

**SUBSTITUTE FOR
SENATE BILL NO. 996**

A bill to provide for indemnification for livestock killed, injured, or lost as a result of certain wildlife; and to prescribe the powers and duties of certain state agencies and officials.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "wildlife depredations indemnification act".

3 Sec. 2. As used in this act:

4 (a) "Commission" means the commission of agriculture and rural
5 development.

6 (b) "Department" means the department of agriculture and rural
7 development.

8 (c) "Livestock" means that term as it is defined in section 5
9 of the animal industry act, 1988 PA 466, MCL 287.705.

1 Sec. 3. (1) The department shall provide indemnification for
2 the death, injury, or loss of livestock from wolves, coyotes, and
3 cougars. Indemnification for missing animals shall only be paid if
4 there is a history of losses to the owner of livestock as evidenced
5 by a prior payment by the department due to the death or injury of
6 livestock from wolves.

7 (2) To be eligible for indemnification under subsection (1),
8 the owner of livestock shall do all of the following:

9 (a) Report the incident to the department within 24 hours
10 after the animal is discovered to be dead, injured, or missing.

11 (b) File a claim for indemnification with the department
12 verifying the type and number of animals for which indemnification
13 is sought. The verification may include photographs of the animals
14 or tracks or other information that provides support for the claim.
15 If the claim seeks indemnification for missing animals, a notarized
16 statement from the owner specifying the date of birth of each
17 missing animal and the date on which the animals were discovered
18 missing, along with evidence of prior indemnification payments due
19 to death or injury of livestock from wolves, is sufficient
20 documentation that 1 or more animals are missing and eligible for
21 indemnification.

22 (c) Upon request, provide the department of natural resources
23 with access to the owner's property as necessary to conduct an
24 investigation if the department of natural resources believes that
25 an on-site visit will assist its investigation.

26 (d) Upon request, provide the department with documentation
27 that the animals have official identification, if required under

1 the animal industry act, 1988 PA 466, MCL 287.701 to 287.746.

2 Sec. 4. (1) Within 45 days after receipt of a claim for
3 indemnification, the department shall appraise and inventory the
4 livestock for which indemnification is sought and shall make an
5 indemnification payment to a person who is eligible to receive
6 indemnification under this act. If the department fails to make the
7 indemnification payment within this 45-day time period, the person
8 is entitled to receive from the department twice the amount of the
9 original claim.

10 (2) Except as otherwise provided in this section, the
11 department shall reimburse the claimant, for each animal included
12 in the claim, 100% of the fair market value, on the date of the
13 appraisal, of livestock of that type marketable for the purpose for
14 which the animal was intended to be marketed, not to exceed
15 \$4,000.00 for each animal. The appraisal determination shall not
16 delay the slaughter, destruction, or disposition of the livestock
17 animals.

18 (3) The department shall deduct from the indemnification
19 amount under subsection (2) for any compensation received, or to be
20 received by the owner, from any other source, including, but not
21 limited to, indemnification by the United States department of
22 agriculture, insurance, or salvage value. The owner shall furnish
23 to the department all records indicating other sources of
24 indemnity. An affidavit signed by the owner attesting to the amount
25 of compensation for the livestock received, or to be received, from
26 any other source shall accompany the appraisal certificate prior to
27 the payment of indemnification under this section.

1 (4) The department may make an indemnification payment
2 pursuant to this section not to exceed \$100,000.00 per incident
3 which is the basis for a valid claim for indemnification under this
4 act, from any line item in the annual budget for the department in
5 the applicable fiscal year. Any agreement for an indemnification
6 payment greater than \$100,000.00 entered into between the
7 department and an owner of livestock shall contain a provision
8 indicating that, notwithstanding the terms of the agreement,
9 indemnification shall be subject to specific appropriations by the
10 legislature and not be paid from department funds.

11 Sec. 5. (1) Acceptance of compensation under this act
12 constitutes a full and complete release of any claim the owner has
13 against this state, its departments, agencies, officers, employees,
14 agents, and contractors to the extent these persons were acting on
15 behalf of this state, within the scope of their employment with
16 this state or under the direction of this state, its departments,
17 agencies, officers, or employees related to the death, injury, or
18 loss of the livestock.

19 (2) The right to indemnity under this act does not apply to
20 livestock determined by the department to have been imported
21 without meeting import requirements such as an official interstate
22 health certificate or official interstate certificate of veterinary
23 inspection, required testing, required vaccination, or to livestock
24 determined by the department to have been illegally moved within
25 this state. An owner is not entitled to indemnity from this state
26 for an animal that comes into the possession of the owner with the
27 owner's knowledge that the animal is diseased or is suspected of

1 having been exposed to an infectious, contagious, or toxicological
2 disease. In addition, the department shall not indemnify an owner
3 for animals that have been exposed to an animal that comes in to
4 the possession of the owner with the owner's knowledge that the
5 animal is diseased or is suspected of having been exposed to an
6 infectious, contagious, or toxicological disease.