

Wyoming Administrative Rules

Livestock Board

General Agency, Board or Commission Rules

Chapter 24: Livestock Law Enforcement Account

Effective Date: 02/06/2020 to Current

Rule Type: Current Rules & Regulations

Reference Number: 051.0001.24.02062020

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.