

## HOUSE BILL NO. HB0202

Wildlife damage claims.

Sponsored by: Representative(s) Nicholas

A BILL

for

1 AN ACT relating to game and fish; repealing arbitration  
2 provisions and otherwise modifying procedures for resolving  
3 big game, trophy game and game bird damage claims;  
4 providing for attorneys' fees, costs and interest as  
5 specified; and providing for an effective date.

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

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9 **Section 1.** W.S. 23-1-901(c) and (d) is amended to  
10 read:

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

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1           (c) The department shall consider the claims based  
2 upon a description of the livestock or bees damaged or  
3 killed by a trophy game animal, the damaged land, growing  
4 cultivated crops, stored crops including honey and hives,  
5 seed crops, improvements and extraordinary damage to grass.  
6 The commission is authorized to establish by rule, methods,  
7 factors and formulas to be used for determining the amount  
8 to compensate any landowner, lessee or agent for livestock  
9 damaged as a result of, missing as a result of, or killed  
10 by trophy game animals. Claims shall be investigated by the  
11 department and rejected or allowed within ninety (90) days  
12 after submission, and paid in the amount determined to be  
13 due. In the event the department fails to act within ninety  
14 (90) days, the claim, including interest ~~based on local~~  
15 ~~bank preferred rates~~ calculated from the date the claim was  
16 submitted to the department at the rate provided in W.S.  
17 1-16-102, shall be deemed to have been allowed. No award  
18 shall be allowed to any landowner who has not permitted  
19 hunting on his property during authorized hunting seasons.  
20 Any person failing to comply with any provision of this  
21 section is barred from making any claim against the  
22 department for damages. Any claimant aggrieved by the  
23 decision of the department may appeal to the commission

1 within thirty (30) days after receipt of the decision of  
2 the department as provided by rules of practice and  
3 procedure promulgated by the commission. The commission  
4 shall review the department decision at its next meeting  
5 following receipt of notice of request for review. The  
6 commission shall review the investigative report of the  
7 department, and it may approve, modify or reverse the  
8 decision of the department.

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10 (d) Within ~~ninety (90)~~ thirty (30) days after  
11 receiving notice of the decision of the commission, the  
12 claimant may ~~in writing to the department call for~~  
13 ~~arbitration. Within fifteen (15) days after the department~~  
14 ~~receives the call for arbitration, the claimant and the~~  
15 ~~department shall each appoint a disinterested arbitrator~~  
16 ~~who is an elector residing in the county where the damage~~  
17 ~~occurred and notify each other of the appointment. Within~~  
18 ~~twenty (20) days after their appointment, the two (2)~~  
19 ~~arbitrators shall appoint a third arbitrator possessing the~~  
20 ~~same qualifications. If the third arbitrator is not~~  
21 ~~appointed within the time prescribed, the judge of the~~  
22 ~~district court of the county or the court commissioner in~~  
23 ~~the absence of the judge shall appoint the third arbitrator~~

1 ~~upon the application of either arbitrator.~~ appeal the  
2 decision to the office of administrative hearings. The  
3 appeal shall be conducted as a contested case in accordance  
4 with procedures of the Wyoming Administrative Procedure Act  
5 under rules of the office of administrative hearings. The  
6 hearing shall be held at a location mutually convenient to  
7 the claimant and commission, as determined by the hearing  
8 officer. The hearing officer has exclusive jurisdiction to  
9 make the final administrative determination of the validity  
10 and amount of the damage claim. The hearing officer shall  
11 render a decision within thirty (30) days after the close  
12 of the record. Appeals may be taken from the hearing  
13 officer's decision by the claimant or commission to the  
14 district court and to the Wyoming supreme court as provided  
15 by the Wyoming Administrative Procedure Act and the Wyoming  
16 Rules of Appellate Procedure. If the hearing officer or  
17 court awards an amount for damage claims exceeding the  
18 amount of the commission's decision the officer or court:

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20 (i) May award the claimant attorney fees and  
21 litigation costs which the officer or court finds  
22 reasonable in relation to the additional damage amount  
23 awarded;

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**Section 2.** W.S. 23-1-901(e) and (f) is repealed.

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**Section 3.** This act is effective July 1, 2020.

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(END)