

1 **WILDLIFE DAMAGE COMPENSATION ACT**

2 **AMENDMENTS**

3 2006 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Craig W. Buttars**

6 Senate Sponsor: Beverly Ann Evans

7

8 **LONG TITLE**

9 **General Description:**

10 This bill amends the Wildlife Damage Compensation Act.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ allows a livestock owner to receive compensation for livestock damaged by an
14 eagle; and

15 ▶ makes technical changes.

16 **Monies Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **23-24-1**, as last amended by Chapters 82 and 325, Laws of Utah 1997

24 *Be it enacted by the Legislature of the state of Utah:*

25 Section 1. Section **23-24-1** is amended to read:

26 **23-24-1. Procedure to obtain compensation for livestock damage done by bear,**
27 **mountain lion, or eagle.**



28 (1) As used in this section:

29 (a) "Damage" means injury or loss to livestock.

30 (b) "Division" means the Division of Wildlife Resources.

31 (c) "Livestock" means ~~[cattle]~~ a cow, sheep, ~~[goats]~~ goat, or ~~[turkeys]~~ turkey.

32 (2) (a) When livestock are damaged by a bear ~~[or]~~, mountain lion, or an eagle, the
33 owner may receive compensation for the fair market value of the damage.

34 (b) To obtain this compensation, the owner of the damaged livestock shall notify the
35 division of the damage as soon as possible, but no later than four days after the damage is
36 discovered. ~~[This notification is required]~~

37 (c) The owner must notify the division each time any damage is discovered.

38 (3) ~~[Proof]~~ The livestock owner shall file a proof of loss ~~[forms]~~ form, provided by the
39 division, ~~[shall be filed]~~ no later than 30 days after the original notification of damage was
40 given to the division by the ~~[claimant]~~ owner.

41 (4) (a) (i) The division, with the assistance of the Department of Agriculture and Food
42 ~~[in making the determination,]~~ shall ~~[either accept or deny the claim for damages]:~~

43 (A) within 30 days after the owner files the proof of loss form ~~[is filed. The division~~
44 ~~shall], either accept or deny the claim for damages; and~~

45 (B) subject to Subsection (4)(a)(ii), pay all accepted claims to the extent ~~[of]~~ money
46 appropriated by the Legislature is available for this purpose~~[, except money].~~

47 (ii) Money appropriated from the Wildlife Resources Account may be used to provide
48 compensation for only up to 50% of the fair market value of any damaged livestock.

49 (b) The division may not pay mountain lion ~~[and]~~, bear, or eagle damage claims to a
50 livestock ~~[owners who have failed to file with the commissioner of agriculture and food their]~~
51 owner unless the owner has filed a completed livestock form and the appropriate fee as
52 outlined in Section 4-23-7 for the immediately preceding and current year.

53 (c) ~~[If]~~ (i) Unless the division denies a claim~~[, except as provided]~~ for the reason
54 identified in Subsection (4)(b), the ~~[claimant]~~ owner may appeal the decision to a panel
55 consisting of one person selected by the ~~[claimant]~~ owner, one person selected by the division,
56 and a third person selected by the first two panel members.

57 (ii) The panel shall decide whether the division should pay all ~~[or]~~ of the claim, a
58 portion of the claim, or none of the claim.

59 (5) ~~[The]~~ By following the procedures and requirements of Title 63, Chapter 46a, Utah
60 Administrative Rulemaking Act, the Wildlife Board ~~[is authorized, subject to Title 63, Chapter~~
61 ~~46a, Utah Administrative Rulemaking Act, to]~~ may make and enforce rules to administer and
62 enforce this section.

Legislative Review Note
as of 1-16-06 1:09 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel