



Notice of Intent to Adopt Rules

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

Revised July 2019

1. General Information

a. Agency/Board Name*		
b. Agency/Board Address	c. City	d. Zip Code
e. Name of Agency Liaison	f. Agency Liaison Telephone Number	
g. Agency Liaison Email Address		
h. Date of Public Notice	i. Comment Period End Date	
j. Public Comment URL or Email Address:		
k. Program		
* <input type="checkbox"/> By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.		

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

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

☐ No. ☐ Yes. If the rules are new, please provide the Chapter Numbers and Years Enacted (e.g. 2015 Session Laws Chapter 154):

3. Rule Type and Information For purposes of this Section 3, "New" means an emergency or regular rule that has never been previously created.

a. Provide the Chapter Number, Title* and Proposed Action for Each Chapter. Please use the "Additional Rule Information" form to identify additional rule chapters.

Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed

* If the name of a chapter of rules is changing, please provide the NEW chapter name in parenthesis following the OLD chapter name. *Example:* Old Chapter Name: General Provisions; New Chapter Name: General Provisions and Requirements. This would appear as "General Provisions (General Provisions and Requirements)."

4. Public Comments and Hearing Information

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

Date:	Time:	City:	Location:

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

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

☐ At the following URL: _____

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

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

☐ At the following URL: _____

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

5. Federal Law Requirements

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

Applicable Federal Law or Regulation Citation:	
Indicate one (1):	
<input type="checkbox"/> The proposed rules meet, but do not exceed, minimum federal requirements.	
<input type="checkbox"/> The proposed rules exceed minimum federal requirements.	
Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:	
<input type="checkbox"/> To the Agency at the physical and/or email address listed in Section 1 above.	
<input type="checkbox"/> At the following URL: _____	

6. State Statutory Requirements

a. Indicate one (1):

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

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

b. ☐ The Agency has completed a takings assessment as required by W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:

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

☐ At the following URL: _____

7. Additional APA Provisions

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

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

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

(Provide chapter numbers)

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

(Provide chapter numbers)

b. Checklist

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

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

8. Authorization

a. I certify that the foregoing information is correct.

Printed Name of Authorized Individual

Title of Authorized Individual

Date of Authorization

Statement of Reasons

Chapter 6 Brucellosis Risk Mitigation Activities and Reimbursement

The Wyoming Livestock Board seeks to amend Chapter 6 of its rules entitled “Brucellosis Risk Mitigation Activities and Reimbursement Rules.” Along with Chapter 2 entitled “Brucellosis Management and Mitigation,” Chapter 6 implements the Legislature’s direction to the Board to develop a Brucellosis surveillance program. First adopted in 2009, Chapter 6 sets forth the parameters, requirements, and rates of compensation for testing livestock for Brucellosis, spaying heifers, and vaccinating adults to the extent that these activities are reasonably necessary to maintain or regain the State’s Brucellosis-free status. The Board intends to change the word “Reimbursement” in the title to “Compensation” to match the statutory language of Wyoming Statute § 11-19-407 and to better identify what Chapter 6 does.

The Board adopted the proposed revisions to Chapter 6 for the following reasons:

- To clarify test sample collection and handling protocols.
- To clarify the eligibility and procedural requirements for possible compensation for veterinarians and approved livestock markets that conduct Brucellosis testing, adult vaccination, and heifer spaying.
- To clarify where veterinarians can submit test samples by adding the phrase “and other USDA APHIS approved Brucellosis testing laboratories” in three sections.
- To change all uses of “cattle” to “Bovinae” to be consistent with Chapter 2.
- To remove unnecessary definitions and provisions, correct inconsistencies, remove ambiguity, correct technical and grammatical errors, and improve readability.

CHAPTER 6

BRUCELLOSIS RISK MITIGATION ACTIVITIES AND COMPENSATION

Section 1. Authority to Create Rules. The following rules are promulgated pursuant to Wyoming Statutes 11-19-405 through -407 and 11-18-103(v).

Section 2. Definitions Used in Rules.

(a) If a term used in these rules is not defined below, refer to the Board's Chapter 2 Brucellosis Management and Mitigation rules.

(i) "Adult Brucellosis Vaccination" means the vaccination of female Bovinae over twelve (12) months of age with RB 51 vaccine following the protocol outlined in the current Brucellosis Eradication Uniform Methods and Rules (UMR) or other APHIS directive.

(ii) "Brucellosis Area of Concern" means that area as defined in the Board's Chapter 2 Rules or as amended by a Board order.

(iii) "Chapter 2 Rules" means the Board's Brucellosis Management and Mitigation rules, which establish protocol for vaccination, testing, and response for Brucellosis in Bovinae.

(iv) "Designated Surveillance Area" or "DSA" means that area as defined in the Board's Chapter 2 Rules or as amended by a Board order.

(v) "Designated Surveillance Area-Origin Bovinae" or "Bovinae originating within the Designated Surveillance Area" means Bovinae that have moved or will move from a farm, ranch, or range located within the defined boundaries of the Designated Surveillance Area.

(vi) "Mandatory Testing" means any Brucellosis testing required by the Board or USDA APHIS.

(vii) "Spaying" means any surgical procedure by which female Bovinae are rendered permanently infertile as certified by a licensed veterinarian.

(viii) "Surveillance Testing" means optional testing for Brucellosis other than that testing done to satisfy Chapter 2 Rules test requirements or USDA APHIS test requirements, including testing provided for under the terms of a Brucellosis Mitigation Plan.

(ix) "Testable Sample" means a blood sample, collected using a clean and separate needle, syringe and container, for Brucellosis testing that is received at the Wyoming State Veterinary Laboratory or other USDA APHIS approved Brucellosis testing laboratory in such condition that the tests conducted will yield valid results, as determined by the serology technicians at that laboratory.

(x) “USDA APHIS” means the United States Department of Agriculture, Animal and Plant Health Inspection Service.

Section 3. Payment Subject to Availability of Funds. All payments authorized by these rules are contingent upon the availability of funding and will be issued at the sole discretion of the Board.

Section 4. Compensation for Surveillance Testing, Spaying, and Adult Brucellosis Vaccination.

(a) To be eligible for compensation for Surveillance Testing, Spaying, and Adult Brucellosis Vaccination, the owner or manager for whom the services are rendered must have a Brucellosis Mitigation Plan, which must include a Brucellosis Risk Assessment.

(b) To be eligible for compensation for voluntary Surveillance Testing conducted on Bovinae from a Brucellosis Area of Concern, the owner or manager for whom testing is performed must have a Brucellosis Risk Assessment that determines that voluntary Surveillance Testing is warranted.

(c) Approval from the Wyoming State Veterinarian or his designee is required prior to Spaying or performing Adult Brucellosis Vaccination if compensation is sought pursuant to these rules. A Brucellosis Mitigation Plan is considered prior approval as long as the procedure is specifically listed as a part of the Brucellosis Mitigation Plan.

(d) Payments will be made directly to a Category II Accredited Veterinarian and, if applicable, an Approved Livestock Market pursuant to W.S. 11-19-407(c). The Board will make payment upon receipt of a notarized invoice indicating: (1) the number of head tested, Spayed, or Adult Brucellosis Vaccinated; (2) the ownership of the animals tested, Spayed, or Adult Brucellosis Vaccinated; and (3) the location where testing, Spaying, or Adult Brucellosis Vaccinating occurred. Invoice forms may be obtained from the offices of the Board.

(i) The compensation rate for Surveillance Testing is \$5.00 per head if the animal tested has been within the boundaries of the Designated Surveillance Area or a Brucellosis Area of Concern. However, the compensation rate is \$5.50 per head tested for Surveillance Testing at Approved Livestock Markets of Test-Eligible Bovinae originating within the Designated Surveillance Area. The Board will only pay compensation for Testable Samples that are received at the Wyoming State Veterinary Laboratory or another USDA APHIS approved Brucellosis testing laboratory in properly labeled tubes and with properly completed, legible APHIS Brucellosis test charts showing the official identification, vaccination status, age, breed, and gender of each animal represented. The reason for the test must be specified on the test chart as “DSA” or “Brucellosis Area of Concern.”

(ii) If Surveillance Testing of Test-Eligible Bovinae originating within the Designated Surveillance Area occurs at an Approved Livestock Market and that market supplies labor to move the Bovinae through the alleys and chutes, the Board will pay that market \$2.00 per head tested. If a Category II Accredited Veterinarian supplies this labor, the Category II

Accredited Veterinarian will receive this payment in addition to the \$5.50 per head for testing, and the Approved Livestock Market will not receive compensation.

(iii) The compensation rate for Spaying Bovinae originating within the Designated Surveillance Area is \$6.50 per head only if one or more of the following conditions apply:

- (A) The Herd is infected with Brucellosis;
 - (B) The Herd is under quarantine as an adjacent or a contact Herd;
 - (C) The risk of exposure or transmission of Brucellosis to the Herd is high due to a documented commingling event during the period of February through June;
 - (D) The risk of exposure or transmission of Brucellosis to the Herd is increased due to increased numbers of elk or wild bison in the vicinity of the Herd during the period of February through June; or
 - (E) There is documentation that the Herd was exposed to an event of abortion or calving by elk or wild bison at any time of year.
- (iv) If a Brucellosis Mitigation Plan allows Adult Brucellosis Vaccination, the compensation rate for Adult Brucellosis Vaccination of female Bovinae within the Designated Surveillance Area or a Brucellosis Area of Concern will be \$3.50 per head.
- (v) The Wyoming State Veterinarian may, with Board approval, allow payment within statutory limits other than that set by the Board in subsection (d)(i), (iii), or (iv) upon written request describing the extenuating circumstances that support payment in excess of the amounts in (d)(i), (iii), or (iv).

Section 5. Compensation for Mandatory Testing.

(a) The Board will pay compensation for Mandatory Testing directly to a Category II Accredited Veterinarian and, if applicable, to an Approved Livestock Market pursuant to W.S. 11-19-407(c). The Board will make payment upon receipt of a notarized invoice indicating the number of head tested, the ownership of the animals tested, and the testing location. Invoice forms are available at the offices of the Board.

(b) The Board will only pay compensation for Testable Samples that are received at the Wyoming State Veterinary Laboratory or another USDA APHIS approved Brucellosis testing laboratory in properly labeled tubes and with properly completed, legible APHIS Brucellosis-test charts showing the official identification, vaccination status, age, breed, and gender for each animal represented. The reason for the test must be specified on the test chart as “DSA” or “Brucellosis Area of Concern.”

(c) An owner or manager is not required to have a Brucellosis Mitigation Plan or a Brucellosis Risk Assessment for the Category II Accredited Veterinarian to be eligible for compensation for Mandatory Testing.

(d) The Board will determine the amount paid for Mandatory Testing on a per-head basis and will review the payment schedule annually.

(i) For Mandatory Testing of Test-Eligible Bovinae originating within the Designated Surveillance Area, the compensation rate is \$5.00 per head tested.

(ii) For Mandatory Testing at Approved Livestock Markets of Test-Eligible Bovinae originating within the Designated Surveillance Area, the compensation rate is \$5.50 per head tested.

(iii) If Mandatory Testing of Test-Eligible Bovinae originating within the Designated Surveillance Area occurs at an Approved Livestock Market and that market supplies labor to move the Bovinae through the alleys and chutes, the Board will pay that market \$2.00 per head tested. If a Category II Accredited Veterinarian supplies this labor, the Category II Accredited Veterinarian will receive this payment in addition to the \$5.50 per head for testing, and the Approved Livestock Market will not receive compensation.

(iv) The Board will pay a Custom Slaughter Facility \$3.50 per head for each slaughtered Bovinae from which the facility collected a Testable Sample.

(e) The Wyoming State Veterinarian may, with Board approval, allow payment within statutory limits other than those set by the Board in subsection (d)(i) upon written request describing the extenuating circumstances that support payment in excess of the amount specified in (d)(i).

CHAPTER 6

BRUCELLOSIS RISK MITIGATION ACTIVITIES AND- REIMBURSEMENT COMPENSATION

Section 1. Authority to Create Rules.~~(a) Pursuant to the authority vested in the Wyoming Livestock Board by virtue of~~ The following rules are promulgated pursuant to Wyoming Statutes 11-19-405 through -407; and 11-18-103(v);~~the following rules are hereby promulgated.~~

Section 2. — Purpose of Rules.

~~(a) — These rules are adopted to provide general guidance and establish eligibility and compensation parameters for payment to Accredited Veterinarians and Approved Livestock Auction Markets participating in Brucellosis testing, Adult Brucellosis Vaccination and Spaying activities.~~

Section 3. — Severability

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

Section 2.4. Definitions Used in Rules.

~~(a) If not a term in these rules is not defined below, refer to the Wyoming Livestock Board's Chapter 2 Vaccination Against and Surveillance for Brucellosis~~ Management and Mitigation rules.

~~(i) “Adult Brucellosis Vaccination” means the vaccination of female cattle~~ Bovinae over twelve (12) months of age with RB 51 vaccine following the protocol outlined in the current Brucellosis Eradication Uniform Methods and Rules (UMR) or other APHIS directive.

~~(ii) — “Approved Livestock Market” means a livestock market that is licensed by the Board, and has in place a signed livestock marketing facility agreement with USDA APHIS, to handle cattle under conditions required by the Cooperative State Federal Brucellosis Eradication Program.~~

~~(iii) — “Board” means the Wyoming Livestock Board, State Agency 051, 1934 Wyott Drive, Cheyenne, WY 82002, (307) 777-7515.~~

~~(iv) — “Brucellosis” means an infectious disease of animals and humans caused by Brucella abortus.~~

~~(vii) “Brucellosis Area of Concern” means that area as defined in the Board's Chapter 2 Rules or as amended by a Board order.~~ an area designated by the Board and approved

by the Governor as an area where risk of exposure to documented Brucellosis infected wildlife is of concern.

~~(vi) “Category II Accredited Veterinarian” means an individual who is licensed to practice veterinary medicine and is approved by the USDA/APHIS to perform Category II accredited duties on all livestock species and poultry in the specific state(s) where he or she practices.~~

~~(viii) “Chapter 2 Rules” means the Wyoming Livestock Board’s Vaccination Against and Surveillance for Brucellosis Management and Mitigation rules, which establish protocol for vaccination, testing, and response for Brucellosis in cattle Bovinae.~~

~~(viii) “Custom Slaughter Facility” means a slaughter plant that is licensed and or inspected by the State of Wyoming where livestock is slaughtered and processed for the owner of the livestock only and the product is not offered for public sale or commercial use.~~

~~(ixv) “Designated Surveillance Area” or “DSA” means that area as defined in the Board’s Chapter 2 rules or as amended by a Board order. shall be that area as defined in the Wyoming Livestock Board’s Chapter 2 Rules or as amended by a board order.~~

~~(xv) “Designated Surveillance Area-Origin Bovinae Cattle” or “Bovinae originating within the Designated Surveillance Area” means cattle Bovinae that have moved or will move from a farm, ranch, or range located within the defined boundaries of the Designated Surveillance Area.~~

~~(xi) “Herd” means all Bovinae under common ownership or supervision that are grouped on one or more parts of any single premise; or all Bovinae under common ownership or supervision on two or more premises that are geographically separated but in which the animals have been interchanged or had contact with animals from different premises. It will be assumed that contact between animals of the same species on the different premises has occurred unless the owner establishes otherwise and the results of the epidemiologic investigation are consistent with the lack of contact between premises.~~

~~(xii) “Herd Plan” means a written document outlining practices a livestock producer will undertake to minimize the exposure of his/her cattle or domestic bison to Brucellosis. It shall be based on a completed Herd Risk Assessment. The Herd Plan will be valid when the State Veterinarian or his designee and the herd owner/manager have signed it.~~

~~(xiii) “Herd Risk Assessment” means an evaluation of the potential risk a cattle or domestic bison herd has for exposure to Brucellosis infected elk, bison, or cattle. The Assessment shall be performed by Wyoming Livestock Board personnel.~~

~~(xivvi) “Mandatory Testing” means any Brucellosis testing required by the Wyoming Livestock Board and/or United States Department of Agriculture, Animal and Plant Health Inspection Service or USDA APHIS.~~

~~(xv) —“Official Adult Vaccinate” means a female Bovinae that is over twelve (12) months of age when first vaccinated for Brucellosis using the recommended dose of a vaccine approved by the USDA APHIS VS Administrator and the Board. Prior approval by the Wyoming State Veterinarian, or his authorized representative, is required and may include Brucellosis testing. All adult vaccinates will be identified as such by an appropriate tattoo in the right ear or other method approved by the Wyoming State Veterinarian. Each Bovinae shall have a USDA approved individual official identification device which shall be reported on the appropriate certificate and forwarded to the appropriate state and federal animal health agencies within 14 days of vaccination.~~

~~(xvi) —“Official Booster Vaccinate” means either an Official Adult Vaccinate or an Official Calftood Vaccinate re-vaccinated for Brucellosis using the recommended dose of a vaccine approved by the USDA APHIS VS Administrator and the Board. Prior approval by the Wyoming State Veterinarian, or his authorized representative, is required either on a case-by-case basis or through a Herd Plan. Individual official identification will be confirmed and recorded for each Bovinae which shall be reported on the appropriate certificate and forwarded to the appropriate state and federal animal health agencies.~~

(xvii) “Spaying” means any surgical procedure by which female ~~cattle~~Bovinae are rendered permanently infertile as certified by a licensed veterinarian.

(xviii) “Surveillance Testing” means optional testing for Brucellosis other than that testing done to satisfy Chapter 2 ~~Brucellosis Rules~~ test requirements or ~~United States Department of Agriculture, Animal and Plant Health Inspection Service~~USDA APHIS test requirements, including testing provided for under the terms of a ~~valid Herd~~Brucellosis Mitigation Plan.

(xix) “Testable Sample” means a blood sample, collected using a clean and separate needle, syringe and container, for Brucellosis testing ~~which that~~ is received at the Wyoming State Veterinary Laboratory (~~WSVL~~)or other USDA APHIS approved Brucellosis testing laboratory in such condition that the tests conducted will yield valid results. ~~The testability of any sample will be as determined by the serology technicians at WSVL that laboratory.~~

~~(xx) —“Test Eligible” means all sexually intact female cattle or female domestic bison eighteen (18) months of age and over (as evidenced by the full eruption of at least one of the first pair of permanent incisor teeth). All Bovinae that are visibly pregnant or Post Parturient are test eligible regardless of age.~~

(xxi) “~~USDA/APHIS/VS~~” means the United States Department of Agriculture, Animal and Plant Health Inspection Service, ~~Veterinary Services~~.

(xxii) “~~Wyoming State Veterinarian~~” means a ~~Wyoming Accredited Veterinarian, employed by the Board, who serves as the State Veterinarian for the State of Wyoming as outlined in W.S. 11-19-101.~~

Section 5. — Penalty for Violation of Rules

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

Section 36. Payment Subject to Availability of Funds. ~~(a)~~ All payments authorized by these Rules are contingent upon the availability of funding and ~~shall~~will be issued at the sole discretion of the Board.

Section 47. Compensation for Brucellosis Surveillance Testing, Spaying, and Adult Brucellosis Vaccination.

~~(a) To be eligible for c~~Compensation for Brucellosis Surveillance Testing, Spaying, and Adult Brucellosis Vaccination, ~~shall require the producerowner or manager for whom the services are rendered to have a valid~~must have a Herd Brucellosis Mitigation Plan, which shall include a Herd Brucellosis Risk Assessment.

~~(i) — A valid Herd Plan or Herd Risk Assessment is not required for voluntary Surveillance Testing conducted on cattle from a Brucellosis Area of Concern.~~

~~(b) Approval from the State Veterinarian or his designee is required prior to Spaying or Adult Brucellosis Vaccination if compensation is sought pursuant to these rules. A valid Herd Plan is considered prior approval as long as the procedure is specifically listed as part of the Herd Plan~~ To be eligible for compensation for voluntary Surveillance Testing conducted on Bovinae from a Brucellosis Area of Concern, the owner or manager for whom testing is performed must have a Brucellosis Risk Assessment that determines that voluntary Surveillance Testing is warranted.

~~(c) Surveillance Testing of cattle from a Brucellosis Area of Concern shall be compensated at the same rate set for Mandatory Testing~~ Approval from the Wyoming State Veterinarian or his designee is required prior to Spaying or performing Adult Brucellosis Vaccination if compensation is sought pursuant to these rules. A Brucellosis Mitigation Plan is considered prior approval as long as the procedure is specifically listed as a part of the Brucellosis Mitigation Plan.

~~(d) — The Board shall determine the amount of compensation on a per head basis depending on the Herd Risk Assessment and may decline compensation if the Herd Risk Assessment does not warrant the activity.~~

~~(e)(d)~~ Payments ~~shall~~will be made directly to a Category II Accredited Veterinarian and, if applicable, or an Approved Livestock Market pursuant to W.S. § 11-19-407(c). The Board will make payment ~~shall be made upon submission~~receipt to the Board of a notarized invoice indicating: (1) the number of head tested, Spayed, or Adult Brucellosis Vaccinated; (2) the ownership of the animals tested, Spayed, or Adult Brucellosis Vaccinated; and (3) the location where testing, Spaying, or Adult Brucellosis Vaccinating location occurred. Invoice forms may be obtained from the offices of the Board.

~~(i) Payment~~The compensation rate for Surveillance Testing shall be made at is

\$5.00 per head if the animal tested has been within the boundaries of the Designated Surveillance Area or a Brucellosis Area of Concern. However, the compensation rate is \$5.50 per head tested for Surveillance Testing at Approved Livestock Markets of Test-Eligible Bovinae originating within the Designated Surveillance Area. The Board will only pay compensation for ~~Payment will only be made for~~ Testable Samples ~~which that~~ are received at the Wyoming State Veterinary Laboratory or another USDA APHIS approved Brucellosis testing laboratory in properly labeled tubes and with properly completed, legible APHIS Brucellosis test charts showing the official identification, vaccination status, age, breed, and gender of each animal represented. The reason for the test must be specified on the test chart as “DSA” or “Brucellosis Area of Concern.”

(ii) If Surveillance Testing of Test-Eligible Bovinae originating within the Designated Surveillance Area occurs at an Approved Livestock Market and that market supplies labor or move the Bovinae through the alleys and chutes, the Board will pay that market \$2.00 per head tested. If a Category II accredited Veterinarian supplies this labor, the Category II Accredited Veterinarian will receive this payment in addition to the \$5.50 per head for testing, and the Approved Livestock Market will not receive compensation.

(iii) ~~Payment~~The compensation rate for Spaying heifersBovinae originating within the Designated Surveillance Area shall be atis \$6.50 per head only under the following pre-approved conditions if one or more of the following conditions apply:

- (A) ~~A~~The Hherd is infected;~~or~~ with Brucellosis;
- (B) ~~A~~The Hherd is under quarantine as an adjacent or a contact Hherd; ~~or~~
- (C) The risk of exposure~~/or transmission of Brucellosis to the Herd~~ is high due to a documented commingling event during the period of February through June;~~or~~
- (D) The risk of exposure~~/or transmission of Brucellosis to the Herd~~ is increased due to increased numbers of elk or wild bison in the vicinity of ~~cattle~~the Herd during the period of February through June; or
- (E) There is Documenteddocumentation that the Herd was exposure exposed to an event of a cattle herd to an elk or bison-abortion or calving by elk or wild bison event at any time of year.

(iiiiv) ~~Payment for Adult Vaccination of female cattle within the Designated Surveillance Area or Brucellosis Area of Concern shall be made at \$3.50 per head, subject to an approved Herd Plan that allows such. If a Brucellosis Mitigation Plan allows Adult Brucellosis Vaccination, the compensation rate for Adult Brucellosis Vaccination of female Bovinae within the Designated Surveillance Area or a Brucellosis Area of Concern will be \$3.50 per head.~~

(iv) The Wyoming State Veterinarian may, with Board approval, allow payment within statutory limits other than that set by the Board in subsection (ed)-(i), (ii), or (iiiiv) upon written request describing the extenuating circumstances which support payment in excess of the

amounts in (ed)-(i), (ii), or (iii).

Section 58. Compensation for Mandatory Brucellosis Testing.

(a) ~~Payment~~The Board will pay compensation for Mandatory Brucellosis Testing-~~shall be made~~ directly to a ~~Wyoming~~Category II Accredited Veterinarian and/or, if applicable, to~~an~~ Approved Livestock Market pursuant to W.S. § 11-19-407(c). ~~The Board will make payment-~~shall be made upon ~~submission~~receipt to the Board of a notarized invoice indicating the number of head tested, the ownership of the animals tested, and the testing location. Invoice forms ~~may be obtained from~~are available at the offices of the Board.

(b) ~~Payment~~The Board will only pay compensation-~~be made~~ for Testable Samples ~~which~~that are received at the Wyoming State Veterinary Laboratory or another USDA APHIS approved Brucellosis testing laboratory in properly labeled tubes and with properly completed, legible APHIS Brucellosis-test charts showing the official identification, vaccination status, age, breed, and gender of each animal represented. The reason for the test must be specified on the test chart as “DSA” or “Brucellosis Area of Concern.”

(c) ~~Payment for Mandatory Testing shall not require a Herd Plan or Herd Risk Assessment.~~An owner or manager is not required to have a Brucellosis Mitigation Plan or a Brucellosis Risk Assessment for the Category II Accredited Veterinarian to be eligible for compensation for Mandatory Testing.

(d) The Board ~~shall~~will determine the amount paid for Mandatory Testing on a per-head basis and ~~shall~~will review the payment schedule annually.

(i) ~~For Mandatory Testing of Test-Eligible cattle~~Bovinae originating within the Designated Surveillance Area, ~~shall~~the compensation rate is ~~be paid at~~ \$5.00 per head tested.

(ii) ~~For Mandatory Testing at Approved Livestock Markets of Test-Eligible Bovinae originating within~~of Designated Surveillance Area, ~~origin cattle at Approved Livestock Markets shall be paid at~~the compensation rate is \$5.50 per head tested.

(iii) ~~Approved Livestock Markets where Mandatory Testing of Designated Surveillance Area origin Test Eligible cattle occurs shall be paid \$2.00 per head tested at the market if the market supplies labor to move the cattle through the alleys and chutes. If the Wyoming Accredited Veterinarian supplies this labor, the Veterinarian will receive this payment in addition to the \$5.50 per head for testing, and the Market will not receive compensation.~~If Mandatory Testing of Test-Eligible Bovinae originating within the Designated Surveillance Area occurs at an Approved Livestock Market and that market supplies labor to move the Bovinae through the alleys and chutes, the Board will pay that market \$2.00 per head tested. If a Category II Accredited Veterinarian supplies this labor, the Category II Accredited Veterinarian will receive this payment in addition to the \$5.50 per head for testing, and Approved Livestock Market will not receive compensation.

(iv) ~~Mandatory Testing for Brucellosis samples collected by~~The Board will

~~pay a Wyoming Custom Slaughter operations Facility on slaughtered cattle shall be paid at \$3.50~~
per head for each slaughtered Bovinae from which the facility collected a Testable Samples.

(e) The Wyoming State Veterinarian may, with Board approval, allow payment within statutory limits other than those set by the Board in subsection (d)(i) upon written request describing the extenuating circumstances ~~which~~that support payment in excess of the amount specified in (d)-(i).

Statement of Reasons
Chapter 24 Livestock Law Enforcement Account

The Wyoming Livestock Board seeks to establish Chapter 24 of its rules to be entitled “Livestock Law Enforcement Account Rules.” These proposed rules implement the Legislature’s direction to the Board in SF0066, Enrolled Act No. 69 of the 2019 General Session, which created Wyoming Statute § 11-18-120. That statute established the Livestock Law Enforcement Account. Additionally, that statute directs the Board to administer the Account and to use it to reimburse county sheriffs for activities relating to in-state and out-of-state livestock investigations and to provide training to county sheriffs regarding livestock law enforcement.

Pursuant to the requirements of Wyoming Statute § 11-18-120, the Board adopted the proposed rules for the following reasons:

- To specify the uses of the Account.
- To identify expenses eligible for reimbursement.
- To identify expenses ineligible for reimbursement.
- To specify the requirements for a Mutual Aid Memoranda of Understanding that the Board may enter into with a county sheriff to obtain additional investigation support and targeted livestock law enforcement.
- To specify rates for reimbursement of eligible expenses.
- To establish the procedures a county sheriff must follow to request reimbursement.
- To establish the procedure by which a county sheriff may request reconsideration of any expense denied reimbursement by the Board.

Chapter 24

Livestock Law Enforcement Account Rules

Section 1. Authority. These rules are written in accordance with the authority provided in Wyoming Statutes 11-18-103(a)(x) and 11-18-120.

Section 2. Definitions Used in Rules.

(a) “Account” means the Livestock Law Enforcement Account created by W.S. 11-18-120.

(b) “Annual Claim Period” means the period between July 1 and March 31 of each fiscal year during which a county sheriff may incur eligible expenses for which it may file a claim with the Board for possible reimbursement from the Account.

(c) “Board” means the Wyoming Livestock Board.

(d) “Executive Director” means the director of the Board or his designee.

(e) “Investigation” means an investigation into a potential, suspected, alleged, or known violation of Wyoming’s livestock laws as listed in W.S. 7-2-101(a)(iv)(E).

(f) “Training” or “Training Program” means training provided by the Board to enhance the abilities of county sheriffs to enforce the laws pertaining to livestock throughout Wyoming.

Section 3. Livestock Law Enforcement Account Uses.

(a) The Board may establish accounting and purchasing procedures for Account administration.

(b) The Board may expend funds from the Account to cover the Board’s expenses associated with providing Training to county sheriffs, including:

(i) The cost of renting livestock and equipment;

(ii) The cost of renting a facility or venue;

(iii) Expenses for materials and supplies; and

(iv) Expenses for travel, lodging, meals, honoraria, or fees for trainers with expertise in livestock law enforcement that are not Board employees.

(c) The Board will not prepay claims for reimbursement to cover shortfalls in a county sheriff’s budget.

(d) The Board reserves the right to prorate approved claims when there are insufficient funds in the Account to cover all approved claims.

Section 4. Expenses Eligible for Reimbursement.

- (a) Investigation expenses that are eligible for reimbursement include:
- (i) Expenses for laboratory testing of evidence gathered during an Investigation;
 - (ii) Expenses for maintaining the chain of custody for evidence gathered during an Investigation;
 - (iii) Travel, lodging, and per diem expenses for Investigations by county sheriff employees;
 - (iv) Travel, lodging, and per diem expenses for court appearances by county sheriff employees called to testify in a case arising from an Investigation;
 - (v) Expenses for activities relating to an Investigation specified in a mutual aid memorandum of understanding entered into between the Board and a county sheriff; and
 - (vi) Expenses for recovery of missing livestock.
- (b) The rate for reimbursement of travel, lodging, and per diem expenses will be at the rate authorized by the Governor of the state of Wyoming as of May 1 of each fiscal year; however, the Board cannot guarantee full reimbursement at that rate for every submitted claim containing eligible expenses for travel, lodging, and per diem. If a county sheriff has entered into a mutual aid memorandum of understanding as provided in Section 5 of these rules with the Board, the rates in that memorandum will apply.
- (c) The Board will consider expenses for damage to county sheriff property directly related to Investigations on a case-by-case basis.
- (d) The types of Training expenses that are eligible for reimbursement are limited to expenses for travel, lodging, and per diem for attendance at a Training Program.
- (e) County payment of expenses eligible for reimbursement from the Account does not guarantee reimbursement by the Board. A county sheriff must show that each expense claimed is reasonable.

Section 5. Mutual Aid Memoranda of Understanding.

- (a) The Board may enter into a mutual aid memorandum of understanding (MOU) with a county sheriff to obtain additional Investigation support and targeted livestock law

enforcement in a specified geographic area based upon an open Investigation in that geographic area. If the Board enters into an MOU, the MOU will specify the rate(s) of reimbursement for the county sheriff's provision of additional Investigation support and targeted livestock law enforcement by deputies using county sheriff's vehicles.

(b) Each MOU will specify the following:

(i) The term of the MOU;

(ii) The maximum possible reimbursable amount for activities performed pursuant to the MOU; and

(iii) The hourly rate for reimbursement of a deputy's time actually spent performing activities pursuant to the MOU.

Section 6. Expenses Not Eligible for Reimbursement.

(a) Expenses not eligible for reimbursement from the Account include:

(i) Expenses not directly incurred from or related to Investigations;

(ii) Expenses to recover property other than livestock;

(iii) Expenses for normal wear and tear to or routine maintenance of equipment or property; and

(iv) Expenses for damage to equipment or property unless approved by the Board on a case-by-case basis as provided in Section 4(c).

(b) The list in subsection (a) is not exhaustive. The Board reserves the right to deny reimbursement for any expense that it determines does not meet the intent of W.S. 11-18-120 or these rules.

(c) The Board will not approve claims to reimburse county sheriffs for any salary or benefits normally paid to their employees; however, if a county sheriff enters into an MOU with the Board as provided in Section 5, a deputy sheriff's on-duty overtime will be eligible for reimbursement.

Section 7. Reimbursement Procedures.

(a) Any county sheriff in Wyoming may make a claim for reimbursement for eligible expenses directly incurred from Investigation activities or attendance at Training Programs. The Board will not consider any claim submitted by a governmental entity other than a Wyoming county sheriff.

(b) When making a claim for reimbursement from the Account, a county sheriff must comply with the procedures in this section. Under exceptional circumstances, the Board may consider on a case-by-case basis claims that only substantially comply with the procedures in this section.

(c) A county sheriff must submit a Livestock Law Enforcement Investigation Report (Report) on the Board-provided form to the Board within seven (7) days of the start date of the Investigation. A county sheriff must submit a Report by email or fax to the following: Fax: 307-777-6561; email: wlsb-leo-reimbursement@wyo.gov

(d) A county sheriff may submit a claim for each Investigation for which it has submitted a Report.

(e) A county sheriff must submit each claim on the most current version of the applicable Board-provided forms.

(f) A county sheriff must support each claim with sufficient documentation and narrative explanation to connect each documented, eligible expense to the Investigation.

(g) Unless otherwise provided in these rules, the Board will only consider claims that are based on Investigations or attendance at Training Programs that occurred during the Annual Claim Period.

(h) A county sheriff must submit all claims for each Annual Claim Period to the Executive Director on or before May 1 of each year via mail, email, or fax to the Board's mailing address, email address, or fax number listed in these rules. The Board's mailing address is 1934 Wyott Drive, Cheyenne, Wyoming 82002-0051. Each county sheriff must submit all claims for each Annual Claim Period at the same time unless a county sheriff receives written approval from the Executive Director to submit one or more claims at a different time.

(i) A county sheriff seeking reimbursement for property damage or losses must specify the damage or losses on Board Form 3.

(j) To be eligible for reimbursement, expenses documented by receipts provided by vendors to a county sheriff must be itemized. The Board will not consider expenses based on receipts for miscellaneous or generic expenses.

(k) The Board will consider and either approve or deny all timely submitted claims for the prior Annual Claim Period on or before May 31 of each year.

Section 8. Reconsideration of Denied Expenses.

(a) A county sheriff may make a request for reconsideration of any expense denied by the Board. A county sheriff must submit the request for reconsideration in writing along with any documentation supporting the request to the Board on or before June 15 of the year that the Board denied that expense.

(b) The Board will consider and vote on the request for reconsideration on or before June 30.

(c) After the Board votes on the request for reconsideration, the Executive Director will compile the results, document the decision, and send the decision to the applicant within thirty (30) days of the Board's decision on the request for reconsideration.

(d) Decisions on requests for reconsideration are final.

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