This Document can be made available
in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 1402

02/24/2025 Authored by Wiener and Burkel
The bill was read for the first time and referred to the Committee on Agriculture Finance and Policy

A bill for an act

relating to agriculture; modifying wolf depredation compensation program; modifying compensation program for crop or fence damage caused by elk; appropriating money; amending Minnesota Statutes 2024, sections 3.737, subdivisions 1, 3, 5; 3.7371, subdivisions 1a, 2a, 2b, 3, 5; repealing Minnesota Statutes 2024, sections 3.737, subdivision 4; 3.7371, subdivision 6.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2024, section 3.737, subdivision 1, is amended to read:

Subdivision 1. **Compensation required.** (a) Notwithstanding section 3.736, subdivision 3, paragraph (e), or any other law, a livestock owner shall be compensated by the commissioner of agriculture for livestock or a pet that is destroyed by a wolf or is so crippled by a wolf that it must be destroyed. Except as provided in this section, the owner is entitled to the fair market value of the destroyed livestock ~~as determined by the commissioner, upon recommendation of the fair market value by a university extension agent. In any fiscal year, a livestock owner may not be compensated for a destroyed animal claim that is less than $100 in value and may be compensated up to $20,000, as determined under this section. In any fiscal year, the commissioner may provide compensation for claims filed under this section up to the amount expressly appropriated for this purpose~~ or pet.

(b) A university extension agent, a conservation officer, an official from the Animal and Plant Health Inspection Service of the United States Department of Agriculture, a peace officer from the county sheriff's office, or a licensed veterinarian must make a personal inspection of the site and submit a report to the commissioner, including photographs, detailing the results of the investigation. ~~The investigator must take into account factors in addition to a visual identification of a carcass when making a recommendation to the~~

~~commissioner. The commissioner, upon recommendation of the investigator, shall determine whether the livestock was destroyed by a wolf. The owner shall file a claim on forms provided by the commissioner and available at the university extension agent's office.~~

(c) The commissioner must pay a claim filed under this section upon receipt of an investigative report.

Sec. 2. Minnesota Statutes 2024, section 3.737, subdivision 3, is amended to read:

Subd. 3. **Rules.** The commissioner shall adopt and may amend rules to carry out this section which shall include: methods of valuation of livestock or pets destroyed; ~~criteria for determination of the cause for livestock loss;~~ notice requirements by the owner of destroyed livestock; and other matters determined necessary by the commissioner to carry out this section.

Sec. 3. Minnesota Statutes 2024, section 3.737, subdivision 5, is amended to read:

Subd. 5. **Wolf best management practices.** ~~By September 1, 1999, the commissioner must develop best management practices to prevent wolf depredation on livestock farms.~~ The commissioner shall periodically update the best management practices to prevent wolf depredation of livestock and pets when new practices are found by the commissioner to prevent wolf depredation on livestock farms. The commissioner must provide an updated copy of the best management practices for wolf depredation to all livestock owners who are still engaged in livestock farming and have previously submitted livestock claims under this section.

Sec. 4. Minnesota Statutes 2024, section 3.7371, subdivision 1a, is amended to read:

Subd. 1a. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Approved agent" means a peace officer from the county sheriff's office or a person authorized by the Department of Agriculture to determine if crop or fence damage was caused by elk and to assign a monetary value to the crop or fence damage.

(c) "Commissioner" means the commissioner of agriculture or the commissioner's authorized representative.

(d) "Estimated value" means the current value of crops or fencing as determined by an approved agent.

(e) "Owner" means an individual, firm, corporation, copartnership, or association with an interest in crops or fencing damaged by elk.

Sec. 5. Minnesota Statutes 2024, section 3.7371, subdivision 2a, is amended to read:

Subd. 2a. **Investigation and crop valuation.** (a) Upon receiving notification of crop or fence damage suspected to be caused by elk, an approved agent must ~~promptly investigate the damage in a timely manner. An approved agent must make written findings on the claim form regarding whether the crop or fence was destroyed or damaged by elk. The approved agent's findings must be based on physical and circumstantial evidence, including:~~ conduct a personal inspection of the site.

~~(1) the condition of the crop or fence;~~

~~(2) the presence of elk tracks;~~

~~(3) the geographic area of the state where the crop or fence damage occurred;~~

~~(4) any sightings of elk in the area; and~~

~~(5) any other circumstances that the approved agent considers to be relevant.~~

~~(b) The absence of affirmative evidence may be grounds for denial of a claim.~~

~~(c)~~ (b) On a claim form, an approved agent must make written findings of the extent of crop or fence damage and, if applicable, the amount of crop destroyed.

~~(d)~~ (c) For damage to standing crops, an owner may choose to have the approved agent use the method in clause (1) or (2) to complete the claim form and determine the amount of crop loss:

(1) to submit a claim form to the commissioner at the time that the suspected elk damage is discovered, the approved agent must record on the claim form: (i) the field's potential yield per acre; (ii) the field's average yield per acre that is expected on the damaged acres; (iii) the estimated value of the crop; and (iv) the total amount of loss. Upon completing the claim form, the approved agent must submit the form to the commissioner; or

(2) to submit a claim form to the commissioner at the time that the crop is harvested, the approved agent must record on the claim form at the time of the investigation: (i) the percent of crop loss from damage; (ii) the actual yield of the damaged field when the crop is harvested; (iii) the estimated value of the crop; and (iv) the total amount of loss. Upon completing the claim form, the approved agent must submit the form to the commissioner.

~~(e)~~ (d) For damage to stored crops, an approved agent must record on the claim form: (1) the type and volume of destroyed stored crops; (2) the estimated value of the crop; and (3) the total amount of loss.

~~(f)~~ (e) For damage to fencing, an approved agent must record on the claim form: (1) the type of materials damaged; (2) the linear feet of the damage; (3) the value of the materials per unit according to National Resource Conservation Service specifications; and (4) the calculated total damage to the fence.

Sec. 6. Minnesota Statutes 2024, section 3.7371, subdivision 2b, is amended to read:

Subd. 2b. **Claim form.** A completed claim form must be signed by the owner and an approved agent. An approved agent must submit the claim form to the commissioner for ~~the commissioner's review and~~ payment. The commissioner ~~must~~ may return an incomplete claim form to the approved agent. When returning an incomplete claim form to an approved agent, the commissioner must indicate which information is missing from the claim form.

Sec. 7. Minnesota Statutes 2024, section 3.7371, subdivision 3, is amended to read:

Subd. 3. **Compensation.** (a) ~~An owner is entitled to the estimated value of the damaged or destroyed crop or fence. Verification of crop or fence damage by elk may be provided by submitting photographs or other evidence and documentation using forms prescribed by the commissioner. The commissioner, upon recommendation of the commissioner's approved agent, shall determine whether the crop damage or destruction or damage to or destruction of a fence surrounding a crop or pasture is caused by elk and, if so, the amount of the crop or fence that is damaged or destroyed. In any fiscal year, an owner may not be compensated for a damaged or destroyed crop or fence surrounding a crop or pasture that is less than $100 in value and may be compensated up to $20,000, as determined under this section. An owner may not be compensated more than $1,800 per fiscal year for damage to fencing surrounding a crop or pasture.~~ The commissioner must pay a claim filed under this section upon receipt of a completed claim form.

(b) In any fiscal year, the commissioner may provide compensation for claims filed under this section up to the amount expressly appropriated for this purpose.

Sec. 8. Minnesota Statutes 2024, section 3.7371, subdivision 5, is amended to read:

Subd. 5. ~~**Decision on claims;**~~ **Opening land to hunting.** ~~If the commissioner finds that the owner has shown that the damage or destruction of the owner's crop or damage to or destruction of a fence surrounding a crop or pasture was caused more probably than not by~~

~~elk, the commissioner shall pay compensation as provided in this section and the rules of the commissioner.~~ An owner who receives compensation under this section may, by written permission, permit hunting on the land at the landowner's discretion.

Sec. 9. **APPROPRIATIONS.**

(a) $2,500,000 in fiscal year 2026 and $2,500,000 in fiscal year 2027 are appropriated from the general fund to the commissioner of agriculture for compensation of livestock owners for destroyed or crippled livestock under Minnesota Statutes, section 3.737.

(b) $2,500,000 in fiscal year 2026 and $2,500,000 in fiscal year 2027 are appropriated from the general fund to the commissioner of agriculture for compensation for crop damage under Minnesota Statutes, section 3.7371.

Sec. 10. **REPEALER.**

Minnesota Statutes 2024, sections 3.737, subdivision 4; and 3.7371, subdivision 6, are repealed.

3.737 LIVESTOCK OWNERS; COMPENSATION FOR DESTROYED OR CRIPPLED ANIMALS.

Subd. 4. **Payment; denial of compensation.** (a) If the commissioner finds that the livestock owner has shown that the loss of the livestock was likely caused by a wolf, the commissioner shall pay compensation as provided in this section and in the rules of the department.

(b) If the commissioner denies compensation claimed by an owner under this section, the commissioner shall issue a written decision based upon the available evidence. It shall include specification of the facts upon which the decision is based and the conclusions on the material issues of the claim. A copy of the decision shall be mailed to the owner.

(c) A decision to deny compensation claimed under this section is not subject to the contested case review procedures of chapter 14, but may be reviewed upon a trial de novo in a court in the county where the loss occurred. The decision of the court may be appealed as in other civil cases. Review in court may be obtained by filing a petition for review with the administrator of the court within 60 days following receipt of a decision under this section. Upon the filing of a petition, the administrator shall mail a copy to the commissioner and set a time for hearing within 90 days of the filing.

3.7371 COMPENSATION FOR CROP OR FENCE DAMAGE CAUSED BY ELK.

Subd. 6. **Denial of claim; appeal.** (a) If the commissioner denies compensation claimed by an owner under this section, the commissioner shall issue a written decision based upon the available evidence including a statement of the facts upon which the decision is based and the conclusions on the material issues of the claim. A copy of the decision must be mailed to the owner.

(b) A decision denying compensation claimed under this section is not subject to the contested case review procedures of chapter 14, but an owner may have the claim reviewed in a trial de novo in a court in the county where the loss occurred. The decision of the court may be appealed as in other civil cases. Review in court may be obtained by filing a petition for review with the administrator of the court within 60 days following receipt of a decision under this section. Upon the filing of a petition, the administrator shall mail a copy to the commissioner and set a time for hearing within 90 days after the filing.