

ENROLLED ACT NO. 46, SENATE

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2003 GENERAL SESSION

AN ACT relating to wildlife; amending powers of the game and fish commission regarding introduced species; providing a plan for potential litigation; providing for a report; and providing for an effective date.

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

Section 1. W.S. 23-1-302 by creating a new subsection (m) is amended to read:

23-1-302. Powers and duties.

(m) In order to mitigate detrimental impacts to Wyoming from wildlife species including endangered species, which have been or may be introduced, planted or propagated in Wyoming, excluding Yellowstone National Park, by any federal agency, the commission shall demand reimbursement from the federal government for damages to Wyoming wildlife and wildlife habitat caused by any species, including endangered species, introduced within Wyoming under federal mandates or programs.

Section 2.

(a) In furtherance of the purposes of this act, the attorney general shall prepare a plan for potential litigation to mitigate detrimental impacts to the state from the introduction, propagation or management of any wildlife species, including endangered species, by the federal government within the boundaries of the state. The plan shall include, but not be limited to consideration of the following legal claims:

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(i) The authority of the state to prohibit by rule the introduction, propagation or management of any wildlife species by the federal government;

(ii) The obligation of the federal government to compensate the state for damages to Wyoming wildlife and wildlife habitat caused by federal introduction, propagation or management of any wildlife species;

(iii) The obligation of the federal government to compensate any citizen including landowners, lessees, outfitters or their agents whose property or livelihood is being damaged by introduced wildlife species;

(iv) The authority of the state to require the removal of any species introduced within Wyoming by the federal government;

(v) The extent of the state's authority to exercise sole, primary or concurrent jurisdiction over the management of any and all wildlife within its boundaries.

(b) The attorney general shall further determine any areas of the state, including Yellowstone National Park, to be excluded from the above legal claims. The plan mandated by this subsection, together with the attorney general's estimate of the potential cost of the litigation, shall be forwarded to the joint travel, recreation, wildlife and cultural resources interim committee not later than September 1, 2003.

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Section 3. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____
DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk