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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 2280

04/30/2015 Authored by Anderson, P.; Miller; Swedzinski; Torkelson; Baker and others  
The bill was read for the first time and referred to the Committee on Agriculture Finance

1.1 A bill for an act  
1.2 relating to agriculture; appropriating money for compensation payments to  
1.3 commercial poultry producers.

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

1.5 Section 1. **APPROPRIATION; POULTRY COMPENSATION PAYMENTS.**

1.6 Subdivision 1. **Appropriation; purpose.** \$4,000,000 in fiscal year 2015 is  
1.7 appropriated from the general fund to the commissioner of agriculture to compensate  
1.8 Minnesota commercial poultry producers for losses that are not eligible for federal  
1.9 indemnity. This is a onetime appropriation and is available until June 30, 2016.

1.10 Subd. 2. **Eligibility; payment rates.** (a) The commissioner must award  
1.11 compensation under this section only for birds that contracted highly pathogenic avian  
1.12 influenza and expired before the United States Department of Agriculture confirmed the  
1.13 presence of highly pathogenic avian influenza in the commercial producer's flock.

1.14 (b) The commissioner shall award compensation payments to eligible commercial  
1.15 producers as follows:

1.16 (1) \$15 for each turkey that was part of a breeder flock;

1.17 (2) \$5 for each turkey that was housed in a grower barn and not part of a breeder  
1.18 flock; and

1.19 (3) \$2 for each chicken.

1.20 Subd. 3. **Rate adjustment authorized.** If the appropriation in subdivision 1 is  
1.21 not sufficient to compensate all eligible commercial producers at the rates specified in  
1.22 subdivision 2, the commissioner shall make a pro rata adjustment to the rates.

2.1 Subd. 4. **Claims; appeals.** (a) A commercial producer must submit a claim to the  
2.2 commissioner in the form prescribed by the commissioner.

2.3 (b) If the commissioner denies compensation under this section, the commissioner  
2.4 shall issue a written decision based upon the available evidence and provide a copy of  
2.5 the decision to the commercial producer.

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

2.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.