

## CHAPTER 1515

### DEPARTMENT OF AGRICULTURE

### LIVESTOCK

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#### 1515.3000 AUTHORITY.

Parts 1515.3000 to 1515.3800 are prescribed pursuant to Minnesota Statutes, section 3.737, by the commissioner of agriculture to implement procedures to compensate livestock owners for livestock that is destroyed, or is crippled and must be destroyed, by a wolf. The procedures specified in parts 1515.3000 to 1515.3800 are in addition to those set forth in the statute itself.

**Statutory Authority:** *MS s 3.737*

**History:** *36 SR 179; L 2012 c 277 art 1 s 90*

#### 1515.3100 DEFINITIONS.

Subpart 1. **Applicability.** For purposes of parts 1515.3000 to 1515.3800, the following definitions shall apply.

Subp. 2. **Claim form.** "Claim form" means the form provided by the commissioner to be completed by the investigator containing information upon which payment for a loss shall be based.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of agriculture or the commissioner's authorized agent.

Subp. 4. [Repealed, 36 SR 179]

Subp. 5. [Repealed, 36 SR 179]

Subp. 5a. **Fair market value.** "Fair market value" means the value received for livestock at the first point of sale the livestock owner typically uses for livestock.

Subp. 5b. **Investigator.** "Investigator" means a person who meets the qualifications listed in Minnesota Statutes, section 3.737, subdivision 1, paragraph (b), who has received training provided by the Department of Agriculture for investigating wolf depredation of livestock.

Subp. 6. [Repealed, 29 SR 655]

Subp. 7. **Livestock.** "Livestock" means cattle, sheep, poultry, swine, horses, donkeys, mules, goats, and farmed cervidae, as defined in Minnesota Statutes, section 35.153, subdivision 3; llamas, as defined in Minnesota Statutes, section 17.455, subdivision 2; ratitae, as defined in Minnesota Statutes, section 17.453, subdivision 3; and bison.

Subp. 8. **Livestock owner.** "Livestock owner" means any individual, firm, corporation, copartnership, or association with an interest in livestock destroyed by, or crippled by, a wolf so that it must be destroyed.

Subp. 9. **Loss.** "Loss" means livestock destroyed by, or crippled by, a wolf so that it must be destroyed.

**Statutory Authority:** *MS s 3.737*

**History:** *36 SR 179; L 2012 c 277 art 1 s 90*

**1515.3200 REPORTING.**

It is the responsibility of the livestock owner to notify an investigator of a suspected loss within 48 hours of the discovery of a loss. A telephone call, electronic media, or personal contact by which the livestock owner makes arrangements for a claim investigation constitutes notification. The livestock owner shall provide all information required to investigate the loss to the investigator.

**Statutory Authority:** *MS s 3.737*

**History:** *36 SR 179*

**1515.3300 CLAIM FORMS.**

Investigation reports shall be submitted on forms provided by the commissioner. The investigator contacted by the livestock owner shall be responsible for completing the claim forms.

**Statutory Authority:** *MS s 3.737*

**History:** *36 SR 179*

**1515.3400 SIGNED STATEMENT FROM LIVESTOCK OWNER.**

The investigator shall secure from the livestock owner a signed statement setting forth: the existence and details of any insurance coverage on the livestock; a statement that in the owner's best judgment the destroyed livestock was killed by a wolf, and the facts underlying that judgment.

**Statutory Authority:** *MS s 3.737*

**History:** *36 SR 179; L 2012 c 277 art 1 s 90*

**1515.3500 INVESTIGATION.**

Following instructions on the claim form, the investigator shall notify the United States Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services, within 48 hours, or as soon as practicable, that an investigation of livestock loss has been initiated. The investigator shall investigate the loss in a timely manner and shall make a finding in writing on the claim form regarding whether the livestock was destroyed or crippled by a wolf, and the owner's eligibility for compensation under parts 1515.3000 to 1515.3800. Such a finding shall be based upon physical and circumstantial evidence including: the livestock carcass presence and condition; animal tracks; the number and location of animal bites on the carcass; the area of the state where the loss occurred; sightings of a wolf in the area; or any other circumstances determined to be pertinent by the investigator. The investigator shall submit the signed claim form to the commissioner at the earliest opportunity. The absence of any affirmative evidence may be grounds for denial of a claim.

**Statutory Authority:** *MS s 3.737*

**History:** *36 SR 179; L 2012 c 277 art 1 s 90*

**1515.3600 COMPLETION AND SUBMISSION OF CLAIM FORM.**

The university extension educator shall make a written finding on the claim form of the actual fair market value of the destroyed livestock based upon any of the following criteria deemed to be pertinent by the university extension educator: the number of livestock determined by the investigator in the loss; the type of livestock; the breed and breeding of the livestock; the estimated size and weight of the livestock; the estimated age of the livestock; registration of the livestock, upon proof of registration; and the replacement cost of the livestock. The university extension educator shall return the completed claim form to the commissioner for review and payment. The commissioner may return any incomplete form to the investigator or university extension educator indicating the information necessary for proper completion.

**Statutory Authority:** *MS s 3.737*

**History:** *36 SR 179*

## **1515.3700 LIVESTOCK**

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**1515.3700** [Repealed, 36 SR 179]

## **1515.3800 INSURANCE COVERAGE.**

If insurance coverage exists on the livestock, the commissioner shall withhold payment under parts 1515.3000 to 1515.3800 until the insurance claim has been paid, and evidence of payment has been submitted to the commissioner, at which time that insurance payment shall be deducted from the determined actual fair market value.

**Statutory Authority:** *MS s 3.737*

**History:** *36 SR 179*