

WILDLIFE DEPREDATIONS INDEMNIFICATION ACT (EXCERPT)
Act 487 of 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