

1 **LIVESTOCK DAMAGE COMPENSATION**

2 **AMENDMENTS**

3 2010 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Melvin R. Brown**

6 Senate Sponsor: Kevin T. Van Tassell

7

LONG TITLE

8 **Committee Note:**

9 The Natural Resources, Agriculture, and Environment Interim Committee
10 recommended this bill.

11 **General Description:**

12 This bill amends a provision relating to livestock damage caused by a wolf.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ defines a term;
- 16 ▶ allows a person to receive compensation for livestock damage by a wolf in certain
- 17 areas; and
- 18 ▶ makes technical corrections.

19 **Monies Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **23-24-1**, as last amended by Laws of Utah 2008, Chapter 382



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

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

30 **23-24-1. Procedure to obtain compensation for livestock damage done by bear,**
31 **mountain lion, wolf, or eagle.**

32 (1) As used in this section:

33 (a) "Damage" means injury to or loss [tø] of livestock.

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

35 (c) "Livestock" means cattle, sheep, goats, or turkeys.

36 (d) (i) "Wolf" means the gray wolf *Canis lupus*.

37 (ii) "Wolf" does not mean a wolf hybrid with a domestic dog.

38 (2) (a) [~~When~~] (i) Except as provided by Subsection (2)(a)(ii), if livestock are
39 damaged by a bear, mountain lion, wolf, or an eagle, the owner may receive compensation for
40 the fair market value of the damage.

41 (ii) The owner may not receive compensation if the livestock is damaged by a wolf
42 within an area where a wolf is endangered or threatened under the Endangered Species Act of
43 1973, 16 U.S.C. Sec. 1531, et seq.

44 (b) To obtain this compensation, the owner of the damaged livestock shall notify the
45 division of the damage as soon as possible, but no later than four days after the damage is
46 discovered.

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

48 (3) The livestock owner shall file a proof of loss form, provided by the division, no
49 later than 30 days after the original notification of damage was given to the division by the
50 owner.

51 (4) (a) (i) The division, with the assistance of the Department of Agriculture and Food
52 shall:

53 (A) within 30 days after the owner files the proof of loss form, either accept or deny the
54 claim for damages; and

55 (B) subject to Subsections (4)(a)(ii) through (4)(a)(iv), pay all accepted claims to the
56 extent money appropriated by the Legislature is available for this purpose.

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

59 (iii) Money appropriated from the Wildlife Resources Account may not be used to
60 provide compensation for livestock damaged by an eagle or a wolf.

61 (iv) The division may not pay any eagle damage claim until the division has paid all
62 accepted mountain lion and bear damage claims for the fiscal year.

63 (b) The division may not pay mountain lion, bear, wolf, or eagle damage claims to a
64 livestock owner unless the owner has filed a completed livestock form and the appropriate fee
65 as outlined in Section 4-23-7 for the immediately preceding and current year.

66 (c) (i) Unless the division denies a claim for the reason identified in Subsection (4)(b),
67 the owner may appeal the decision to a panel consisting of one person selected by the owner,
68 one person selected by the division, and a third person selected by the first two panel members.

69 (ii) The panel shall decide whether the division should pay all of the claim, a portion of
70 the claim, or none of the claim.

71 (5) By following the procedures and requirements of Title 63G, Chapter 3, Utah
72 Administrative Rulemaking Act, the Wildlife Board may make and enforce rules to administer
73 and enforce this section.

Legislative Review Note
as of 11-18-09 5:50 PM

Office of Legislative Research and General Counsel

H.B. 32 - Livestock Damage Compensation Amendments

Fiscal Note

2010 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
