designated as a trophy game animal under subdivision (x)(B)(I) of this subsection; or

(II) Classified as a trophy game animal by the game and fish commission pursuant to W.S. 23-1-304(a).

(x) "Trophy game animal" means:

(A) Black bear, grizzly bear or mountain lion; and

(B) From and after the date gray wolves are removed from the list of experimental nonessential population, endangered species or threatened species in Wyoming as provided by W.S. 23-1-108:

(I) "Trophy game animal" shall include any gray wolf within those tracts of land within the following described area, subject to modification as authorized in this subdivision: northwest Wyoming beginning at the east boundary of the Shoshone National Forest and the Wyoming-Montana state line; southerly along said forest boundary to the common boundary between the Shoshone National Forest and the Wind River Indian Reservation; westerly and then southeasterly along the Shoshone National Forest boundary to the Union Pass Road (USFS Road 263); southerly along said road until it intersects the north boundary of the Upper Green River Cattle Association's grazing allotment on forest service lands; following the eastern boundary of said allotment southerly and westerly to the point it intersects the Bridger-Teton National Forest boundary; westerly along said forest boundary to U.S. Highway 189-191; northwesterly along said highway

to U.S. Highway 26-89-191 at Hoback Junction; northerly along said highway to Wyoming Highway 22; westerly along said highway to the Wyoming-Idaho state line; north along said state line to the Wyoming-Montana state line; north and then east along said state line to the east boundary of the Shoshone National Forest. This described area may be diminished by rule of the game and fish commission if the game and fish commission determines the diminution does not impede the delisting of gray wolves and will facilitate Wyoming's management of wolves; and

(II) "Trophy game animal" shall include any gray wolf within any area of the state where gray wolves are classified as trophy game animals by the game and fish commission pursuant to W.S. 23-1-304(a).

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

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

(b) To the extent necessary to achieve federal government delisting of the gray wolf, the governor may direct the game and fish commission to adopt a boundary between the area in which the wolf is treated as a trophy game animal and the area where it is treated as a predator at any place between the area described in subdivision (a)(x)(B)(I) of this section and the following described area: northwest Wyoming beginning at the junction of Wyoming Highway 120 and the Wyoming-Montana state line; southerly along Wyoming Highway 120 to the Greybull River; southwesterly up said river to the Wood River; southwesterly up said river to the Shoshone National Forest boundary; southerly along said boundary to the Wind River Indian Reservation boundary; westerly, then southerly along said boundary to the Continental Divide; southeasterly along said divide to the Middle Fork of Boulder Creek; westerly down said creek to Boulder Creek; westerly down said creek to the Bridger-Teton National Forest boundary; northwesterly along said boundary to its intersection with U.S. Highway 189-191; northwesterly along said highway to the intersection with U.S. Highway 26-89-191; northerly along said highway to Wyoming Highway 22 in the town of Jackson; westerly along said highway to the Wyoming-Idaho state line; north along said state line to the Wyoming-Montana state line; north, then east along said state line to Wyoming Highway 120. Any boundary change adopted pursuant to this subsection shall be certified and effective as provided in W.S. 23-1-109(f).

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

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

- (i) The director of the Wyoming department of agriculture;
- (ii) The director of the Wyoming game and fish department;
- (iii) One (1) domestic sheep producer;
- (iv) One (1) cattle producer;
- (v) The state director for the United States department of agriculture, animal and plant health inspection service, wildlife services (USDA/APHIS/WS);
- (vi) Two (2) members representing the interests of sportsmen, outfitters and hunters, not more than one (1) of these members shall be appointed to represent the interests of outfitters;
- (vii) The president of the state predator management advisory board created under W.S. 11-6-201;
- (viii) One (1) member from an urban area;
- (ix) One (1) member from the Wyoming game and fish commission;
- (x) One (1) member of the Wyoming board of agriculture; and
- (xi) One (1) member representing the interests of nonconsumptive users of the state's wildlife resource.

(b) A representative from the United States forest service (USFS), the United States fish and wildlife service (USFWS) and United States bureau of land management (BLM) shall serve as exofficio nonvoting members of the board.

(c) The directors of the departments of agriculture and game and fish shall serve as co-chairs of the ADMB and shall give general direction to the ADMB and the ADMB administrative officer.

(d) The director of the department of agriculture or his designee shall serve as the ADMB's administrative officer and carry out the ADMB's administrative functions.

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

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

(f) When a vacancy occurs in the membership for any reason, a replacement shall be appointed for the unexpired term.

(g) Attendance of six (6) members at a duly called meeting shall constitute a quorum for the transaction of official business. The ADMB shall convene at the times and places prescribed by the chair.

(h) Members of the board who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the established state rate, to be paid from the animal damage management account.

(j) Members may decline to receive per diem and expenses for their service.

(k) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the ADMB at the established state rate, to be paid from the animal damage management account.

(m) State government official and employee members may decline to receive per diem and expenses for their service.

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

(a) The ADMB is responsible for the formulation of the damage prevention management policy of the state, and by and through an executed memorandum of understanding (MOU) with the Wyoming game and fish commission is responsible for management of rabid wildlife, crop, livestock and wildlife damage done by depredating animals and wildlife damage by predatory animals and predacious birds. The ADMB in conjunction with its responsibility may, consistent with the Wyoming Administrative Procedure Act adopt rules to implement policies administered by the ADMB. After consultation with the livestock board and the department of health, the ADMB shall promulgate rules pertaining to rabies prevention in wildlife including surveillance, public education, vaccination protocol, post-exposure procedures and quarantines. The ADMB may enter into the agreements with law enforcing agencies to carry out the quarantine provisions. Nothing in this article shall preempt the Wyoming game and fish commission authority to manage wildlife or determine damage pursuant to any provision in title 23.

(b) In its deliberations the ADMB shall:

(i) Entertain requests for assistance in order to allow mitigation of predator damage;

(ii) Specify programs designed to prevent damage by predatory animals, rabid wildlife, predacious birds and depredating animals to livestock, agricultural crops, wildlife, property, human health and safety;

(iii) Provide various degrees of predatory animal, predacious bird and depredating animal damage management services to individual agricultural livestock and crop producers, landowners, lessors or administrators, and to urban, residential and industrial property owners. Damage management services shall also be provided and conducted for the benefit of wildlife populations and human health and safety;

(iv) Specify methods for the prevention and management of damage and for the selective control of predatory animals, rabid wildlife, predacious birds and depredating animals;

(v) Maintain responsibility and appropriate funds for the purpose of providing damage prevention and management to agricultural livestock and crops, wildlife, property and human health and safety caused by predatory animals, rabid wildlife, predacious birds and depredating animals;

(vi) Cooperate with federal, state and county governments, educational institutions and private persons or organizations to effectuate agricultural and wildlife damage and rabid wildlife prevention policies;

(vii) Develop memorandums of understanding between the Wyoming department of agriculture and the Wyoming game and fish commission and the United States department of agriculture, animal and plant health inspection service, wildlife services (USDA/APHIS/WS) to accommodate funding sources and administrative guidelines for the program;

(viii) Consider any recommendations received from the Wyoming game and fish commission and the Wyoming department of agriculture.

(c) The ADMB shall conduct meetings in accordance with its established policy, but shall meet at least once each year in the month of January.

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

(e) The ADMB may elect to provide various degrees of predator damage management services to any other person pursuant to a separately negotiated cooperative agreement.

(f) The board shall investigate, test and refine the concept of integrated predator management. The board shall develop and establish measurable goals and objectives. The board shall report to the governor and the joint agriculture, public lands and water resources interim committee and joint appropriations interim committee on or before December 31 of each year to determine the progress the board has made toward achieving the goals and objectives it has established.

11-6-305. Wyoming animal damage management board funding; sources; methods of collection.

(a) There is created a "wildlife damage management" stamp. The stamp, issued at licensed selling agents as designated by the Wyoming game and fish commission may be purchased voluntarily. Proceeds from the sale of the stamp, excluding fifty cents (\$.50) which the agent shall retain for each stamp sold, shall be deposited by the state treasurer into the animal damage management account created by W.S. 11-6-306. The Wyoming game and fish commission shall retain the fees related to those administrative costs which are required to design and print stamps, and collect, account for and disburse these funds to the ADMB. The Wyoming game and fish commission shall annually provide to the ADMB a complete and detailed accounting of all administrative costs and fees.

(b) The purchase price for the stamp shall be determined annually by the ADMB in whole dollar increments and established at such a level to meet financial obligations as budgeted.

(c) The ADMB may receive money for predatory animal, predacious bird and depredating animal management from the federal government, state appropriations, counties, agencies, boards, associations, commissions, individuals and any other cooperators, and may expend monies to purchase supplies, materials, services, and to employ or contract personnel for predatory animal, predacious bird and depredating animal damage management. The ADMB may make supplies, materials, services and personnel available to cooperators at approximate cost.

11-6-306. Animal damage management account.

(a) There is created the animal damage management account.

(b) Money received under W.S. 11-6-305 shall be deposited by the state treasurer in the animal damage management account to be appropriated for the purposes provided in this article.

(c) Any supplemental contributions received by the department from livestock owners for predatory animal, predacious bird or depredating animal damage management programs or the prevention and management of rabid wildlife shall be deposited into the animal damage management account.

(d) The animal damage management account shall be administered for the ADMB by the Wyoming department of agriculture.

11-6-307. Board to request funding from game and fish commission.

The board shall annually request one hundred thousand dollars (\$100,000.00) from the Wyoming game and fish commission. These funds shall be expended for wildlife priorities. The game and fish commission may provide recommendations to the board regarding expenditure of these funds.

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

(a) Each predator management district board shall:

- (i) Exercise general supervision in determining local priorities for the management of predatory animals and predacious birds that prey upon and destroy livestock, other domestic animals, wildlife and crops;
- (ii) Devise and put in operation those methods that best manage predatory animals and predacious birds;
- (iii) Administer funds received to carry out the animal damage management program;
- (iv) Maintain existing financial and physical resources;
- (v) Provide input to the ADMB.

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

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

11-6-310. Applicability of chapter.

This article, unless contrary to federal law, shall apply to all federal, state and private lands.

11-6-311. Exemptions.

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

11-6-312. Cooperative agreements generally.

The ADMB may enter into cooperative agreements with other governmental agencies, counties, associations, corporations or individuals for carrying out the purposes of this article.

11-6-313. Repealed By Laws 2008, Ch. 39, 1.

CHAPTER 14

PREDATORY ANIMAL CONTROL REGULATIONS

Section 1. Authority.

(a.) Pursuant to authority vested in the Department of Agriculture by virtue of Sections 11-6-104 and 11-6-105 Wyoming Statutes 1977 as amended, pertaining to predatory animals, the following regulations implement procedures for the issuance, denial, and revocation of permits for aerial hunting; implements provisions of the Fish and Wildlife Act of 1956 as amended by Public Laws 92-159 and 92-502; establishes effective time periods for permits; establishes method for permit applicants to secure approvals from local predator control districts; identifies permit areas; and provides exemptions as provided for in the Federal Airborne Hunting Act. The following regulations are hereby promulgated and adopted.

Section 2. Aerial Hunting, General.

(a.) The use of aircraft to harass, hunt, pursue, or kill wildlife is prohibited by Part 19, sub-part B, Section 14.11 Code of Federal Regulations Title 50, with certain exceptions.

(b.) Exceptions

(i.) Section 19.12 of the Federal Airborne Hunting Regulations exempt any person who is acting within the scope of their official duties as an employee or authorized agent of a state or the United States to administer or protect or aid in the administration or protection of land, water, wildlife, livestock, domesticated animals, human life, or crops. The department recognizes the Federal Airborne Hunting Regulations and hereby exempts from state permit requirements, those persons meeting the conditions described in Section 19.12 of those regulations.

(ii.) Exemptions authorized to persons under Section 19.12, shall only be valid while said person is operating under USDA-APHIS-Animal Damage Control supervision. Persons engaged in aerial hunting for any other purpose shall be required to obtain a permit.

Section 3. State Permits.

(a.) Sub-part D of the Federal Regulations, Section 19.31, (a), provides that states may issue permits to persons, to engage in airborne hunting or harassing of wildlife for purposes of administering or protecting land, water, wildlife, livestock, domestic animals, human life, or crops. The department will not issue permits for the purpose of sport hunting.

(b.) The department will issue permits for aerial hunting to persons who meet the requirements of these regulations and who provide the information requested on the application forms.

(c.) Types of aerial hunting permits.

(i.) Aircraft permits. All aircraft that are used to hunt, pursue, or harass predators or other wildlife shall have attached, within the cabin of the aircraft, a predator control sticker obtained from the department indicating the aircraft identification number and the year for which the sticker is valid. Applications for predator aircraft stickers will be submitted to the department on forms provided for that purpose.

(ii.) Pilot permits. Any person except those exempted under Section 2B.2. who pilots an aircraft used to hunt, pursue, or harass predators or other wildlife, must have in their possession a current and valid predator pilot permit, obtained from the Department. Applications for predator permits will be submitted to the department on forms provided for that purpose.

(iii.) Gunner permits. Any person except those exempted under Section 2B.2. who assists a pilot of a predator control aircraft by shooting at wildlife while airborne, or while on the ground, takes or attempts to take any wildlife by means, aid, or use of an aircraft must have in their possession a current and valid gunner permit, obtained from the department. Applications for gunner permits will be submitted to the department on forms provided for that purpose.

(iv.) Any individual possessing a pilot and/or gunner permit, shall produce the permit upon the request of any authorized State or Federal law enforcement officer. Failure to produce the permit upon request may result in permit revocation.

(d.) Permit requirements and limitations.

(i.) Predator control district approval. Persons that desire state permits must secure the approval of individual county predator control districts where they wish to hunt, and obtain the required signature(s) from duly elected or authorized predator district board members within those counties. This approval will be submitted to the Department on forms provided for that purpose.

(ii.) Permit areas. Aerial hunting permits may be issued to an applicant by the department for all or any portion of a county, or the entire state, provided that the applicant has obtained respective Predator Board approval in each county.

(iii.) Landowner approvals.

(1.) No person shall aerial hunt over private property without written permission of the owner or person in charge of the property.

(2.) Persons desiring to aerial hunt Federal lands shall obtain written authorization from the appropriate agency prior to any aerial hunting.

(3.) Permittee shall produce written landowner permission upon request of any duly authorized State or Federal law enforcement officer. Failure to produce written permission may result in permit revocation.

(4.) State aerial hunting permits do not supersede or authorize the violation of any applicable trespass laws or regulations.

(iv.) Permits are valid for up to one (1) year, unless revoked, and must be renewed on or before the first Monday in May of each year.

Section 4. Denial of Permits.

(a.) The department will deny any permit request from an applicant who has been found guilty of violating Wyoming Game and Fish laws or any other laws involving trespass, while engaged in aerial hunting, and/or is convicted of violating the Airborne Hunting Act, 16 U.S.C. 742 j-1.

(b.) The Department may deny aerial hunting permits to any applicant who does not provide the required information on the application form.

(c.) Any permit denied under this Section will be for a period of one (1) year from date of conviction for a first offense and five (5) years from date of conviction for each subsequent offense as indicated in Section 4(a).

Section 5. Revocation of Permits.

(a.) The department may revoke any/all permits held by any person who is convicted of any provision of any law, rule, or regulation pertaining to predator control. Prior to revocation, written notice shall be given by certified mail to the applicant. Notice would allow for a hearing, as described in Section 6.

(b.) Any permit revoked under this Section will be for a period of one (1) year from date of conviction for a first offense and five (5) years from date of conviction for each subsequent offense.

Section 6. Right of Appeal.

(a.) Prior to any denial or revocation action being taken on a permit, the affected pilot and/or gunner shall be entitled to a hearing pursuant to the Wyoming Administrative Procedure Act.

(b.) Said hearing shall be at a mutually agreed upon time and place, and shall be held by the Board of Agriculture or their designee.

Section 7. Reports.

(a.) The pilot in command of any aircraft used in aerial hunting activities relating to predator control shall furnish a monthly report to the department in dictating the dates flown, the area (both the county and name of landowner) flown, and the number and species of predators taken.

Wyoming Animal Damage Management Board

Chapter 1

**Regulations Governing the Granting of
Predator Management Program Funds**

Section 1. Authority. Pursuant to authority vested in the Wyoming Animal Damage Management Board (ADMB) in W.S. § 11-6-304(d) the following regulations are hereby promulgated and adopted.

Section 2. Purpose of rules. These rules govern the distribution of funding appropriated by the Wyoming state legislature through the ADMB to the county Predator Management Districts (PMD) created by W.S. § 11-6-201.

Section 3. Definitions. For the purpose of this regulation, definitions shall be as set forth in Title 11, Wyoming Statutes and the board also adopts the following definitions:

- (a) “Animal Damage Management Board or ADMB” means the statutorily created board under W.S. § 11-6-303.
- (b) “Annual Report” means the final documentation the district must provide at the end of the state fiscal year (June 30).
- (c) “Assess” means to fix or determine the amount and to impose a tax or other charge on.
- (d) “Audit” means the unbiased examination and evaluation of the records, financial accounts, and financial statements of the district to verify their accuracy. The audit shall be performed in compliance with the State of Wyoming - Department of Audit, W.S. § 9-1-507(a)(iii) and Dept. of Audit Chapter 6 rules for special districts.
- (e) “Budget” means an itemized summary of estimated or intended income and expenditures for a given period. For the purposes of this rule, the budget shall be compiled for the state fiscal year of July 1 – June 30.
- (f) “Capital Equipment” means tangible equipment purchased for long term use by the district. For the purposes of these rules, capital equipment is a single piece of equipment and necessary attachments with a cost of more than \$1,000.00 (one thousand dollars).
- (g) “Collect” means to receive or compel payment of.
- (h) “Commercial Feedlot” means any place, establishment or facility commonly known as a feedlot conducted, operated or managed for profit or nonprofit for livestock producers, feeders or

market agencies, consisting of pens and their appurtenances, in which livestock are received, held, fed, cared for or kept for sale or shipment in commerce.

- (i) "District" means a predator management district created under W.S. § 11-6-201(a).
- (j) "District Board" means the board of directors of a district created under W.S. § 11-6-202.
- (k) "Encumbered Funds" means those funds which have been obligated for use by contract or invoice.
- (l) "Financial Statement" means a compilation of a district's financial status. Such records shall include a balance sheet (statement of financial position), an income statement (income and expenditure statement), a cash flow statement, and supplementary notes and recorded significant financial management decisions.
- (m) "Grant Application" means the form and documents with which a request is made for funding. The form will be prescribed and distributed by the ADMB.
- (n) "Management Plan" means a proposed or tentative course of action, including programs or policies stipulating the proposed service and expected benefits.
- (o) "Predacious Bird" means any predatory avian species that is permitted to be taken under either Wyoming law or federal law.
- (p) "Predatory Animal" means coyote, jackrabbit, porcupine, raccoon, red fox, skunk or stray cat; and gray wolf as allowed by law.
- (q) "Standard Budget" means an annual or biennial request for funding from a district that provides for a base level of funding for general operational needs of the district.

Section 4. Applicability of rules. These rules shall only apply to districts that solicit or receive grant funding from the ADMB under the program as outlined in these rules.

- (a) No state funds awarded to a district by the ADMB shall be used to satisfy debt existing prior to the effective date of these rules.

Section 5. Qualifications for funding. To qualify for funding under these rules, the district shall:

- (a) Submit the following to the ADMB:
 - (i) Proof of compliance with W.S. § 11-6-202(a)(v).
 - (ii) Completed grant application on a form prescribed by the ADMB

- (iii) Budget
- (iv) Management Plan
- (v) Financial Statement
- (vi) Proof of having assessed and collected all available funds as required by W.S. § 11-6-210(o)
 - (A) Each district, in accordance with W.S. § 11-6-210(f) shall determine which facilities meet the definition of a commercial feedlot.
 - (B) Each district shall establish a method by which assessment, billing and collection for goats may be conducted.
- (vii) Report stating the accomplishments or actions relative to the prior year's management plan. The requirement shall only pertain to districts that have previously received state funds under these rules.

(b) In addition, the district shall assure that:

- (i) It is in compliance with applicable Wyoming statutes; and
- (ii) All agreements with the ADMB are current or satisfied.

Section 6. Funding Distribution. Funding shall be applied for and justified through the grant application process as follows:

An initial standard budget of \$50,000.00 shall be awarded by the ADMB to each qualified district whose application has been approved by the ADMB prior to May 1, 2007.

The application must be received by the ADMB prior to April 1, 2007.

Thereafter, the ADMB shall annually establish a standard budget amount that shall be provided to all qualified districts with an application submitted prior to April 1.

- (i) Additional funds, including but not limited to operational expenses and capital purchases, may be applied for by the grant application and justified in the management plan and budget.

A maximum of ten percent (10%) of the standard budget may be used to purchase capital equipment.

- (i) Additional funds, including but not limited to operational expenses and capital purchases, may be applied for by the grant application and justified in the management plan and budget.

Section 7. Grant Applications. The grant application form shall be developed by the ADMB in accordance with the requirements of this regulation. The ADMB shall make a grant application form available to all districts.

(a) A district requesting grant funds shall submit a new grant application, budget and management plan no later than the date specified on the initial grant application and not later than April 1 of future years.

Section 8. Financial Records. The district shall provide a budget with the grant application. A standardized form will be provided by ADMB.

The budget shall show all proposed income and expenses of the district.

The budget shall be accompanied by the district's current financial statement.

(c) Audit Reports as required by W.S. § 9-1-507(a)(iii) and Chapter 6 rules for special districts shall be submitted to the State Department of Audit and a copy to the ADMB.

Section 9. Management Plan. The district shall include a management plan with the grant application. The management plan shall provide details of the proposed action and the expected results.

The management plan shall address the following, as applicable for the district or funding requested:

Wildlife issues and goals

Livestock issues and goals

Pre- and post-work monitoring

Partnerships and cooperative agreements required to accomplish the management plan.

The criteria shall include but not be limited to the cost of full-time and part-time trappers and the cost of fixed wing aircraft and helicopters, for predator management for livestock and wildlife.

Human health and safety issues.

Section 10. Reporting. The district shall submit an annual report, due to the ADMB, 2219 Carey Avenue, Cheyenne, WY 82002 by no later than July 1st of each year. This report should be relative to the current fiscal year.

The annual report shall contain the following:

Actions taken.

Identifiable and measurable results.

Grant monies expended.

Current financial statement.

Most recent audit report .

Supplemental reports may be requested by the ADMB on any identified and targeted management or site specific projects, at the time funding is provided to the district to carry out such projects.

Section 11. Loss of eligibility. Any district that does not comply with all provisions of these rules shall not be eligible for additional grant funding until they have documented correction of all compliance deficiencies to the satisfaction of the ADMB. Districts that demonstrate correction of all deficiencies may submit a grant application for funding consideration for the next fiscal year.

Section 12. Authority to determine funding amounts. In all cases, the ADMB retains the authority to allocate funding to qualified districts in the amount determined by the ADMB to carry out the intent of W.S. § 11-6-201.

Section 13. Savings Clause. If any provision of this regulation is held to be illegal or unconstitutional, such a ruling shall not affect the other provisions of this regulation which can be given effect without the illegal or unconstitutional provision; and, to this end, the provisions of this regulation are severable.

RABIES PREVENTION IN WILDLIFE
CHAPTER 25

Section 1. Introduction and Authority.

(a.) Pursuant to authority as required by W.S. 11-6-304 in the Animal Damage Management Board, the Animal Damage Management Board after consultation with the Livestock Board and the Department of Health, shall promulgate rules pertaining to rabies prevention in wildlife including surveillance, public education, vaccination protocol, post-exposure procedures and quarantines.

(b.) Nothing in these rules shall preempt the Wyoming Game and Fish Commission authority to manage wildlife or determine damage pursuant to any provision in title 23 of the Wyoming Statutes.

Section 2. Definitions.

(a) The following definitions apply to these rules.

(i) “Board or ADMB” shall mean the Wyoming Animal Damage Management Board.

(ii) “Domesticated wild animal” means a wild or hybrid animal that is confined or controlled by a human and for which the rabies incubation and viral shed time are unknown.

(iii) “Owner” shall mean legal owner of animal(s), or the owner’s agent, or the person in possession of or caring for such animal(s).

(iv) “Person” shall include an individual, partnership, corporation, joint stock company, or any other association or entity, public or private.

(v) “Pet” means an animal for which there is a licensed Rabies vaccine and which is ordinarily maintained in the home of the owner.

(vi) “Positive Rabies case” means an animal diagnosed as positive for rabies.

(vii) “Rabies specimen” means that part of an animal or an entire animal submitted for rabies examination.

(viii) “Rabies Suspect” means an animal showing signs suggestive of Rabies.

(ix) “Under the supervision of a veterinarian” means that a veterinarian is on the premises and is responsible for the Rabies vaccination.

(x) "Vaccinated" means an animal immunized for Rabies.

(xi) "Veterinarian" means a graduate of an accredited college of veterinary medicine and licensed to practice veterinary medicine in the state in which he practices.

(xii) "Wild animal" means a nonhuman terrestrial mammal or a bat that is wild by nature or feral.

Section 3. Wyoming Rabies Management Plan

(a.) In order to meet the intent of the established statutes and regulations, the ADMB shall develop and implement a Wyoming Rabies Management Plan. The plan shall be reviewed annually and should cover areas statutorily defined below:

- (i.) surveillance
- (ii.) public education & prevention
- (iii.) vaccination protocol
- (iv.) post-exposure procedures and quarantines
- (v.) entering into agreements with law enforcement agencies to carry out quarantine provisions

Section 4. Creation of rabies districts.

(a.) Pursuant to authority vested to the County Commissioners by virtue of W.S. 11 -31 -212.

(i.) The board of County Commissioners of any county may establish a rabies control district by resolution when in the judgment of the board of County Commissioners and the county health officer a district is necessary. The resolution shall designate the boundaries of the district, which may include any incorporated city or town, and shall identify the district by name.

(ii.) The resolution creating the rabies control district shall be published at least once a week for two (2) successive weeks in a newspaper of general circulation in the county wherein the district is located.

(iii.) The resolution creating rabies districts may address the following:

- 1. District boundaries.

2. Duration of time for which the district will exist.
3. Protocols for domestic animal/pet vaccination requirements.
4. Law enforcement responsibilities.
5. Enforcement and penalties.
6. District cooperators and lead contact.

(b.) The ADMB shall recognize the creation of a rabies district as the defining factor in initiating a rabies management program as outlined in the Wyoming Rabies Management Plan. The ADMB may enter into a cooperative agreements with the rabies control districts and structure locally supervised management strategies based upon available and cooperative resources.

Section 5. Public education and prevention.

(a.) The ADMB shall within allocated resources, conduct a public education and prevention program as required by statute and outlined in the Wyoming Rabies Management Plan.

Section 6. Relationship with the Livestock Board, Department of Health, and State Veterinary Laboratory

(a.) The ADMB shall consult with the Wyoming Livestock Board, the Wyoming Department of Health and the Wyoming State Veterinary Laboratory in its deliberations regarding the implementation of the Wyoming Rabies Management Plan.

(b.) Wyoming Livestock Board. The Wyoming Livestock Board is responsible for the management of rabies within the domestic livestock/animal industries. Nothing in this article shall preempt the Wyoming Livestock Board authority to manage domestic livestock or animals pursuant to any provision in title 11 of Wyoming Statutes.

(c.) Wyoming Department of Health. The Wyoming Department of Health is responsible for the management of human health issues and diseases. Nothing in this article shall preempt the Wyoming Department of Health authority to manage human health issues and diseases pursuant to any provision in title 35 of Wyoming Statutes.

(d.) Wyoming State Veterinary Laboratory. The Wyoming State Veterinary Laboratory is responsible for the testing and verification of rabies within an animal population. The ADMB may elect to use the services of the Wyoming State Veterinary Laboratory upon the execution of memorandums of understanding. Payments for services rendered shall be negotiated and agreed upon between parties.

Section 7. Submission of animals for testing.

(a.) The Wyoming State Veterinary Laboratory establishes the guidelines and protocols for submission of animals for testing. These guidelines and protocols are available from the laboratory.

Section 8. Vaccination protocols.

(a) Domestic Animals. All cat and dog owners are encouraged to have their pets kept current on their rabies vaccinations. Municipalities or county governments may require vaccinations. Upon establishment of a rabies district, all cat and dog owners are required to have their pets vaccinated.

Section 9. Post-exposure procedures and quarantines.

(a) All human exposures must be reported to the department of health.

(b) All domestic animal exposures must be reported to the livestock board.

(c) Wild Animals. Wild animals, domesticated wild animals, or hybrids for which there is no licensed rabies vaccine, must be euthanized if exposed to a rabid animal.

Section 10. Animal Importation.

(a.) No unregulated animal species or animal species defined as predators under W.S. 11-6-302 (ix) shall be imported into the state. Animals imported under permit as sanctioned by the Wyoming Animal Damage Management Board for research or study are exempt from this provision.

Section 11. Agreements generally.

(a.) The ADMB may enter into agreements with any person or government agency to carry out the provisions of the Wyoming Animal Damage Management Program.

Section 12. Enforcement.

(a.) Local animal control, health and law enforcement agencies in rabies control districts have authority to enforce the provisions established in these rules and the applicable requirements set forth by the rabies control district.

APPENDIX B:

ARTICLE 10 - ANIMAL ABUSE

6-3-1001. Definitions.

(a) As used in this article:

(i) "Costs of the animal's impoundment" means all costs incurred by the impounding entity in providing necessary food and water, veterinary attention and treatment for any animal which is the subject of a violation of this article;

(ii) "Household pet" means any privately owned dog, cat, rabbit, guinea pig, hamster, mouse, gerbil, ferret, bird, fish, reptile, amphibian, invertebrate or any other species of domesticated animal sold, transferred or retained for the purpose of being kept as a pet in or near a house. "Household pet" shall not include any livestock;

(iii) "Livestock" means horses, mules and asses, rabbits, llamas, cattle, swine, sheep, goats, poultry, or other animal generally used for food or in the production of food or fiber, working animals and guard animals actively engaged in the protection or management of livestock. Bison are considered livestock unless otherwise designated by the Wyoming livestock board and the Wyoming game and fish commission.

6-3-1002. Cruelty to animals.

(a) A person commits cruelty to animals if the person:

(i) Knowingly overrides an animal or drives an animal when overloaded;

(ii) Intentionally or knowingly, unnecessarily injures or beats an animal;

(iii) Knowingly carries an animal in a manner that poses undue risk of injury or death;

(iv) Has the charge and custody of any animal and under circumstances which manifest extreme indifference to the animal's safety, health or life:

(A) Fails to provide it with proper food, drink or protection from the weather adequate for the species;

(B) Abandons the animal. Relinquishment of an animal to a public or private animal shelter or like facility is not a violation of this subparagraph;

(C) In the case of immediate, obvious, serious illness or injury to the animal, fails to provide the animal with appropriate care; or

(D) Keeps any household pet in a manner that results in chronic or repeated serious physical harm to the household pet.

(v) Owns, possesses, keeps or trains fowls or dogs with the intent to allow the dog or fowl to engage in an exhibition of fighting with another dog or fowl;

(vi) For gain causes or allows any dog to fight with another dog or any fowl to fight with another fowl;

(vii) Promotes any dog or fowl fighting;

(viii) Knowingly permits any act prohibited under paragraphs (v) through (vii) of this subsection on any premises under the person's charge or control; or

(ix) Shoots, poisons or otherwise intentionally acts to seriously injure or destroy any livestock or domesticated animal owned by another person while the animal is on property where the animal is authorized to be present.

6-3-1003. Other misdemeanors involving animal abuse; prohibition on manner of destruction of animals; attending fowl or dog fights; keeping household pets in unsanitary conditions.

(a) A person shall not destroy an animal by the use of a high-altitude decompression chamber or a carbon monoxide gas chamber utilizing a gasoline engine. This subsection is uniformly applicable to all cities and towns.

(b) A person is guilty of a misdemeanor if he knowingly is present at any place where an exhibition of fighting of fowls or dogs is occurring for amusement or gain.

(c) A person is guilty of a misdemeanor if he keeps a household pet confined in conditions which constitute a public health hazard.

6-3-1004. Penalties, misdemeanor offenses.

(a) A first offense of cruelty to animals or of a violation of W.S. 6-3-1003 is a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.

(b) A second or subsequent conviction, resulting from charges separately brought and arising out of separate occurrences within a five (5) year period:

(i) Of animal cruelty under W.S. 6-3-1002 is punishable by imprisonment for not more than six (6) months, a fine of not more than five thousand dollars (\$5,000.00), or both;

(ii) Under W.S. 6-3-1003 is a misdemeanor offense punishable by imprisonment for not more than six (6) months, a fine of not more than five thousand dollars (\$5,000.00), or both.

6-3-1005. Felony cruelty to animals; penalty.

(a) A person commits felony cruelty to animals if the person:

(i) Commits cruelty to animals as defined in W.S. 6-3-1002(a)(v) through (ix), that results in the death or required euthanasia of the animal; or

(ii) Knowingly, and with intent to cause death or undue suffering, beats with cruelty, tortures, torments or mutilates an animal.

(b) Felony cruelty to animals is a felony punishable by:

(i) Permanent forfeiture of the animal or livestock animal; and

(ii) Imprisonment for not more than two (2) years, a fine of not more than five thousand dollars (\$5,000.00), or both.

6-3-1006. Additional remedies, generally.

(a) In addition to the penalties for misdemeanor and felony offenses in W.S. 6-3-1004 and 6-3-1005, the court may order any or all of the following:

(i) If the defendant is the owner of the animal, require the defendant to forfeit ownership of the animal. This paragraph shall not affect the interest of any secured party or other person who has not participated in the offense;

(ii) Require the defendant to pay all reasonable costs of the animal's impoundment, if the animal has been impounded;

(iii) Impose continuing prohibitions or limitations on the defendant's ownership, possession or custody of any animal.

6-3-1007. Separate counts.

Each animal affected by the defendant's conduct may constitute a separate count for the purposes of prosecution, conviction, sentencing and penalties under this article.

6-3-1008. Use of agricultural and livestock management practices, wildlife management and humane destruction not prohibited.

(a) Nothing in this article may be construed to prohibit:

(i) A person humanely destroying an animal, including livestock;

(ii) The use of industry accepted agricultural and livestock practices on livestock or another animal used in the practice of agriculture;

(iii) Rodeo events, training for rodeo events or participating in rodeo events, whether the event is performed in a rodeo, fair, jackpot, agricultural exhibition or other similar event;

(iv) The use of dogs in the management of livestock by the owner of the livestock, his employees or agents or other persons in lawful custody of the livestock;

(v) The use of dogs or raptors in hunting;

(vi) The training of dogs or raptors or the use of equipment in the training of dogs or raptors for any purpose not prohibited by law;

(vii) The hunting, capture, killing or destruction of any predatory animal, pest or other wildlife in any manner not otherwise prohibited by law.

6-3-1009. Household pet protection account continued; authorized uses of the account.

The cruelty to household pet animals protection account as originally created by W.S 6-3-203(o) is continued. Funds shall be credited to the account as provided by law. Funds in the

account are continuously appropriated to the attorney general to reimburse county law enforcement agencies for eligible expenses regarding animal cruelty cases involving household pets under W.S. 6-3-1002(a)(iv)(D) or 6-3-1003(c). The attorney general shall develop rules and regulations to establish eligible expenses and to determine how county law enforcement agencies will be reimbursed for the costs of an animal cruelty case under W.S. 6-3-1002(a)(iv)(D) or 6-3-1003(c), in an amount not to exceed ninety percent (90%) in any particular case. Any reimbursement under this subsection shall be contingent upon available funding and upon a showing that the agency has made reasonable efforts to seek reimbursement from the offender of expenses incurred by the agency, as permitted by law. All funds in the account may be used for and are continuously appropriated for eligible expenses authorized to be made under this section. Notwithstanding W.S. 9-2-1008 and 9-4-207 funds in the account shall not lapse at the end of the fiscal period.

6-3-1010. Impounding and forfeiture hearing.

(a) Any person with authority to enforce this article or W.S. 11-29-101 through 11-29-115 and who has probable cause to believe there has been a violation of this article may impound any animal treated cruelly. The following shall apply to impounding an animal under this subsection:

(i) If any animal is impounded under this subsection the following shall apply:

(A) Within the earlier of seventy-two (72) hours of impoundment or charges being filed, the circuit court shall hold a hearing to set a bond in an amount the circuit court determines is sufficient to provide for the animal's reasonable costs of impoundment for at least ninety (90) days including the day on which the animal was impounded. At the request of the owner of the animal, the court may make a determination on the disposition of the animal at a hearing pursuant to this subparagraph;

(B) The bond shall be posted by the owner of the animal with the circuit court in the county where the animal was impounded within ten (10) days after the hearing required by this subparagraph.

(ii) When the bond required by paragraph (i) of this subsection expires, if the owner of the animal desires to prevent disposition of the animal by the person with authority to enforce this article or W.S. 11-29-101 through 11-29-115, the owner shall post a new bond with the court as described in paragraph (i) of this subsection. The court may correct, alter

or otherwise adjust the new bond before the expiration date of the previous bond;

(iii) If a bond is not posted under paragraphs (i) or (ii) of this subsection, the person with authority to enforce this article or W.S. 11-29-101 through 11-29-115 shall dispose of the animal. As used in this section, "dispose" means to place for adoption, sell, destroy or return to the owner. The owner of the animal shall be liable for all costs associated with the final disposition of the animal under this subsection. Posting of a bond shall not prevent the person with authority to enforce this article or W.S. 11-29-101 through 11-29-115 from disposing of the impounded animal before the expiration of the period covered by the bond if during a disposition hearing pursuant to paragraph (vi) of this subsection the court orders the forfeiture of the animal to a person with authority to enforce this article or W.S. 11-29-101 through 11-29-115 or the owner voluntarily forfeits the animal. No animal shall be forfeited pursuant to paragraph (vi) of this subsection without a hearing pursuant to paragraphs (vi) through (viii) of this subsection, regardless of whether a bond is posted, if the animal is connected to the livelihood or ability to make a living of the owner;

(iv) If a bond has been posted in accordance with paragraph (i) or (ii) of this subsection, the person with authority to enforce this article or W.S. 11-29-101 through 11-29-115 may draw from the bond the actual costs of the activities described in paragraph (i) of this subsection, from the date of initial impoundment to the date of final disposition of the animal;

(v) Upon the final disposition of the animal, any bond amount remaining that has not been expended in the impoundment and disposition of the animal shall be remitted to the owner of the animal;

(vi) A person with authority to enforce this article or W.S. 11-29-101 through 11-29-115 or other participant in the criminal action may file a petition in the criminal action requesting the court issue an order providing for the final disposition of the animal if:

(A) The animal is in the possession of and being held by a person with authority to enforce this article or W.S. 11-29-101 through 11-29-115;

(B) The outcome of the criminal action charging a violation of this article is pending; and

(C) The final disposition of the animal has not occurred.

(vii) Upon receipt of a petition pursuant to paragraph (vi) of this subsection, the court shall set a hearing on the petition for disposition of the animal. The hearing shall be conducted within seven (7) days after the filing of the petition or as soon as practicable thereafter. The hearing shall be limited to the question of the disposition of the animal;

(viii) At a hearing conducted pursuant to paragraph (vii) of this subsection, the prosecutor shall have the burden of proving by a preponderance of the evidence that the animal was subjected to a violation of this article. After the hearing, if the court finds by a preponderance of the evidence that the animal was subjected to a violation of this article, the court may order immediate forfeiture of the animal to the person with authority to enforce this article or W.S. 11-29-101 through 11-29-115. If, after the hearing, the court finds by a preponderance of the evidence that the animal was not subjected to a violation of this article, the animal shall be returned to the owner of the animal and the owner shall not be responsible for any costs of the impoundment incurred after a finding that the animal was not subjected to a violation of this article unless the person later pleads guilty to or is found guilty of a violation of this article.