

ENROLLED ACT NO. 62, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2004 BUDGET SESSION

AN ACT relating to wildlife; authorizing the establishment of pilot projects compensating landowners for damage caused by wildlife; specifying parameters of the projects; requiring a report; providing an appropriation; providing for sunset of the pilot project authorization; and providing for an effective date.

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

Section 1. W.S. 23-1-902 is created to read:

23-1-902. Compensation for private property damaged by wildlife; pilot projects authorized.

(a) The department, subject to review and approval of the commission, shall establish at least one (1) and up to five (5) pilot projects providing for private landowner compensation for damages caused by wildlife in this state. The pilot projects shall be implemented at divergent geographic locations in the state using coordinated resource management guidelines. The pilot projects may be based upon any or all of the following or any combination of the following:

(i) Modification of the existing private lands-public wildlife hunter management program to compensate private landowners for providing habitat and forage by the acre. The project may require a minimum amount of acreage and minimum number of hunter days of access and may provide for the management of big game animals and compensation for forage and habitat. Additional incentives may be provided for long-term contracts. Landowners participating in the pilot project shall not be eligible to redeem coupons provided under W.S. 23-3-105 for animals taken on lands within the program. Landowners shall be given the option

ORIGINAL HOUSE
BILL NO. 0018

ENROLLED ACT NO. 62, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2004 BUDGET SESSION

to include mutually agreed upon restrictions for access. The landowner and the department may develop a formula for the value of species being managed, and provide different payments per acre enrolled based upon the species being managed. The landowner and the department may negotiate acres, price, restrictions and conditions;

(ii) Compensation based upon a determination of the number of big game animals living on private lands, the duration of the presence and the effect on native livestock forage. Based upon those determinations, the department shall calculate an animal unit month for consumption of native livestock forage and compensate landowners based upon the calculated consumption, minus ten percent (10%) attributed to the landowner contribution of rangeland forage, and the average value of an animal unit month in the county as reported in the Wyoming agricultural statistics service survey of private land lease rates for the previous year;

(iii) Compensation for wildlife use based upon site specific utilization sampling of forage consumed by wildlife. Based upon the samplings, the department shall calculate an animal unit month for consumption of livestock forage and compensate landowners based upon the calculated consumption, minus ten percent (10%) attributed to the landowner contribution of rangeland forage, and the average value of an animal unit month in the county as reported in the Wyoming agricultural statistics service survey of private land lease rates for the previous year;

(iv) Compensation based upon wildlife stewardship agreements between the department and private landowners. The agreements may provide for the lease of rangeland grass, crops and habitat for wildlife benefits and be negotiated on a case-by-case basis. The agreements

ORIGINAL HOUSE
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ENROLLED ACT NO. 62, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2004 BUDGET SESSION

may include restrictions or conditions applicable to pilot projects under paragraphs (i) through (iii) of this subsection. The agreements shall be tailored to protect the landowner's operation.

(b) In developing proposed pilot projects under this section, the commission and department shall consult with groups representing landowners, conservation districts and sportsmen. The commission shall retain the state's sovereign immunity in any contract entered into under this section except to the extent of compensation specified by the contract. The commission shall offer to all individual private landowners meeting the criteria of a proposed pilot project, the opportunity to apply to participate in the proposed pilot project. The project may require a minimum amount of acreage and minimum number of hunter days of access and may provide for the management of big game animals and compensation for forage and habitat. The commission may limit participation in any or all pilot projects implemented to individual landowners or to any group of individual landowners as within the sole discretion of the commission best serves to accomplish the purposes of the pilot project.

(c) Pilot projects under this section shall terminate not later than January 1, 2009. The department shall report actions taken under this section, the results of any pilot project and recommendations for statutory changes concerning compensation for wildlife damages to the legislature not later than May 1, 2009.

(d) This section is repealed effective May 1, 2009.

Section 2. W.S. 23-1-901 by creating a new subsection (g) and 39-13-103(b)(x) by creating a new subparagraph (D) are amended to read:

ORIGINAL HOUSE
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ENROLLED ACT NO. 62, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
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23-1-901. Owner of damaged property to report damage; claims for damages; time for filing; determination; appeal; arbitration.

(g) Damages caused to private property which are compensated under pilot projects implemented pursuant to W.S. 23-1-902 are not subject to the provisions of this section.

39-13-103. Imposition.

(b) Basis of tax. The following shall apply:

(x) The following shall apply to agricultural land:

(D) Land leased by the game and fish commission under a wildlife stewardship pilot project agreement under W.S. 23-1-902(a)(iv) shall be levied and assessed based upon the taxable value of agricultural land of similar productive value under W.S. 39-13-101(a) and this paragraph.

Section 3. The intent of this act is to gather information for the legislature to enable the establishment of a fair method of compensating private landowners for damages caused by the state's wildlife and to provide wildlife habitat. Actions taken under this act shall be done in furtherance of this intent.

Section 4. There is appropriated from the general fund to the game and fish commission three hundred thousand dollars (\$300,000.00) or as much thereof as necessary for purposes of this act for fiscal years 2005 and 2006.

ORIGINAL HOUSE
BILL NO. 0018

ENROLLED ACT NO. 62, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2004 BUDGET SESSION

Unobligated or unencumbered funds under this section shall revert to the budget reserve account on July 1, 2006.

Section 5. 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