

SENATE FILE NO. SF0111

Game animals-damages.

Sponsored by: Senator(s) Geis

A BILL

for

1 AN ACT relating to game and fish; providing for the
2 development of a disease management plan; providing for
3 contingent indemnification to livestock producers; and
4 providing for an effective date.

5

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

7

8 **Section 1.** W.S. 23-1-901 by creating new subsections
9 (c) through (e) and by renumbering (c) through (f) as (f)
10 through (j) is amended to read:

11

12 **23-1-901. Owner of damaged property to report damage;**
13 **claims for damages; time for filing; determination; appeal;**
14 **arbitration.**

15

16 (c) For claims under subsections (c) and (d) of this
17 section, subsections (f) through (j) shall apply. In the

1 event that epidemiologic evidence indicates that wildlife,
2 owned by the state of Wyoming and managed by the Wyoming
3 game and fish commission, have transmitted a disease to
4 livestock, the Wyoming game and fish commission shall:

5
6 (i) Develop a disease management plan to address
7 the disease occurrence. This plan shall be approved by the
8 Wyoming livestock board and the governor. The plan shall
9 include surveillance, monitoring and action items to
10 prevent the spread of the disease;

11
12 (ii) Be responsible for indemnity to the
13 livestock producer if depopulation is a required management
14 tool. The livestock producer shall be paid according to
15 W.S. 11-19-406. Indemnity granted shall be as provided in
16 W.S. 11-19-106 and only if:

17
18 (A) The United States department of
19 agriculture, animal and plant health inspection service,
20 wildlife services does not make the indemnity payment from
21 the federal government to the producer for the
22 depopulation;

23

1 (B) The livestock producer has not been
2 paid for the loss from other funds.

3

4 (d) Brucellosis payments under subsection (c) of this
5 section shall not be made by the Wyoming game and fish
6 commission for any sexually intact female cattle or bison
7 which are over twelve (12) months of age and which are not
8 official calfhood vaccinates.

9

10 (e) No indemnity reimbursement under subsection (c)
11 of this section shall be awarded to any livestock producer
12 who has not permitted hunting on his property during
13 authorized hunting seasons.

14

15 ~~(e)~~(f) The department shall consider the claims based
16 upon a description of the livestock or bees damaged or
17 killed by a trophy game animal, the damaged land, growing
18 cultivated crops, stored crops including honey and hives,
19 seed crops, improvements and extraordinary damage to grass.
20 The commission is authorized to establish by rule, methods,
21 factors and formulas to be used for determining the amount
22 to compensate any landowner, lessee or agent for livestock
23 damaged as a result of, missing as a result of, or killed
24 by trophy game animals. Claims shall be investigated by the

1 department and rejected or allowed within ninety (90) days
2 after submission, and paid in the amount determined to be
3 due. In the event the department fails to act within ninety
4 (90) days, the claim, including interest based on local
5 bank preferred rates, shall be deemed to have been allowed.
6 No award shall be allowed to any landowner who has not
7 permitted hunting on his property during authorized hunting
8 seasons. Any person failing to comply with any provision of
9 this section is barred from making any claim against the
10 department for damages. Any claimant aggrieved by the
11 decision of the department may appeal to the commission
12 within thirty (30) days after receipt of the decision of
13 the department as provided by rules of practice and
14 procedure promulgated by the commission. The commission
15 shall review the department decision at its next meeting
16 following receipt of notice of request for review. The
17 commission shall review the investigative report of the
18 department, and it may approve, modify or reverse the
19 decision of the department.

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21 ~~(d)~~ (g) Within ninety (90) days after receiving notice
22 of the decision of the commission, the claimant may in
23 writing to the department call for arbitration. Within
24 fifteen (15) days after the department receives the call

1 for arbitration, the claimant and the department shall each
2 appoint a disinterested arbitrator who is an elector
3 residing in the county where the damage occurred and notify
4 each other of the appointment. Within twenty (20) days
5 after their appointment, the two (2) arbitrators shall
6 appoint a third arbitrator possessing the same
7 qualifications. If the third arbitrator is not appointed
8 within the time prescribed, the judge of the district court
9 of the county or the court commissioner in the absence of
10 the judge shall appoint the third arbitrator upon the
11 application of either arbitrator.

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13 ~~(e)~~(h) At least twenty (20) days before the hearing,
14 the board of arbitrators shall provide the claimant and
15 department notice of the time and place in the county when
16 and where the parties will be heard and the claim
17 investigated and decided by the board. A written copy of
18 the decision shall be promptly served upon each party.
19 Within ten (10) days after receipt of the decision, either
20 party may apply to the board for modification of the
21 decision under W.S. 1-36-111. Either party may apply to
22 the district court for vacation of a decision under W.S.
23 1-36-114(a) or correction or modification of a decision
24 under W.S. 1-36-115 within thirty (30) days after receipt

1 of the decision or within twenty (20) days after action by
2 the board on an application for modification under W.S.
3 1-36-111.

4

5 ~~(f)~~(j) If no applications under subsection (e) of
6 this section are made after receipt of the decision, the
7 commission shall promptly pay the amount, if any, including
8 interest based on local bank preferred rates, awarded by
9 the board. Within thirty (30) days after the award is
10 final, the board's reasonable service and expense charges
11 shall be paid by:

12

13 (i) The claimant if the award is no greater than
14 the amount originally authorized by the commission;

15

16 (ii) Otherwise, the commission.

17

18 **Section 2.** This act is effective July 1, 2011.

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20 (END)