

## CHAPTER 17

## DEPARTMENT OF AGRICULTURE

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**17.03 POWERS AND DUTIES OF COMMISSIONER.**

*[For text of subds 1 to 4, see M.S.2002]*

**Subd. 6. Cooperation with Minnesota Department of Employment and Economic Development.** The commissioner of agriculture and the commissioner of employment and economic development shall cooperate with each other to promote the beneficial agricultural interests of the state. The commissioner of agriculture has primary responsibility for promoting state agricultural interests to international markets. The commissioner of agriculture is also responsible for the promotion of national trade programs related to international marketing. The commissioner of agriculture has primary responsibility for promoting the agriculture interests of producers, promoting state agricultural markets, and promoting agricultural interests of the state in cooperative production and marketing efforts with other states and the United States Department of Agriculture. The commissioner of agriculture is also responsible for promoting the national and international marketing of state agricultural products.

*[For text of subds 7 and 7a, see M.S.2002]*

Subd. 8. [Repealed, 2003 c 128 art 13 s 40]

*[For text of subds 9 to 13, see M.S.2002]*

**History:** 2003 c 128 art 13 s 1; 1Sp2003 c 4 s 1

**17.101 PROMOTIONAL ACTIVITIES.**

**Subdivision 1. Departmental duties.** For the purposes of expanding, improving, and developing production and marketing of products of Minnesota agriculture, the commissioner shall encourage and promote the production and marketing of these products by means of:

- (a) advertising Minnesota agricultural products;
- (b) assisting state agricultural commodity organizations;
- (c) developing methods to increase processing and marketing of agricultural commodities including commodities not being produced in Minnesota on a commercial scale, but which may have economic potential in national and international markets;
- (d) investigating and identifying new marketing technology and methods to enhance the competitive position of Minnesota agricultural products;
- (e) evaluating livestock marketing opportunities;
- (f) assessing and developing national and international markets for Minnesota agricultural products;
- (g) studying the conversion of raw agricultural products to manufactured products including ethanol;
- (h) hosting the visits of foreign trade teams to Minnesota and defraying the teams' expenses;
- (i) assisting Minnesota agricultural businesses desiring to sell their products;
- (j) conducting research to eliminate or reduce specific production or technological barriers to market development and trade; and

(k) other activities the commissioner deems appropriate to promote Minnesota agricultural products, provided that the activities do not duplicate programs or services provided by the Minnesota Trade Division.

*[For text of subds 2 to 6, see M.S.2002]*

**History:** 2003 c 128 art 13 s 2

#### 17.1025 MINNESOTA CERTIFICATION PROGRAM.

Subdivision 1. **Establishment.** In cooperation with the University of Minnesota, the Department of Employment and Economic Development, and the Board of Animal Health, the commissioner shall establish a program to certify agricultural production methods and agricultural products grown or processed within the state to assure the integrity of claims made by participating businesses. The commissioner may select and cooperate with private organizations that have established procedures and safeguards to justify claimed characteristics of the production process or the final certified product to conduct certification activities for third party producers.

Subd. 2. **Certification process.** The commissioner may establish guidelines for the certification program, which are not subject to chapter 14. Applications for certification must be submitted to the commissioner and must be evaluated by representatives of the commissioner, the University of Minnesota, the Department of Employment and Economic Development, other state agencies with regulatory authority or expertise in the subject matter of the application or in the certification process, and any other person named by the commissioner.

The commissioner shall make the final certification decision after the certification group prepares a recommendation. The application may be accepted, denied, or returned to the applicant for further action. The recommendation must be based upon the benefit of the certification to the producer or processor, the benefit to the state's agricultural economy, the costs to the state involved in certification and ongoing monitoring, the quality of internal and external audit controls to assure compliance with the terms of the certification, and other factors appropriate to best benefit the participants and the state.

*[For text of subds 3 to 7, see M.S.2002]*

**History:** 1Sp2003 c 4 s 1

17.110 [Repealed, 2003 c 128 art 3 s 47]

17.23 [Repealed, 2003 c 128 art 7 s 1]

#### 17.451 DEFINITIONS.

Subdivision 1. **Applicability.** The definitions in this section apply to this section and section 17.452.

Subd. 1a. **Cervidae.** "Cervidae" means animals that are members of the family Cervidae and includes, but is not limited to, white-tailed deer, mule deer, red deer, elk, moose, caribou, reindeer, and muntjac.

Subd. 2. **Farmed cervidae.** "Farmed cervidae" means members of the Cervidae family that are:

- (1) raised for any purpose; and
- (2) registered in a manner approved by the Board of Animal Health.

Subd. 3. **Owner.** "Owner" means a person who owns or is responsible for the raising of farmed cervidae.

Subd. 4. **Herd.** "Herd" means:

- (1) all cervidae maintained on common ground for any purpose; or

(2) all cervidae under common ownership or supervision, geographically separated, but that have an interchange or movement of animals without regard to whether the animals are infected with or exposed to diseases.

**History:** 2003 c 128 art 3 s 5

#### 17.452 FARM-RAISED CERVIDAE.

*[For text of subs 1 to 7, see M.S.2002]*

Subd. 8. **Slaughter.** Farmed cervidae must be slaughtered and inspected in accordance with chapters 31 and 31A or the United States Department of Agriculture voluntary program for exotic animals, Code of Federal Regulations, title 9, part 352.

*[For text of subd 9, see M.S.2002]*

Subd. 10. **Fencing.** Farmed cervidae must be confined in a manner designed to prevent escape. All perimeter fences for farmed cervidae must be at least 96 inches in height and be constructed and maintained in a way that prevents the escape of farmed cervidae or entry into the premises by free-roaming cervidae.

Subd. 11. **Disease control programs.** Farmed cervidae herds are subject to chapter 35 and the rules of the Board of Animal Health in the same manner as livestock and domestic animals, including provisions relating to importation and transportation.

Subd. 12. **Identification.** (a) Farmed cervidae must be identified by means approved by the Board of Animal Health. Beginning January 1, 2004, the identification must be visible to the naked eye during daylight under normal conditions at a distance of 50 yards. Newborn animals must be identified before December 31 of the year in which the animal is born or before movement from the premises, whichever occurs first.

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

Subd. 13. **Inspection.** The commissioner of agriculture and the Board of Animal Health may inspect farmed cervidae, farmed cervidae facilities, and farmed cervidae records. For each herd, the owner or owners must, on or before January 1, pay an annual inspection fee equal to \$10 for each cervid in the herd as reflected in the most recent inventory submitted to the Board of Animal Health up to a maximum fee of \$100. The commissioner of natural resources may inspect farmed cervidae, farmed cervidae facilities, and farmed cervidae records with reasonable suspicion that laws protecting native wild animals have been violated and must notify the owner in writing at the time of the inspection of the reason for the inspection and must inform the owner in writing after the inspection of whether (1) the cause of the inspection was unfounded; or (2) there will be an ongoing investigation or continuing evaluation.

Subd. 13a. **Cervidae inspection account.** A cervidae inspection account is established in the state treasury. The fees collected under subdivision 13 and interest attributable to money in the account must be deposited in the state treasury and credited to the cervidae inspection account in the special revenue fund. Money in the account, including interest earned, is appropriated to the Board of Animal Health for the administration and enforcement of this section.

*[For text of subd 14, see M.S.2002]*

Subd. 15. **Mandatory registration.** A person may not possess live cervidae in Minnesota unless the person is registered with the Board of Animal Health and meets all the requirements for farmed cervidae under this section. Cervidae possessed in violation of this subdivision may be seized and destroyed by the commissioner of natural resources.

Subd. 16. **Mandatory surveillance for chronic wasting disease.** (a) An inventory for each farmed cervidae herd must be verified by an accredited veterinarian and filed with the Board of Animal Health every 12 months.

(b) Movement of farmed cervidae from any premises to another location must be reported to the Board of Animal Health within 14 days of such movement on forms approved by the Board of Animal Health.

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

**History:** 2003 c 128 art 3 s 6-13

#### 17.4988 LICENSE AND INSPECTION FEES.

Subdivision 1. **Requirements for issuance.** A permit or license must be issued by the commissioner if the requirements of law are met and the license and permit fees specified in this section are paid.

Subd. 2. **Aquatic farming license.** (a) The annual fee for an aquatic farming license is \$210.

(b) The aquatic farming license may contain endorsements for the rights and privileges of the following licenses under the game and fish laws. The endorsement must be made upon payment of the license fee prescribed in section 97A.475 for the following licenses:

(1) minnow dealer license;

(2) minnow retailer license for sale of minnows as bait;

(3) minnow exporting license;

(4) aquatic farm vehicle endorsement, which includes a minnow dealer vehicle license, a minnow retailer vehicle license, an exporting minnow vehicle license, and a fish vendor license;

(5) sucker egg taking license; and

(6) game fish packers license.

Subd. 3. **Inspection fees.** The fees for the following inspections are:

(1) initial inspection of each water to be licensed, \$50;

(2) fish health inspection and certification, \$60 plus \$150 per lot thereafter; and

(3) initial inspection for containment and quarantine facility inspections, \$100.

Subd. 4. **Aquarium facility.** (a) A person operating a commercial aquarium facility must have a commercial aquarium facility license issued by the commissioner if the facility contains species of aquatic life that are for sale and that are present in waters of the state. The commissioner may require an aquarium facility license for aquarium facilities importing or holding species of aquatic life that are for sale and that are not present in Minnesota if those species can survive in waters of the state. The fee for an aquarium facility license is \$90.

(b) Game fish transferred by an aquarium facility must be accompanied by a receipt containing the information required on a shipping document by section 17.4985, subdivision 3, paragraph (b).

**History:** 2003 c 128 art 1 s 11

**NOTE:** The amendment to this section by Laws 2003, chapter 128, article 1, section 11, is effective March 1, 2004. Laws 2003, chapter 128, article 1, section 11, the effective date.

#### 17.86 URBAN FOREST PROMOTION AND DEVELOPMENT.

*[For text of subs 1 and 2, see M.S.2002]*

Subd. 3. **Information.** The University of Minnesota Extension Service, in cooperation with the commissioners of agriculture, education, natural resources, and commerce, shall serve as the principal agency for publishing and circulating information derived from research under subdivision 2 among the various municipalities and individual property owners in the state. Where practical, the Extension Service and the

State Energy Office in the Department of Commerce shall secure the advice and assistance of various energy utilities interested and concerned with conservation. The commissioner of agriculture shall establish an information source for requests for nursery stock, to match needs of municipalities with stocks of trees available for planting from private and governmental sources.

*[For text of subd 4, see M.S.2002]*

**Subd. 5. School Arbor Day activities.** The commissioners of education, agriculture, and natural resources, with the state Arbor Month Committee and its individual public and private members, shall jointly work to expand and strengthen programs available to all levels of schools in forestry education and shall encourage reinstatement of Arbor Day activities. Information on desirable shade tree varieties and efficient spacing and location of shade trees shall be made available for use in related adult education courses.

*[For text of subd 6, see M.S.2002]*

**History:** 2003 c 130 s 12