

HOUSE BILL NO. HB0060

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 the game and
2 fish department to compensate landowners, lessees and
3 agents for extraordinary damage to rangeland as specified;
4 providing a definition; requiring rulemaking; requiring
5 Wyoming game and fish to develop an elk management plan as
6 specified; requiring a report; providing a sunset date; and
7 providing for effective dates.

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

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11 **Section 1.** W.S. 23-1-901(c) is amended to read:

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13 **23-1-901. Owner of damaged property to report damage;**
14 **claims for damages; time for filing; determination; appeal;**
15 **arbitration.**

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2 (c) The department shall consider the claims based
3 upon a description of the livestock or bees damaged or
4 killed by a trophy game animal, the damaged land, growing
5 cultivated crops, stored crops including honey and hives,
6 seed crops, improvements, ~~and~~ extraordinary damage to grass
7 and, until July 1, 2030, extraordinary damage to rangeland.

8 The commission is authorized to establish by rule, methods,
9 factors and formulas to be used for determining the amount
10 to compensate any landowner, lessee or agent for livestock
11 damaged as a result of, missing as a result of, or killed
12 by trophy game animals and, until July 1, 2030, the amount
13 to compensate any landowner, lessee of state or private
14 land or agent for extraordinary damage to rangeland. Claims
15 shall be investigated by the department and rejected or
16 allowed within ninety (90) days after submission, and paid
17 in the amount determined to be due. In the event the
18 department fails to act within ninety (90) days, the claim,
19 including interest based on local bank preferred rates,
20 shall be deemed to have been allowed. No award shall be
21 allowed to any landowner who has not permitted hunting on
22 his property during authorized hunting seasons. Any person
23 failing to comply with any provision of this section is

1 barred from making any claim against the department for
2 damages. Any claimant aggrieved by the decision of the
3 department may appeal to the commission within thirty (30)
4 days after receipt of the decision of the department as
5 provided by rules of practice and procedure promulgated by
6 the commission. The commission shall review the department
7 decision at its next meeting following receipt of notice of
8 request for review. The commission shall review the
9 investigative report of the department, and it may approve,
10 modify or reverse the decision of the department. Until
11 July 1, 2030, for purposes of this subsection:

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13 (i) "Extraordinary damage to rangeland" means
14 the consumption of forage normally available for livestock
15 that is consumed by any big game species;

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17 (ii) It shall be presumed that extraordinary
18 damage to rangeland has occurred if the consumption of
19 forage exceeds fifteen percent (15%) of the estimated total
20 annual production of forage in the year for which damage is
21 claimed or if the population estimate of any big game herd
22 on the rangeland for which damage is claimed exceeds the
23 population objective established by the commission for two

1 (2) or more consecutive years. The department may rebut
2 either of these presumptions based on the facts of an
3 individual claim;

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5 (iii) Amounts to compensate a landowner, lessee
6 or agent for extraordinary damage to rangeland shall be
7 based on the animal unit months payable to the state for
8 state trust lands or a multiplier of not less than one
9 hundred fifty percent (150%) of the private land lease rate
10 for the affected area as established by the United States
11 department of agriculture for private land.

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13 **Section 2.** The game and fish department shall develop
14 a plan to reduce the elk population in every area that is
15 over objective and report the plan to the joint travel,
16 recreation, wildlife & cultural resources interim committee
17 and the joint agriculture, state and public lands & water
18 resources interim committee by September 1, 2024 or at the
19 last committee meeting of the 2024 interim.

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21 **Section 3.** The game and fish department shall
22 promulgate all rules necessary to implement this act.

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