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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 2140

02/21/2023 Authored by Anderson, P. H.; Frederick; Burkel; Jacob; Nelson, N., and others
The bill was read for the first time and referred to the Committee on Agriculture Finance and Policy

1.1 A bill for an act
1.2 relating to agriculture; requiring compensation for an agricultural crop damaged
1.3 or destroyed by wild white-tailed deer; requiring rulemaking; requiring a report;
1.4 appropriating money; proposing coding for new law in Minnesota Statutes, chapter
1.5 3.

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

1.7 Section 1. 3.7375] COMPENSATION FOR CROP DAMAGE CAUSED BY DEER.

1.8 Subdivision 1. Authorization. Notwithstanding section 3.736, subdivision 3, paragraph
1.9 (e), or any other law, the commissioner of agriculture must compensate a person who owns
1.10 an agricultural crop, including but not limited to a stored forage crop, that is damaged or
1.11 destroyed by wild white-tailed deer. For purposes of this section, "stored forage crop" means
1.12 hay, silage, grain, or other crops that have been harvested and placed in storage for
1.13 commercial livestock feeding.

1.14 Subd. 2. Claim form. A crop owner must prepare a claim on a form provided by the
1.15 commissioner and available on the Department of Agriculture's website or by request from
1.16 the commissioner. The crop owner must file the completed claim form with the
1.17 commissioner.

1.18 Subd. 3. Compensation. A crop owner is entitled to the target price or the market price,
1.19 whichever is greater, of the damaged or destroyed agricultural crop plus adjustments for
1.20 yield loss according to applicable federal farm and conservation programs, adjusted annually,
1.21 as determined by the commissioner upon recommendation of the commissioner's approved
1.22 agent for the crop owner's county. The commissioner, upon recommendation of the

2.1 commissioner's approved agent, must determine whether the crop damage or destruction is
2.2 caused by white-tailed deer and, if so, the amount of the crop that is damaged or destroyed.

2.3 Subd. 4. **Insurance deduction.** The commissioner must reduce payments under this
2.4 section by amounts received by the crop owner as proceeds from a crop insurance policy
2.5 or from any other source for the same purpose, including but not limited to a federal program.

2.6 Subd. 5. **Decision on claims; opening land to hunting.** If the commissioner finds that
2.7 the crop owner has shown that the damage or destruction of the crop owner's crop was
2.8 caused more probably than not by wild white-tailed deer, the commissioner must pay
2.9 compensation to the crop owner as provided in this section and the rules of the commissioner.
2.10 A crop owner who receives compensation under this section may, by written permission,
2.11 permit hunting on the land at the landowner's discretion.

2.12 Subd. 6. **Denial of claim; appeal.** (a) If the commissioner denies compensation claimed
2.13 by a crop owner under this section, the commissioner must issue a written decision based
2.14 upon the available evidence, including a statement of the facts upon which the decision is
2.15 based and the conclusions on the material issues of the claim. The commissioner must
2.16 provide a copy of the decision to the crop owner.

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

2.24 Subd. 7. **Rules.** The commissioner must adopt and may amend rules to administer this
2.25 section. The commissioner may use the expedited rulemaking process in section 14.389 to
2.26 adopt and amend rules authorized in this section. The rules must include:

2.27 (1) methods of determining the value of crops that are damaged or destroyed;

2.28 (2) criteria for determining the cause of the crop damage or destruction;

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

2.30 (4) other matters that the commissioner deems necessary to administer this section.

2.31 Subd. 8. **Report.** The commissioner must submit a report to the chairs and ranking
2.32 minority members of the legislative committees with jurisdiction over agriculture finance

3.1 by December 15 each year. The report must include but is not limited to the total amount
3.2 paid under this section in the previous two fiscal years.

3.3 Sec. 2. **APPROPRIATION; DEER DEPREDAATION.**

3.4 \$150,000 in fiscal year 2024 and \$150,000 in fiscal year 2025 are appropriated from the
3.5 general fund to the commissioner of agriculture to compensate eligible farmers up to \$750
3.6 per claim under section 1.