

## HOUSE BILL NO. HB0135

Hunting licenses-donation to grizzly bear attack victims.

Sponsored by: Representative(s) Greear, Flitner, Harshman,  
Lindholm, Salazar and Sommers and Senator(s)  
Agar, Bebout, Driskill, Hicks, Landen and  
Wasserburger

A BILL

for

1 AN ACT relating to game and fish; creating a program to  
2 provide compensation for people injured by a grizzly bear  
3 attack in the state; authorizing voluntary payments to the  
4 program; creating an account; requiring rulemaking; and  
5 providing for an effective date.

6

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

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

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11 **23-1-902. Definitions; grizzly bear injury**  
12 **compensation program; claims for damages; time for filing;**  
13 **determination; compensation.**

1           (a) Any person who suffers personal injury or death  
2 from a grizzly bear attack in this state, or a duly appointed  
3 personal representative, may file a claim with the department  
4 for payment of economic losses resulting from the attack.

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6           (b) The injured person or personal representative  
7 shall, not later than ninety (90) days after the injury or  
8 death from a grizzly bear attack occurs, report the attack to  
9 the nearest game warden, damage control warden, supervisor or  
10 commission member. The department shall confirm receipt of  
11 the report to the person in writing and shall maintain a copy  
12 for department records. The department's written confirmation  
13 shall indicate whether the department disputes that a grizzly  
14 bear attack caused the injury or death of the person.

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16           (c) Any person who experienced personal injury or death  
17 due to a grizzly bear attack in the state or the person's  
18 personal representative shall present a verified claim for  
19 economic losses resulting from the grizzly bear attack not  
20 later than one (1) year after the attack occurs. The claim  
21 shall specify whether personal injury or death occurred and  
22 the amount claimed.

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1           (d) Claims shall be evaluated by the department and  
2 rejected or allowed within ninety (90) days after submission  
3 and paid in the amount determined to be due. If the department  
4 fails to act within ninety (90) days, the claim shall be  
5 deemed to have been allowed. Any person failing to comply  
6 with any provision of this section is barred from making any  
7 claim against the department for damages.

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9           (e) The department shall evaluate the claim based on:

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11                   (i) The claimant's description of the injury;

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13                   (ii) Any supporting documentation submitted with  
14 the claim such as medical records, earning statements, copies  
15 of bills or invoices, affidavits, photographs or in the case  
16 of death, a death certificate;

17

18                   (iii) The circumstances surrounding the personal  
19 injury or death;

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21                   (iv) The need for financial aid;

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1           (v) The reasonableness of the expense considering  
2 the injury; and

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4           (vi) Any other relevant matters in determining the  
5 payment amount.

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7           (f) The department is authorized to establish by rule  
8 the methods, factors and formulas to be used for determining  
9 the amount to compensate any person injured by a grizzly bear  
10 attack subject to the following:

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12           (i) Claims shall be paid in the order received;

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14           (ii) If the funds in the account are insufficient  
15 to pay the number of claims or the amount claimed the  
16 department shall make payments with the following priority in  
17 the order the claims were received by the department:

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19           (A) Reasonable out-of-pocket funeral  
20 expenses;

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22           (B) Out-of-pocket medical expenses;

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1                   (C) Loss of earnings less any collateral  
2 source payments to each claimant for loss of earning.

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4                   (iii) To be eligible for compensation under the  
5 program the personal injury from a grizzly bear attack must  
6 occur within the state of Wyoming.

7

8                   (g) Any claimant aggrieved by the decision of the  
9 department under this section may appeal to the commission  
10 within thirty (30) days after receipt of the decision. The  
11 commission shall review the department decision at its next  
12 meeting following receipt of the claimant's request for  
13 review. The commission shall review the investigative report  
14 of the department, and it may approve, modify or reverse the  
15 decision of the department. No other appeal shall be  
16 authorized under this section.

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18                   (h) The department shall promulgate rules to carry out  
19 this section.

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21                   (j) As used in section:

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1           (i) "Account" means the account created by W.S.  
2 23-1-501(h);

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4           (ii) "Economic loss" includes out-of-pocket  
5 medical and hospital expenses, loss of earnings and funeral  
6 and burial expenses;

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8           (iii) "Medical expense" includes the out-of-  
9 pocket cost of all medical and dental services, mental health  
10 counseling and care, dental and prosthetic devices,  
11 eyeglasses or other corrective lenses and services rendered  
12 in accordance with any method of healing recognized by the  
13 law of this state;

14

15           (iv) "Out-of-pocket" expenses or costs means the  
16 actual unreimbursed amount paid by an injured individual  
17 including insurance deductibles, copays, uninsured expenses  
18 or other unreimbursed expenses related to the injury and paid  
19 by the injured individual;

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21           (v) "Personal injury" means actual bodily injury  
22 or actual mental harm resulting from a grizzly bear attack;

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1           (vi) "Verified claim" means a claim which the  
2 claimant has signed and sworn to be accurate before a person  
3 authorized to administer oaths.

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5           **Section 2.** W.S. 23-1-501 by creating a new subsection  
6 (h), 23-2-101 by creating a new subsection (p) and 23-2-201  
7 by creating a new subsection (h) are amended to read:

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9           **23-1-501. Game and fish fund.**

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11           (h) An account within the Wyoming game and fish fund is  
12 created. Donations received by the department as provided  
13 under W.S. 23-2-101(p) or 23-2-201(h) shall be deposited in  
14 the account and are continuously appropriated to the  
15 department for distribution as specified in W.S. 23-1-902.

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17           **23-2-101. Fees; restrictions; nonresident application**  
18 **fee; nonresident licenses; verification of residency**  
19 **required.**

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21           (p) Persons applying for a license or tag under this  
22 section may pay any dollar amount to contribute to the  
23 department's compensation of Wyoming residents injured by

1 grizzly bears in the state of Wyoming pursuant to W.S.  
2 23-1-902.

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4       **23-2-201. Fees; restrictions; verification of**  
5 **residency required.**

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7       (h) Persons applying for a license under this section  
8 may pay any dollar amount to contribute to the department's  
9 compensation of Wyoming residents injured by grizzly bears in  
10 the state of Wyoming pursuant to W.S. 23-1-902.

11

12       **Section 3.** Notwithstanding W.S. 23-1-902, as created by  
13 this act, no payment for injury or death shall be awarded  
14 until the state treasurer certifies to the Wyoming game and  
15 fish department that the balance of the account created under  
16 W.S. 23-1-501(h) is equal to or greater than fifty thousand  
17 dollars (\$50,000.00). Once that threshold has been reached  
18 payment for injury or death shall be awarded pursuant to W.S.  
19 23-1-902.

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21       **Section 4.** This act is effective July 1, 2019.

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(END)