



April 30, 2020

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Minnesota House of Representatives
Environment and Natural Resources Finance Division
430 State Office Building
St. Paul, MN 55155

Re: Opposition to Amendments to HF4554

Dear Committee:

This letter is being submitted on behalf of the Minnesota Deer Farmers' Association to oppose the proposed Amendments to Minn. Stat. § 35.155, subd. 1 and subd. 6. The mission of our organization is to foster the pursuit of education and awareness within the deer farming industry. Many of the domestic Cervidae farms in the State of Minnesota are members of our organization. The reasons for the opposition to the Amendments will be laid out in this letter.

First, the proposed Amendments to Minn. Stat. § 35.155, subd. 1 should not be passed because the language removes constitutional property rights from the owners of the farmed Cervidae. The proposed language allows for hunters to kill and possess the escaped farmed Cervidae lawfully if the animal is running at large. The proposed Amendment, more inexcusably, allows for the commissioner of natural resources to destroy any farmed Cervidae that is running at large. This allows for an unconstitutional taking of the owner's property. The Amendment further states that the hunter who takes the Cervidae is not liable to the owner for the loss of the animal. The farmed Cervidae are property of the owner, and this Amendment allows for a licensed hunter, or an agent of the commissioner of natural resources, to destroy the property at will when it is running at large. The proposed Amendment allows for the property to be destroyed for any reason if it is no longer on the owner's property. This would allow for a scenario where someone trespasses onto the owner's property, releases the deer from captivity, and then a hunter or the commissioner of natural resources can destroy the Cervidae with no recourse for the owner of the animals. The owners, under the proposed Amendments, essentially only have right to their farmed Cervidae if the animals remain on their property. That would be an absurd restriction on the property owner's rights.

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Further, the proposed Amendment to Minn. Stat. § 35.155, subd. 1 requires the owner of the animal to immediately notify the commissioner of natural resources of the escaped animal. The current statutory language states “the owner must notify the commissioner of natural resources of the escape of farmed Cervidae if the farmed Cervidae are not returned or captured by the owner within 24 hours of their escape.” Id. The proposed language would require an owner to contact the commissioner of natural resources immediately upon a farmed Cervidae escaping captivity. The proposed language would require an owner to notify the commissioner as soon as the animal leaves captivity, even if the owner is simply able to apprehend the animal and return it to captivity. Strict compliance with the proposed language would require an owner to contact the commissioner immediately, rather than attempt to return the animal to captivity. This would be counterproductive, because owners would no longer have the ability to attempt to return the animals to captivity prior to contacting the commissioner of natural resources and therefore the animal may remain at large for a longer period of time.

The proposed Amendment to Subdivision 1 also adds language that requires all farmed Cervidae killed by a hunter, or destroyed by the commissioner of natural resources, be tested for chronic wasting disease at the owner’s expense. In addition to the cost of the loss of property, the owner would be required to pay for costly testing of the animals even if the animals escaped captivity at no fault of the owner.

Second, the proposed Amendment to Minn. Stat. § 35.155, subd.6 is not practical for the owners of the Cervidae. The Amendment adds additional requirements for identifying the animals. The proposed language now adds “and either incorporate global positional system technology or include a phone number, address, or other contact information that enables the reader to readily identify the owner of escaped farmed Cervidae.” Further, the statute requires that this identification information “be visible to the naked eye during daylight under normal conditions at a distance of 50 yards.” Technology is not readily available to the owners to include global positioning system technology on each Cervidae. Further, it is impractical to require identifying information to be visible from 50 yards. The identifying tags would need to be extremely large in order for the identifying information to be visible at a distance of 50 yards. The members of MDFA currently ear tag the domestic Cervidae, but information written on the tags would not be visible from a distance of 50 yards. The tag itself, however, is visible from that distance.

For the above stated reasons, Minnesota Deer Farmer’s Association respectfully requests that the HF4554 DE1 Amendments to Minn. Stat. § 35.155 not be passed. The proposed Amendments would strip constitutionally protected property rights from the Cervidae owners, and would also require the owners to make impossible or impractical changes to the identifying tags on the animals. Thank you for your time and consideration of this letter.

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Sincerely,

/s/ Gary R. Leistico

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GRL/EG