

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 4024

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DATE	D-PG	OFFICIAL STATUS
04/23/2018	7880	Introduction and first reading
		Referred to Agriculture, Rural Development, and Housing Policy
04/25/2018	8373	Author added Bigham

1.1 A bill for an act

1.2 relating to agriculture; distinguishing between farmed elk and other farmed

1.3 Cervidae; establishing a voluntary herd buyout program for participating deer

1.4 farmers; appropriating money; amending Minnesota Statutes 2016, sections 35.153,

1.5 subdivisions 1, 3, by adding subdivisions; 35.155.

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

1.7 Section 1. Minnesota Statutes 2016, section 35.153, subdivision 1, is amended to read:

1.8 Subdivision 1. **Applicability.** Except as provided in subdivision 3, the definitions in this

1.9 section apply to section 17.452, this section, and section 35.155.

1.10 Sec. 2. Minnesota Statutes 2016, section 35.153, is amended by adding a subdivision to

1.11 read:

1.12 Subd. 2a. **Elk.** "Elk" means animals of the species Cervus canadensis.

1.13 Sec. 3. Minnesota Statutes 2016, section 35.153, subdivision 3, is amended to read:

1.14 Subd. 3. **Farmed Cervidae.** "Farmed Cervidae" means Cervidae that are:

1.15 (1) raised for any purpose; and

1.16 (2) registered in a manner approved by the Board of Animal Health.

1.17 For purposes of this section and section 35.155 only, "farmed Cervidae" does not mean

1.18 farmed Cervus canadensis.

2.1 Sec. 4. Minnesota Statutes 2016, section 35.153, is amended by adding a subdivision to
2.2 read:

2.3 Subd. 3a. **Farmed Cervus canadensis.** "Farmed Cervus canadensis" means elk that are:

2.4 (1) raised for any purpose; and

2.5 (2) registered in a manner approved by the Board of Animal Health.

2.6 Sec. 5. Minnesota Statutes 2016, section 35.155, is amended to read:

2.7 **35.155 FARMED CERVIDAE AND FARMED CERVUS CANADENSIS.**

2.8 Subdivision 1. **Running at large prohibited.** (a) An owner may not allow farmed
2.9 Cervidae or farmed Cervus canadensis to run at large. The owner must make all reasonable
2.10 efforts to return escaped farmed Cervidae and farmed Cervus canadensis to their enclosures
2.11 as soon as possible. The owner must notify the commissioner of natural resources of the
2.12 escape of farmed Cervidae or farmed Cervus canadensis if the farmed Cervidae or farmed
2.13 Cervus canadensis are not returned or captured by the owner within 24 hours of their escape.

2.14 (b) An owner is liable for expenses of another person in capturing, caring for, and
2.15 returning farmed Cervidae or farmed Cervus canadensis that have left their enclosures if
2.16 the person capturing the farmed Cervidae or farmed Cervus canadensis contacts the owner
2.17 as soon as possible.

2.18 (c) If an owner is unwilling or unable to capture escaped farmed Cervidae or farmed
2.19 Cervus canadensis, the commissioner of natural resources may destroy the escaped farmed
2.20 Cervidae or farmed Cervus canadensis. The commissioner of natural resources must allow
2.21 the owner to attempt to capture the escaped farmed Cervidae or farmed Cervus canadensis
2.22 prior to destroying the farmed Cervidae or farmed Cervus canadensis. Farmed Cervidae
2.23 and farmed Cervus canadensis that are not captured by 24 hours after escape may be
2.24 destroyed.

2.25 Subd. 2. **Wild Cervidae inside confinement area.** An owner or an employee or agent
2.26 under the direction of the owner must destroy wild Cervidae found within the owner's farmed
2.27 Cervidae or farmed Cervus canadensis confinement area. The owner, employee, or agent
2.28 must report the wild Cervidae destroyed to a conservation officer or an employee of the
2.29 Department of Natural Resources, Division of Wildlife, within 24 hours. The wild Cervidae
2.30 must be disposed of as prescribed by the commissioner of natural resources.

2.31 Subd. 3. **Farming in native elk area.** A person may not raise farmed red deer in the
2.32 native elk area without written approval of the commissioner of natural resources. The

3.1 native elk area is the area north of U.S. Highway 2 and west of U.S. Highway 71 and Trunk
3.2 Highway 72. The commissioner of natural resources shall review the proposed farming
3.3 operation and approve with any condition or deny approval based on risks to the native elk
3.4 population.

3.5 Subd. 4. **Fencing.** Farmed Cervidae and farmed Cervus canadensis must be confined in
3.6 a manner designed to prevent escape. All perimeter fences for farmed Cervidae or farmed
3.7 Cervus canadensis must be at least 96 inches in height and be constructed and maintained
3.8 in a way that prevents the escape of farmed Cervidae or farmed Cervus canadensis or entry
3.9 into the premises by free-roaming Cervidae.

3.10 Subd. 5. **Disease control programs.** Farmed Cervidae and farmed Cervus canadensis
3.11 are subject to this chapter and the rules of the Board of Animal Health in the same manner
3.12 as other livestock and domestic animals, including provisions related to importation and
3.13 transportation.

3.14 Subd. 6. **Identification.** (a) Farmed Cervidae and farmed Cervus canadensis must be
3.15 identified by means approved by the Board of Animal Health. The identification must be
3.16 visible to the naked eye during daylight under normal conditions at a distance of 50 yards.
3.17 Newborn animals must be identified before December 31 of the year in which the animal
3.18 is born or before movement from the premises, whichever occurs first.

3.19 (b) The Board of Animal Health shall register farmed Cervidae and farmed Cervus
3.20 canadensis. The owner must submit the registration request on forms provided by the board.
3.21 The forms must include sales receipts or other documentation of the origin of the Cervidae.
3.22 The board shall provide copies of the registration information to the commissioner of natural
3.23 resources upon request. The owner must keep written records of the acquisition and
3.24 disposition of registered farmed Cervidae and registered farmed Cervus canadensis.

3.25 Subd. 7. **Inspection.** The commissioner of agriculture and the Board of Animal Health
3.26 may inspect farmed Cervidae and farmed Cervus canadensis, farmed Cervidae or farmed
3.27 Cervus canadensis facilities, and farmed Cervidae or farmed Cervus canadensis records.
3.28 For each herd, the owner or owners must, on or before January 1, pay an annual inspection
3.29 fee equal to \$10 for each cervid in the herd as reflected in the most recent inventory submitted
3.30 to the Board of Animal Health, up to a maximum fee of \$100. The commissioner of natural
3.31 resources may inspect farmed Cervidae and farmed Cervus canadensis, farmed Cervidae
3.32 or farmed Cervus canadensis facilities, and farmed Cervidae or farmed Cervus canadensis
3.33 records with reasonable suspicion that laws protecting native wild animals have been violated
3.34 and must notify the owner in writing at the time of the inspection of the reason for the

4.1 inspection and must inform the owner in writing after the inspection of whether (1) the
4.2 cause of the inspection was unfounded; or (2) there will be an ongoing investigation or
4.3 continuing evaluation.

4.4 Subd. 8. **Cervidae inspection account.** A Cervidae inspection account is established
4.5 in the state treasury. The fees collected under this section and interest attributable to money
4.6 in the account must be deposited in the state treasury and credited to the Cervidae inspection
4.7 account in the special revenue fund. Money in the account, including interest earned, is
4.8 appropriated to the Board of Animal Health for the administration and enforcement of this
4.9 section.

4.10 Subd. 9. **Contested case hearing.** A person raising farmed Cervidae or farmed Cervus
4.11 canadensis that is aggrieved with any decision regarding the farmed Cervidae or farmed
4.12 Cervus canadensis may request a contested case hearing under chapter 14.

4.13 Subd. 10. **Mandatory registration.** A person may not possess live Cervidae in Minnesota
4.14 unless the person is registered with the Board of Animal Health and meets all the
4.15 requirements for farmed Cervidae and farmed Cervus canadensis under this section. Cervidae
4.16 possessed in violation of this subdivision may be seized and destroyed by the commissioner
4.17 of natural resources.

4.18 Subd. 11. **Mandatory surveillance for chronic wasting disease.** (a) An inventory for
4.19 each farmed Cervidae or farmed Cervus canadensis herd must be verified by an accredited
4.20 veterinarian and filed with the Board of Animal Health every 12 months.

4.21 (b) Movement of farmed Cervidae or farmed Cervus canadensis from any premises to
4.22 another location must be reported to the Board of Animal Health within 14 days of the
4.23 movement on forms approved by the Board of Animal Health.

4.24 (c) All animals from farmed Cervidae or farmed Cervus canadensis herds that are over
4.25 16 months of age that die or are slaughtered must be tested for chronic wasting disease.

4.26 Subd. 12. **Importation.** A person must not import Cervidae into the state from a herd
4.27 that is infected or exposed to chronic wasting disease or from a known chronic wasting
4.28 disease endemic area, as determined by the board. A person may import Cervidae into the
4.29 state only from a herd that is not in a known chronic wasting disease endemic area, as
4.30 determined by the board, and the herd has been subject to a state or provincial approved
4.31 chronic wasting disease monitoring program for at least three years. Cervidae imported in
4.32 violation of this section may be seized and destroyed by the commissioner of natural
4.33 resources.

5.1 Subd. 13. **Rules.** The Board of Animal Health shall adopt rules as necessary to implement
5.2 this section and to otherwise provide for the control of Cervidae diseases.

5.3 Sec. 6. **VOLUNTARY HERD BUYOUT; APPROPRIATION.**

5.4 \$..... in fiscal year 2019 is appropriated from the general fund to the Board of Animal
5.5 Health to offer a herd buyout payment to the owner of each herd of deer registered under
5.6 Minnesota Statutes, section 35.155. The board must pay no more than \$..... per animal,
5.7 with each animal disposed of as determined by the board. By October 1, 2018, an owner
5.8 must accept or decline the buyout offered by the board under this section. A participating
5.9 owner must sign a contract with the board certifying that the owner will not have or allow
5.10 any wild or farmed Cervidae to be located on the premises for at least months and must
5.11 record a corresponding deed restriction with the county recorder or registrar of titles. A
5.12 participating owner who violates the buyout contract must repay all money received under
5.13 this section and is subject to appropriate penalties under Minnesota Statutes, chapter 35.
5.14 For purposes of this section, "deer" means white-tailed, red, fallow, mule, Sitka, and any
5.15 other species of deer farmed in Minnesota.