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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 857

02/07/2019 Authored by Green
The bill was read for the first time and referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to agriculture; providing compensation for damage caused by wild turkeys;
1.3 requiring a report; appropriating money; proposing coding for new law in Minnesota
1.4 Statutes, chapter 3.

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

1.6 Section 1. 3.7372] COMPENSATION FOR DAMAGE CAUSED BY WILD
1.7 TURKEYS.

1.8 Subdivision 1. Authorization. Notwithstanding section 3.736, subdivision 3, paragraph
1.9 (e), or any other law, a person who owns an agricultural crop or livestock shall be
1.10 compensated by the commissioner of agriculture for an agricultural crop, or livestock feed
1.11 or feedlot, that is damaged or destroyed by wild turkeys as provided in this section.

1.12 Subd. 2. Claim form. The owner must prepare a claim on a form provided by the
1.13 commissioner. The commissioner shall make the claim form available on the Department
1.14 of Agriculture's website or shall provide a claim form on request. The owner must submit
1.15 the claim form to the commissioner.

1.16 Subd. 3. Compensation. (a) The owner is entitled to the target price or the market price,
1.17 whichever is greater, of the damaged or destroyed crop plus adjustments for yield loss
1.18 determined according to agricultural stabilization and conservation service programs for
1.19 individual farms. The commissioner may make a price adjustment upon the recommendation
1.20 of the commissioner's approved agent for a specific county. Verification of feedlot or
1.21 livestock feed damage or destruction by wild turkeys may be provided by submitting
1.22 photographs, receipts, or other evidence and documentation together with a statement from
1.23 an independent witness using forms prescribed by the commissioner. The commissioner,

2.1 upon recommendation of the commissioner's approved agent, shall determine whether the
2.2 crop damage or destruction or damage to or destruction of a feedlot or livestock feed is
2.3 caused by wild turkeys and, if so, the amount of the crop or feedlot or livestock feed that
2.4 is damaged or destroyed. In any fiscal year, an owner may not be compensated for a damaged
2.5 or destroyed crop or feedlot or livestock feed that is less than \$100 in value and may be
2.6 compensated up to \$20,000, as determined under this section, if normal harvest procedures
2.7 for the area are followed.

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

2.10 Subd. 4. **Insurance deduction.** Payments authorized by this section must be reduced
2.11 by amounts received by the owner as proceeds from an insurance policy covering crop
2.12 losses or damage to or destruction of a feedlot or livestock feed, or from any other source
2.13 for the same purpose including but not limited to a federal program.

2.14 Subd. 5. **Decision on claims; opening land to hunting.** (a) If the commissioner finds
2.15 that the owner has shown that the damage or destruction of the owner's crop or damage to
2.16 or destruction of a feedlot or livestock feed was caused more probably than not by wild
2.17 turkeys, the commissioner shall pay compensation as provided in this section and the rules
2.18 of the commissioner.

2.19 (b) An owner who is eligible for compensation under this section may, when funds are
2.20 unavailable for authorized payments under this section, take wild turkeys on the owner's
2.21 land at the owner's discretion in a manner allowed under section 97B.655.

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

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

3.1 Subd. 7. Rules. The commissioner may adopt and amend rules to carry out this section.
3.2 The commissioner may use the expedited rulemaking process in section 14.389 to adopt
3.3 and amend rules authorized in this section. The rules must include:

3.4 (1) methods of valuation of crops damaged or destroyed;

3.5 (2) criteria for determination of the cause of the crop damage or destruction;

3.6 (3) notice requirements by the owner of the damaged or destroyed crop;

3.7 (4) compensation rates for feedlot and livestock feed damage or destruction that must
3.8 not exceed \$1,800 per claimant per fiscal year; and

3.9 (5) any other matters determined necessary by the commissioner to carry out this section.

3.10 Subd. 8. Report. The commissioner must submit a report to the chairs of the house of
3.11 representatives and senate committees and divisions with jurisdiction over agriculture and
3.12 environment and natural resources by December 15 each year that details the total amount
3.13 of payments made under this section in the previous two fiscal years.

3.14 Sec. 2. APPROPRIATION.

3.15 \$..... in fiscal year 2020 and \$..... in fiscal year 2021 are appropriated from the general
3.16 fund to the commissioner of agriculture for compensation payments under Minnesota
3.17 Statutes, section 3.7372. If the amount in the first year is insufficient, the amount in the
3.18 second year is available in the first year.