

**CHAPTER 274—H.F.No. 4075**

*An act relating to agriculture; providing for control of bovine tuberculosis in certain areas; appropriating money; amending Minnesota Statutes 2006, section 97A.045, subdivision 11, by adding a subdivision; Minnesota Statutes 2007 Supplement, section 35.244; proposing coding for new law in Minnesota Statutes, chapter 35.*

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

Section 1. **[35.086] BOVINE TUBERCULOSIS MANAGEMENT ZONE; RESTRICTIONS.**

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Bovine tuberculosis management zone" means the area within the ten-mile radius around the five presumptive tuberculosis-positive deer sampled during the fall 2006 hunter-harvested surveillance effort.

(c) "Located within" means that the herd was kept in the area for at least a part of calendar year 2007.

Subd. 2. **Cattle herd buyout.** (a) The board shall offer a herd buyout payment to cattle owners with existing cattle that are located within the bovine tuberculosis management zone. The payment shall be \$500 per bovine animal. By July 15, 2008, the cattle owner must accept or decline the offer for herd buyout payments under this subdivision. A cattle owner receiving payment under this subdivision must sign a contract with the board that provides:

(1) all cattle that are at least one year old and located within the bovine tuberculosis management zone will be slaughtered by January 31, 2009;

(2) all cattle that are less than one year old, are either slaughtered or moved out of the bovine tuberculosis management zone, as provided in paragraph (b), by January 31, 2009;

(3) the landowner and cattle owner will not have or allow any livestock to be located on land in the board's proposed modified accredited zone, unless authorized by the board; and

(4) a landowner or cattle owner who violates a condition under this subdivision must repay all payments received under this section and is subject to penalties for violations under this chapter.

(b) Cattle that are less than one year old, may be moved out of the bovine tuberculosis management zone to comply with paragraph (a), clause (2), only when:

(1) they are from a herd that received a whole herd tuberculosis test within the previous 12 months;

(2) they are not sexually intact; and

(3) they have had a tuberculosis test within 60 days of being moved out of the zone.

(c) After the effective date of this section, livestock shall not be moved into the bovine tuberculosis management zone unless authorized by the board.

(d) Before the board issues payment to a cattle owner under this subdivision, the board shall verify all cattle owned by that cattle owner and located within the bovine tuberculosis management zone have been slaughtered.

(e) A cattle owner who signs a contract under paragraph (a) or who depopulated an infected herd and signs a contract containing the provisions of paragraph (a), clauses (1) to (3), shall receive an annual payment of \$75 for each bovine animal slaughtered. The board shall make the first annual payment by June 30, 2009, and make annual payments by June 30 each year thereafter until the area receives a bovine tuberculosis-free status and the owner is authorized by the board to have cattle located within the bovine tuberculosis management zone.

Subd. 3. **Cattle herds remaining in the zone.** The board shall conduct a risk assessment for cattle that remain located within the bovine tuberculosis management zone. If the board determines that cattle herds within the bovine tuberculosis management zone present a risk of interaction between cattle and deer or elk, the board shall require the owner of the cattle to keep all cattle in a manner that does not allow cattle and deer or elk interface. The board may also require that any person who stores forage crops within the bovine tuberculosis management zone, including but not limited to a person who participates in the herd buyout in subdivision 2, must keep stored forage crops in a manner that does not allow deer or elk access. The board shall offer cost-share assistance for fencing under subdivision 4 to a person who is required to:

(1) keep cattle in a manner that does not allow cattle and deer or elk interface; or

(2) keep stored forage crops in a manner that does not allow deer or elk access.

Subd. 4. **Cost-share assistance for fencing.** (a) The board shall provide cost-share assistance to persons required to fence stored forage crops or fence cattle in areas where the board determines that there is an unacceptable risk of transmitting bovine tuberculosis to deer or elk. The cost-share payments shall be 90 percent of the cost of an approved fence up to a maximum cost-share payment of \$75,000. The payments under this subdivision shall be on a reimbursement basis and paid by the board after the board determines that the fence is built to the specifications required by the board.

(b) The board shall establish specifications for fences that qualify for cost-share assistance under this subdivision and provide cattle owners or those who store forage crops with a list of approved fencing contractors. The fencing must be constructed and maintained by an approved fencing contractor, the landowner, or the tenant.

(c) The board shall periodically inspect fences for which cost-share assistance has been received under this subdivision. If the board determines that a fence for which cost-share assistance has been received is not being maintained or used properly, the board may:

(1) order that the fence be repaired or used properly; or

(2) require repayment of any cost-share assistance received by the person and, if the fence was intended to keep cattle in a manner that does not allow cattle and deer or elk interface, the board may place the herd under quarantine.

Sec. 2. Minnesota Statutes 2007 Supplement, section 35.244, is amended to read:

**35.244 RULES FOR CONTROL OF BOVINE TUBERCULOSIS.**

Subdivision 1. **Designation of zones.** The board has the authority to control tuberculosis and the movement of cattle, bison, goats, and farmed cervidae within and between tuberculosis zones in the state. Zones within the state may be designated as accreditation preparatory, modified accredited, modified accredited advanced, or accredited free as those terms are defined in Code of Federal Regulations, title 9, part 77. The board may designate bovine tuberculosis control zones that contain not more than 325 herds.

Subd. 2. **Control within modified accredited zone.** In a modified accredited zone, the board has the authority to:

(1) require owners of cattle, bison, goats, or farmed cervidae to report personal contact information and location of livestock to the board;

(2) require a permit or movement certificates for all cattle, bison, goats, and farmed cervidae moving between premises within the zone or leaving or entering the zone;

(3) require official identification of all cattle, bison, goats, and farmed cervidae within the zone or leaving or entering the zone;

(4) require a whole-herd tuberculosis test on each herd of cattle, bison, goats, or farmed cervidae when any of the animals in the herd is kept on a premises within the zone;

(5) require a negative tuberculosis test within 60 days prior to movement for any individual cattle, bison, goat, or farmed cervidae moved from a premises in the zone to another location in Minnesota, with the exception of cattle moving under permit directly to a slaughter facility under state or federal inspection;

(6) require a whole-herd tuberculosis test within 12 months prior to moving cattle, bison, goats, or farmed cervidae from premises in the zone to another location in Minnesota;

(7) require annual herd inventories on all cattle, bison, goat, or farmed cervidae herds; and

(8) require that a risk assessment be performed to evaluate the interaction of free-ranging deer and elk with cattle, bison, goat, and farmed cervidae herds and require the owner to implement the recommendations of the risk assessment.

Subd. 3. **Authority to adopt rules.** The board may adopt rules to provide for the control of tuberculosis in cattle. The rules may include provisions for quarantine, tests, and such other measures as the board deems appropriate. Federal regulations, as provided by Code of Federal Regulations, title 9, part 77, and the Bovine Tuberculosis Eradication Uniform Methods and Rules, are incorporated as part of the rules in this state.

Sec. 3. Minnesota Statutes 2006, section 97A.045, subdivision 11, is amended to read:

Subd. 11. **Power to prevent or control wildlife disease.** (a) If the commissioner determines that action is necessary to prevent or control a wildlife disease, the

commissioner may prevent or control wildlife disease in a species of wild animal in addition to the protection provided by the game and fish laws by further limiting, closing, expanding, or opening seasons or areas of the state; by reducing or increasing limits in areas of the state; by establishing disease management zones; by authorizing free licenses; by allowing shooting from motor vehicles by persons designated by the commissioner; by issuing replacement licenses for sick animals; by requiring sample collection from hunter-harvested animals; by limiting wild animal possession, transportation, and disposition; and by restricting wildlife feeding.

(b) The commissioner shall restrict wildlife feeding within a 15-mile radius of a cattle herd that is infected with bovine tuberculosis, the modified accredited bovine tuberculosis zone proposed by the Board of Animal Health. In addition to any other penalties provided by law, a person who violates wildlife feeding restrictions required under this paragraph may not obtain a hunting license to take a wild animal for two years after the date of conviction.

(c) The commissioner may prevent or control wildlife disease in a species of wild animal in the state by emergency rule adopted under section 84.027, subdivision 13.

Sec. 4. Minnesota Statutes 2006, section 97A.045, is amended by adding a subdivision to read:

Subd. 13. **Collection of deer and elk in a bovine tuberculosis zone.** The commissioner of natural resources, in consultation with the Board of Animal Health, shall remove, upon request, deceased deer and elk within the modified accredited bovine tuberculosis zone proposed by the Board of Animal Health. The commissioner shall make a good faith effort to inform the state's residents of this requirement and how a person may make a deer or elk removal request. The commissioner is not required to continue these collections once the split state zone is upgraded by the United States Department of Agriculture to a bovine tuberculosis status of modified accredited advanced or better.

Sec. 5. **BOVINE TUBERCULOSIS CONTROL ASSESSMENT; TEMPORARY ASSESSMENT; APPROPRIATION.**

(a) From January 1, 2009, to December 31, 2009, a person who purchases a beef cow, heifer, or steer in this state shall collect a bovine tuberculosis control assessment of \$1 per head from the seller and shall submit all assessments collected to the commissioner of agriculture at least once every 30 days. For the purposes of this section, "a person who purchases a beef cow, heifer, or steer in this state" includes the first purchaser, as defined in Minnesota Statutes, section 17.53, subdivision 8, paragraph (a), and any subsequent purchaser of the living animal.

(b) Money collected under this section shall be deposited in an account in the special revenue fund and is appropriated to the Board of Animal Health for bovine tuberculosis control activities.

(c) Notwithstanding paragraph (a), a person may not collect a bovine tuberculosis control assessment from a person whose cattle operation is located within a modified accredited zone established under Minnesota Statutes, section 35.244, unless the cattle owner voluntarily pays the assessment. The commissioner of agriculture shall publish and make available a list of cattle producers exempt under this paragraph.

Sec. 6. **APPROPRIATION.**

(a) \$472,000 in fiscal year 2008 and \$2,172,000 in fiscal year 2009 are appropriated from the general fund to the Board of Animal Health for monitoring, testing, eradication, education, outreach, and other activities the board is required to undertake to comply with federal regulations concerning cattle, bison, goats, and farmed cervidae under a United States Department of Agriculture modified accredited status. The appropriation for fiscal year 2009 is added to the base.

(b) \$80,000 is appropriated in fiscal year 2009 from the general fund to the Board of Regents of the University of Minnesota for a study at the North Central Research Center at Grand Rapids of the best management practices for control of bovine tuberculosis in pasture. This appropriation is added to the base.

(c) \$3,350,000 is appropriated in fiscal year 2008 from the general fund to the Board of Animal Health for cattle herd buyout payments, annual payments, and fencing cost-share assistance under Minnesota Statutes, section 35.086. This is a onetime appropriation and is available until spent.

(d) \$150,000 is appropriated in fiscal year 2008 from the general fund to the Board of Animal Health for a grant to the North Central Research Center at Grand Rapids for a study of the best management practices for control of bovine tuberculosis in pasture. This is a onetime appropriation and is available until spent.

(e) If an appropriation for the same purpose is enacted in 2008 H.F. No. 1812, the comparable appropriation in that act is void.

Sec. 7. **EFFECTIVE DATE.**

Sections 1 to 6 are effective the day following final enactment.

Presented to the governor May 2, 2008

Signed by the governor May 5, 2008, 10:12 a.m.