

ENROLLED ACT NO. 45, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING  
2022 BUDGET SESSION

AN ACT relating to land management; requiring notice to federal land management agencies of the costs of wild horse grazing on state lands and requesting reimbursement; authorizing enforcement by writ of mandamus for removal of wild horses from nonfederal lands; providing for state management of wild horses and burros with tribes, federal land management agencies, other states and private entities; providing definitions; providing an appropriation; requiring reports; and providing for an effective date.

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

**Section 1.** W.S. 11-30-115(a) and by creating new subsections (c) through (f) is amended to read:

**11-30-115. Unlawful killing of wild horses and burros; federal management and invoicing; enforcement by writ of mandamus; state management with other agencies and tribes.**

(a) For purposes of this section:

(i) "Affected nonfederal lands" means state, municipal or county lands upon which the landowner has proof that wild horses have regularly grazed;

(ii) "Appropriate management level" or "AML" means the number of wild horses that the United States bureau of land management or United States forest service determines can exist in balance with other public land resources and uses. The AML is a range of low to maximum levels at which wild horse herd populations are consistent with the land's capacity to support them;

ENROLLED ACT NO. 45, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING  
2022 BUDGET SESSION

(iii) "Herd management area" means lands under the supervision of the United States bureau of land management or United States forest service upon which populations of wild horses are managed according to the 1971 Wild Free-Roaming Horses and Burros Act, as amended, 16 U.S.C. § 1331 et seq.;

(iv) "Wild horse" means ~~a horse, mare, filly or colt which is any~~ unbranded and unclaimed ~~and lives on state or~~ horse or burro on public ~~land~~ lands.

(c) Upon the failure or refusal, as determined by the governor, of the United States bureau of land management or United States forest service to remove any wild horses claimed by the United States bureau of land management or United States forest service as belonging to a herd management area, which regularly stray from federal lands, the office of state lands and investments shall provide the United States secretary of the interior or United States secretary of agriculture, as applicable, with annual notice identifying the grazing cost for those wild horses and a request for reimbursement of those costs. To facilitate calculation of costs under this subsection the office of state lands and investments shall:

(i) Determine the total area of the herd management area plus adjacent affected nonfederal lands, and determine the percentage of the total area consisting of affected nonfederal lands;

(ii) Using annual wild horse data from the bureau of land management or forest service, as applicable, calculate the annual animal unit month amount of forage consumed by the wild horses in the applicable area;

ENROLLED ACT NO. 45, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING  
2022 BUDGET SESSION

(iii) Multiply the forage consumed as calculated under paragraph (ii) of this subsection by the percentage of affected nonfederal lands determined under paragraph (i) of this subsection and apply the rate for services rendered for each acre of affected nonfederal lands:

(A) For wild horse numbers up to the high appropriate management levels, an amount equal to the land lease rate per animal unit month for Wyoming trust land grazing leases;

(B) For wild horse numbers in excess of the high appropriate management levels, an amount equal to three (3) times the land lease rate per animal unit month for Wyoming trust land grazing leases.

(d) Any reimbursement monies received from a federal land management agency in response to a notice of costs of wild horse grazing on affected nonfederal lands and request for reimbursement sent pursuant to subsection (c) of this section shall be deposited with the state treasurer and shall first be credited to the municipality or county in the proportionate share applicable in the notice of costs to municipal or county lands included in the total area of affected nonfederal lands pursuant to paragraph (c)(i) of this section and then the balance shall be deposited in the applicable permanent land income fund. A notice of costs sent pursuant to subsection (c) of this section shall not be construed to impose any collections responsibility or liability on the part of the state to a municipality or county.

(e) The attorney general may seek a writ of mandamus or take other appropriate action to compel the United States bureau of land management or United States forest

ENROLLED ACT NO. 45, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING  
2022 BUDGET SESSION

service, as applicable, to take action to remove excess wild horses as required under federal law from nonfederal lands. Recognizing that wild horses roam without regard to political boundaries, the nonfederal lands for which a writ of mandamus is sought under this subsection may include private land.

(f) To manage wild horses in the state, including on the Wind River Indian Reservation, the governor is authorized to enter into cooperative agreements among state and local agencies and with the United States bureau of land management, the United States forest service, the Eastern Shoshone Tribe, the Northern Arapaho Tribe, an official cooperative tribal governing body, adjacent states, nongovernmental organizations or other private entities. A cooperative agreement under this subsection may provide for any cooperative undertaking to manage wild horses, including population reduction tactics, permanent and temporary fertility control techniques, expanding or increasing the number of wild horse training and adoption programs and other removal activities. Cooperative agreements shall address the long term management of wild horse populations that are in excess of high appropriate management levels. Any revenue generated as a result of general fund expenditures shall be remitted to the state as allowed by law. As used in this subsection:

(i) "Cooperative undertaking" includes an existing program, or a program created pursuant to this subsection, administered by a state agency or any party to the cooperative agreement;

(ii) "Wild horse training and adoption programs" includes programs with any state correctional facility under W.S. 25-13-104.

ENROLLED ACT NO. 45, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING  
2022 BUDGET SESSION

**Section 2.**

(a) There is appropriated five hundred thousand dollars (\$500,000.00) from the general fund to the office of the governor for state endeavors to manage wild horses in the state, including on the Wind River Indian Reservation, pursuant to cooperative agreements among state and local agencies and with the United States bureau of land management, the United States forest service, the Eastern Shoshone Tribe, the Northern Arapaho Tribe, a cooperative tribal governing body, adjacent states, nongovernmental organizations or other private entities, as provided in section 1 of this act. This appropriation shall not be transferred or expended for any other purpose. Any unobligated, unexpended funds remaining from this appropriation shall revert as provided by law on June 30, 2023. It is the intent of the legislature that this appropriation not be included in the office of the governor's standard budget for the immediately succeeding fiscal biennium.

(b) Not later than October 1, 2022 and again on October 1, 2023, the governor shall report to the joint agriculture, state and public lands and water resources interim committee regarding expenditures, cooperative agreements and projects made or pursued pursuant to subsection (a) of this section.

ORIGINAL HOUSE  
BILL NO. HB0005

ENGROSSED

ENROLLED ACT NO. 45, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING  
2022 BUDGET SESSION

**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 House.

\_\_\_\_\_  
Chief Clerk