

SENATE BILL No. 996

March 1, 2012, Introduced by Senators CASPERSON, WALKER and HANSEN and referred to the Committee on Agriculture.

A bill to provide for indemnification for livestock, domestic animals, and pets that are killed by 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 Sec. 3. (1) The department shall provide indemnification for
9 the death, injury, or loss of livestock, domestic animals, and pets

1 from wolves, coyotes, and cougars. The department of natural
2 resources shall reimburse the department for all indemnification
3 payments made under this subsection.

4 (2) In order to be eligible for indemnification under this
5 act, the owner of livestock, domestic animals, or pets, whose
6 animals are killed, injured, or otherwise lost due to wolves,
7 coyotes, or cougars, shall do all of the following:

8 (a) Report the incident to the department within 24 hours of
9 discovery of the dead or injured animal or when the animal is
10 discovered to be 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. If the claim for indemnification includes
14 indemnification for missing animals, a notarized statement from the
15 owner is sufficient documentation that 1 or more animals are
16 missing and eligible for indemnification.

17 (c) Upon request, provide the department with access to the
18 owner's property as necessary to conduct an investigation.

19 (d) Upon request of the department, provide the department
20 with documentation that the animals have official identification if
21 required under the animal industry act, 1988 PA 466, MCL 287.701 to
22 287.746.

23 Sec. 4. (1) Upon receipt of a claim for indemnification, the
24 department shall appraise and inventory the livestock, domestic
25 animals, or pets for which indemnification is sought and shall make
26 an indemnification payment within 30 days of its receipt of the
27 claim for indemnification. If the department fails to make an

1 indemnification payment to a person who is eligible to receive
2 indemnification under this act within this 30-day time period, the
3 person is entitled to receive from the department twice the amount
4 of the original claim.

5 (2) Except as otherwise provided in this section, the amount
6 of indemnification shall be determined as follows:

7 (a) Subject to subdivision (c), for livestock and domestic
8 animals, the department shall reimburse the claimant the fair
9 market value, that is the feeder market value for young of the year
10 or replacement value for adult (1+ years), of livestock or domestic
11 animals, not to exceed the maximum amount for that animal type as
12 established by the commission. By January 30 of each year, the
13 commission, with input from a statewide farming advocacy
14 organization, shall establish a maximum amount to be paid on an
15 indemnification claim for each type of animal. Livestock
16 organizations within this state may also provide input for the
17 commission to consider when establishing the maximum amount to be
18 paid on an indemnification claim.

19 (b) For pets, the department shall reimburse the claimant the
20 fair market value based upon recent sale records for similar
21 animals, up to a maximum of \$2,500.00 per animal.

22 (c) For an entire herd or flock, the department shall
23 reimburse the claimant based upon 100% of the fair market value of
24 that type of animal as appraised for the purpose for which the
25 livestock or domestic animal was intended, not to exceed an average
26 of \$4,000.00 per animal in the flock or herd.

27 (3) The indemnification amount under subsection (2) shall

1 include a deduction for any compensation received, or to be
2 received, from any other source, including, but not limited to,
3 indemnification by the United States department of agriculture,
4 insurance, or salvage value. The owner shall furnish to the
5 department all records indicating other sources of indemnity. An
6 affidavit signed by the owner attesting to the amount of
7 compensation for the livestock or domestic animals received, or to
8 be received, from any other source shall accompany the appraisal
9 certificate prior to indemnification under this section.

10 (4) The department may provide for indemnity pursuant to this
11 section not to exceed \$100,000.00 per order, from any line item in
12 the annual budget for the department in the applicable fiscal year.
13 Any agreement greater than \$100,000.00 entered into between the
14 department and an owner of livestock, domestic animals, or pets
15 shall contain a provision indicating that, notwithstanding the
16 terms of the agreement, indemnification shall be subject to
17 specific appropriations by the legislature and not be paid from
18 department funds.

19 Sec. 5. (1) Acceptance of compensation under this act
20 constitutes a full and complete release of any claim the owner has
21 against this state, its departments, agencies, officers, employees,
22 agents, and contractors to the extent these persons were acting on
23 behalf of this state, within the scope of their employment with
24 this state or under the direction of this state, its departments,
25 agencies, officers, or employees related to the death, injury, or
26 loss of the livestock, domestic animals, or pets.

27 (2) The right to indemnity from the state for animals eligible

1 for indemnification under this act applies only to livestock,
2 domestic animals, and pets. Indemnification does not apply to
3 livestock or domestic animals determined by the department to have
4 been imported without meeting import requirements such as an
5 official interstate health certificate or official interstate
6 certificate of veterinary inspection, required testing, required
7 vaccination, or for livestock or domestic animals determined by the
8 department to have been illegally moved within this state. An owner
9 is not entitled to indemnity from this state for an animal that
10 comes into the possession of the owner with the owner's knowledge
11 that the animal is diseased or is suspected of having been exposed
12 to an infectious, contagious, or toxicological disease. In
13 addition, the director shall not indemnify an owner for animals
14 that have been exposed to an animal that comes in to the possession
15 of the owner with the owner's knowledge that the animal is diseased
16 or is suspected of having been exposed to an infectious,
17 contagious, or toxicological disease.