WILDLIFE DEPREDATIONS INDEMNIFICATION ACT

Act 487 of 2012

AN ACT 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.

History: 2012, Act 487, Imd. Eff. Dec. 28, 2012

The People of the State of Michigan enact:

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285.361 Short title.

Sec. 1.

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

History: 2012, Act 487, Imd. Eff. Dec. 28, 2012

285.362 Definitions.

Sec. 2.

As used in this act:

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

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

(c) "Livestock" means that term as it is defined in section 3 of the animal industry act, 1988 PA 466, MCL 287.703.

History: 2012, Act 487, Imd. Eff. Dec. 28, 2012 ;-- Am. 2019, Act 136, Eff. Feb. 19, 2020

285.363 Death, injury, or loss of livestock from wolves, coyotes, and cougars; indemnification; eligibility.

Sec. 3.

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

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

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

(b) File a claim for indemnification with the department verifying the type and number of animals for which indemnification is sought. The verification may include photographs of the animals or tracks or other information that provides support for the claim. If the claim seeks indemnification for missing animals, a notarized statement from the owner specifying the date of birth of each missing animal and the date on which the animals were discovered missing,

along with evidence of prior indemnification payments due to death or injury of livestock from wolves, is sufficient documentation that 1 or more animals are missing and eligible for indemnification.

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

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

History: 2012, Act 487, Imd. Eff. Dec. 28, 2012

285.364 Appraisal and inventory; indemnification payment; reimbursement; deduction for compensation from other source; limitation per incident; indemnification subject to specific appropriations.

Sec. 4.

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

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

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

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

History: 2012, Act 487, Imd. Eff. Dec. 28, 2012

285.365 Acceptance of compensation as full and complete release of claim; exceptions to right of indemnity.

Sec. 5.

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

(2) The right to indemnity under this act does not apply to livestock determined by the department to have been imported without meeting import requirements such as an official interstate health certificate or official interstate certificate of veterinary inspection, required testing, required vaccination, or to livestock determined by the department to have been illegally moved within this state. An owner is not entitled to indemnity from this state for an animal that comes into the possession of the owner with the owner's knowledge that the animal is diseased or is suspected of having been exposed to an infectious, contagious, or toxicological disease. In addition, the department shall not indemnify an owner for animals that have been exposed to an animal that comes into the possession of the owner with the owner's knowledge that the animal is diseased or is suspected of having been exposed to an infectious, contagious, or toxicological disease.

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