

HOUSE BILL NO. HB0005

Wild horse and burro management.

Sponsored by: Joint Agriculture, State and Public Lands &
Water Resources Interim Committee

A BILL

for

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

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

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

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2 11-30-115. Unlawful killing of wild horses and
3 burros; federal management and invoicing; enforcement by
4 writ of mandamus; state management with other agencies and
5 tribes.

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7 (a) For purposes of this section:

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

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

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21 (iii) "Herd management area" means lands under
22 the supervision of the United States bureau of land
23 management or United States forest service upon which

1 populations of wild horses are managed according to the
2 1971 Wild Free-Roaming Horses and Burros Act, as amended,
3 16 U.S.C. § 1331 et seq.;

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

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

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22 (i) Determine the total area of the herd
23 management area plus adjacent affected nonfederal lands,

1 and determine the percentage of the total area consisting
2 of affected nonfederal lands;

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

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

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

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

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

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18 (e) The attorney general may seek a writ of mandamus
19 to compel the United States bureau of land management or
20 United States forest service, as applicable, to take action
21 to remove excess wild horses as required under federal law
22 from nonfederal lands. Recognizing that wild horses roam
23 without regard to political boundaries, the nonfederal

1 lands for which a writ of mandamus is sought under this
2 subsection may include private land.

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4 (f) To manage wild horses in the state, including on
5 the Wind River Indian Reservation, the governor is
6 authorized to enter into cooperative agreements among state
7 and local agencies and with the United States bureau of
8 land management, the United States forest service, the
9 Eastern Shoshone Tribe, the Northern Arapaho Tribe, an
10 official cooperative tribal governing body, adjacent
11 states, nongovernmental organizations or other private
12 entities. A cooperative agreement under this subsection may
13 provide for any cooperative undertaking to manage wild
14 horses, including population reduction tactics, permanent
15 and temporary fertility control techniques, expanding or
16 increasing the number of wild horse training and adoption
17 programs and other removal activities. As used in this
18 subsection:

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

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Section 2.

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

(a) There is appropriated two million dollars (\$2,000,000.00) 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, 2024. It is the intent of the legislature that this appropriation not be included in the office of the

1 governor's standard budget for the immediately succeeding
2 fiscal biennium.

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4 (b) Not later than October 1, 2022 and
5 October 1, 2023, the governor shall report to the joint
6 agriculture, state and public lands and water resources
7 interim committee regarding expenditures, cooperative
8 agreements and projects pursuant to subsection (a) of this
9 section.

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

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(END)