

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Excess wildlife population damage amendments.

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

A BILL

for

1 AN ACT relating to game and fish; authorizing compensation
2 to landowners and lessees for lost forage due to excessive
3 big game herd size as specified; making conforming
4 amendments; and providing for effective dates.

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

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8 **Section 1.** W.S. 23-1-901(c) and by creating a new
9 subsection (j) is amended to read:

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1 23-1-901. Owner of damaged property to report damage;
2 claims for damages; time for filing; determination; appeal;
3 arbitration.

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5 (c) The department shall consider the claims based
6 upon a description of the livestock or bees damaged or
7 killed by a trophy game animal, the damaged land, growing
8 cultivated crops, stored crops including honey and hives,
9 seed crops, improvements and ~~extraordinary damage to grass~~
10 damage to nonirrigated rangelands. The following
11 regulations apply:

12
13 (i) The commission is authorized to establish by
14 rule, methods, factors and formulas to be used for
15 determining the amount to compensate any landowner, lessee
16 or agent for livestock damaged as a result of, missing as a
17 result of, or killed by trophy game animals. ~~;~~

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19 (ii) Claims shall be investigated by the
20 department and rejected or allowed within ninety (90) days
21 after submission, and paid in the amount determined to be
22 due. In the event the department fails to act within ninety
23 (90) days, the claim, including interest based on local

1 bank preferred rates, shall be deemed to have been
2 allowed.~~i~~

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4 (iii) No award shall be allowed to any landowner
5 who has not permitted hunting on his property during
6 authorized hunting seasons.~~i~~

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8 (iv) Any person failing to comply with any
9 provision of this section is barred from making any claim
10 against the department for damages.~~i~~

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12 (v) Any claimant aggrieved by the decision of
13 the department may appeal to the commission within thirty
14 (30) days after receipt of the decision of the department
15 as provided by rules of practice and procedure promulgated
16 by the commission. The commission shall review the
17 department decision at its next meeting following receipt
18 of notice of request for review. The commission shall
19 review the investigative report of the department, and it
20 may approve, modify or reverse the decision of the
21 department.

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3 STAFF COMMENT

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5 The Game and Fish Department recommended the above
6 amendment regarding nonirrigated rangelands to
7 differentiate between 23-1-901(c) and the newly created (j)
8 below.

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13 (j) Subject to subsection (c) of this section, in any
14 established herd unit where the population of a big game
15 species exceeds the population objective established by the
16 commission for two (2) or more consecutive years, a
17 landowner, lessee or agent of private or state lands
18 located within that herd unit shall, not later than fifteen
19 (15) days after the damage is discovered by the landowner,
20 lessee or agent, report the damage to the nearest game
21 warden, damage control warden, supervisor or commission
22 member. The landowner, lessee or agent may present a
23 verified claim for damages to the Wyoming game and fish
24 department not later than sixty (60) days after the damage
25 or last item of damage was discovered. The landowner,
26 lessee or agent shall be entitled to compensation for lost
27 forage calculated by the game and fish department as
28 follows:

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STAFF COMMENT

Originally, the language above required landowners or lessees to own or lease 120 acres or more in order to qualify for compensation. That provision was taken out due to concerns about discriminatory treatment.

(i) The department is authorized to establish by rule, methods, factors and formulas to be used for determining the amount to compensate any landowner, lessee or agent for lost forage due to a big game herd unit exceeding the population objective. The department is authorized to determine individualized harm suffered by the landowner, lessee or agent and provide compensation accordingly;

(ii) To be eligible for compensation under this subsection, the landowner, lessee or agent shall permit hunting on their property during authorized hunting seasons;

