

House Bill 3013

Sponsored by Representative G SMITH

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs State Fish and Wildlife Commission to establish wolf depredation compensation and cost-sharing program for purposes of compensating persons who suffer loss or injury due to wolf depredation and providing financial assistance to persons who implement livestock management techniques or nonlethal wolf control techniques designed to discourage wolf depredation of livestock.

Creates Wolf Management Compensation and Proactive Trust Fund and continuously appropriates fund moneys for purpose of providing compensation and financial assistance under program. Appropriates moneys from General Fund for purposes of program.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to wolves; appropriating money; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Definitions. As used in sections 1 to 9 of this 2011 Act:**

5 (1) **"Livestock"** means **ratites, psittacines, horses, mules, jackasses, cattle, llamas,**
6 **alpacas, sheep, goats, swine, bison, domesticated fowl and any fur-bearing animal bred and**
7 **maintained commercially, or otherwise, within pens, cages or hutches.**

8 (2) **"Sporting dog"** means **any animal of the species *Canis familiaris* used to aid a person**
9 **in legally authorized hunting.**

10 (3) **"Working dog"** means **any animal of the species *Canis familiaris* used to aid in the**
11 **herding or protection of livestock.**

12 **SECTION 2. Wolf depredation compensation and cost-sharing program. (1) The State Fish**
13 **and Wildlife Commission shall develop and implement a wolf depredation compensation and**
14 **cost-sharing program. The program shall:**

15 (a) **Provide compensation to persons who suffer losses or injuries due to wolf**
16 **depredation; and**

17 (b) **Provide financial assistance to persons who implement livestock management tech-**
18 **niques or nonlethal wolf control techniques designed to discourage wolf depredation of live-**
19 **stock.**

20 (2) **Compensation and financial assistance under the program shall be paid from the Wolf**
21 **Management Compensation and Proactive Trust Fund established under section 9 of this 2011**
22 **Act.**

23 **SECTION 3. Payment of compensation and financial assistance under program. (1) Com-**
24 **penetration may be paid under the wolf depredation compensation and cost-sharing program**
25 **if, due to wolf activity, a person has suffered a confirmed or probable loss or injury of live-**
26 **stock located on private land or legally grazing on public land. A confirmed loss or injury**
27 **occurs if there is clear and convincing evidence that the loss or injury was caused by wolf**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **depredation. A probable loss or injury occurs if a preponderance of the evidence establishes**
 2 **that a loss or injury was caused by wolf depredation.**

3 **(2) Compensation may also be paid under the program if a working dog or sporting dog**
 4 **is killed or injured by a wolf. Compensation may be paid for sporting dogs only if the loss**
 5 **or injury occurs:**

6 **(a) During an authorized hunting or pursuit season; or**

7 **(b) While engaged, with the authorization of the State Fish and Wildlife Commission in**
 8 **the pursuit of bears or cougars that are causing damage or posing a threat to human safety.**

9 **(3) Financial assistance under section 2 (1)(b) of this 2011 Act may be provided only after**
 10 **the applicant has consulted with the State Department of Fish and Wildlife and has received**
 11 **approval for implementation of the livestock management techniques or nonlethal wolf con-**
 12 **trol techniques.**

13 **SECTION 4. Application for compensation or financial assistance. (1) A person may apply**
 14 **for compensation or financial assistance under the wolf depredation compensation and cost-**
 15 **sharing program on a form established by rule of the State Fish and Wildlife Commission.**

16 **(2) A person applying for compensation under the program shall provide evidence of the**
 17 **loss or injury. Evidence of the loss or injury must include a finding, after investigation by**
 18 **the State Department of Fish and Wildlife, the Wildlife Services program of the Animal and**
 19 **Plant Health Inspection Service of the United States Department of Agriculture or the**
 20 **United States Fish and Wildlife Service, that wolf depredation was the probable cause of loss**
 21 **or injury.**

22 **(3) A person applying for financial assistance under the program shall provide an esti-**
 23 **mate of the potential cost of the livestock management techniques or nonlethal wolf control**
 24 **techniques designed to discourage wolf depredation.**

25 **SECTION 5. Investigation of loss or injury. A person who has suffered loss or injury due**
 26 **to wolf depredation may request that the State Department of Fish and Wildlife investigate**
 27 **the claim of loss or injury. Within 24 hours after receiving a request, the department shall**
 28 **investigate the claim of loss or injury. A person's ability to make a claim for compensation**
 29 **is not affected by the failure of the department to respond to a request for an investigation**
 30 **within the time allowed.**

31 **SECTION 6. Determination of compensation. (1) Compensation payable to a person under**
 32 **the wolf depredation compensation and cost-sharing program shall be determined by the**
 33 **State Fish and Wildlife Commission as follows:**

34 **(a) Confirmed losses shall be paid at 100 percent of the market value of the livestock lost.**

35 **(b) Probable losses shall be paid at a rate determined by the commission, but in no case**
 36 **less than 50 percent of the market value of the livestock lost.**

37 **(c) The owners of missing livestock may be compensated as determined by the commis-**
 38 **sion.**

39 **(d) If livestock are injured, compensation shall be made for veterinary treatments and**
 40 **for the reduction in market value of the livestock that, as a result of the injury, are unable**
 41 **to reproduce or have to be destroyed or sold.**

42 **(e) Payments for loss or injury shall be reduced by any amount of compensation that the**
 43 **person receives from any other source.**

44 **(f) Owners of lost or injured working dogs and sporting dogs shall be compensated at the**
 45 **market value of dogs of similar breed, training, age and gender.**

1 (2) The commission shall compute the market value of livestock using the following
2 guidelines:

3 (a) Males that are at least one year old have a market value equal to the purchase price
4 of the animal or the average price paid for other males, whichever is higher. If sales receipts
5 are unavailable to determine the purchase price, the market value shall be the average local
6 market value for animals of the same breed and age.

7 (b) Females that are at least one year old have a market value equal to the average
8 available recorded purchase price of females of the same age, breed and quality from the
9 same herd, and if bred, the value of offspring at weaning.

10 (c) An animal that is less than one year old has a market value equal to the average
11 amount received for other animals of the same gender, age and breed at the time of planned
12 sale.

13 (3) Disputes involving the market value of an animal may be resolved by using a third-
14 party appraiser to determine market value.

15 SECTION 7. Implementation of livestock management and nonlethal wolf control tech-
16 niques. If the State Fish and Wildlife Commission determines that a person has suffered loss
17 or injury of livestock or working dogs, the State Department of Fish and Wildlife and the
18 person shall design and implement mutually agreeable livestock management techniques or
19 nonlethal wolf control techniques designed to discourage wolf depredation.

20 SECTION 8. Financial assistance for livestock management. The State Fish and Wildlife
21 Commission may pay persons compensation for employing livestock management techniques
22 or nonlethal wolf control techniques at a rate established by the commission. However, the
23 commission may not reduce the financial assistance based on other moneys received by the
24 applicant for habitat improvement or habitat protection.

25 SECTION 9. Wolf Management Compensation and Proactive Trust Fund. (1) The Wolf
26 Management Compensation and Proactive Trust Fund is established separate and distinct
27 from the General Fund. Interest earned on the moneys in the Wolf Management Compen-
28 sation and Proactive Trust Fund shall be credited to the fund. All moneys in the fund are
29 continuously appropriated to the State Fish and Wildlife Commission for the purpose of
30 paying compensation and financial assistance under sections 1 to 9 of this 2011 Act.

31 (2) The fund shall consist of all moneys appropriated by the Legislative Assembly and any
32 gifts, grants, donations, endowments or bequests from any public or private source. The
33 commission may seek out and receive any gifts, grants, donations, endowments or bequests
34 for the purpose of paying compensation to persons who suffer loss or injury due to wolf
35 depredation or who implement livestock management techniques or nonlethal wolf control
36 techniques designed to discourage wolf depredation. The commission shall deposit such
37 moneys into the fund.

38 SECTION 10. Advisory committee. (1) The State Fish and Wildlife Commission shall cre-
39 ate an advisory committee to recommend to the commission a process for screening claims
40 and for developing a method for resolving compensation claims made under sections 1 to 9
41 of this 2011 Act. The committee shall also recommend:

42 (a) When and how the commission compensates persons for missing livestock, if the
43 number of missing livestock exceeds historic losses;

44 (b) A procedure to ensure that compensation is paid in a timely manner, including an
45 opportunity for discussion between a claimant and the commission to agree upon timing for

1 the payment; and

2 (c) A alternative dispute resolution process for resolving disputes regarding compen-
3 sation.

4 (2) The advisory committee created under this section shall have five members appointed
5 by the commission. The members must be familiar with wolf depredation, livestock man-
6 agement techniques or nonlethal control techniques designed to discourage wolf depredation.

7 Of the five members:

8 (a) One member shall represent cattle producers;

9 (b) One member shall represent sheep producers;

10 (c) One member shall represent the State Department of Agriculture;

11 (d) One member shall represent hunters; and

12 (e) One member shall represent the wolf conservation community.

13 (3) The members of the advisory committee are not entitled to compensation or re-
14 imbursement for expenses and serve as volunteers on the advisory committee.

15 (4) The advisory committee shall provide its recommendations to the commission no later
16 than January 1, 2013.

17 **SECTION 11. Appropriation.** In addition to and not in lieu of any other appropriation,
18 there is appropriated to the State Department of Fish and Wildlife, for the biennium begin-
19 ning July 1, 2011, out of the General Fund, the amount of \$_____, which may be expended
20 only for the purpose of carrying out sections 1 to 9 of this 2011 Act.

21 **SECTION 12. Sunset date.** Section 10 of this 2011 Act is repealed on January 2, 2013.

22 **SECTION 13. Captions.** The section captions used in this 2011 Act are provided only for
23 the convenience of the reader and do not become part of the statutory law of this state or
24 express any legislative intent in the enactment of this 2011 Act.

25 **SECTION 14. Emergency.** This 2011 Act being necessary for the immediate preservation
26 of the public peace, health and safety, an emergency is declared to exist, and this 2011 Act
27 takes effect on its passage.