

1.1 ..... moves to amend H.F. No. 229 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2018, section 35.153, subdivision 1, is amended to read:

1.4 Subdivision 1. **Applicability.** The definitions in this section apply to section 17.452,  
1.5 this section, and ~~section~~ sections 35.155 and 35.1551.

1.6 Sec. 2. Minnesota Statutes 2018, section 35.155, subdivision 4, is amended to read:

1.7 Subd. 4. **Fencing.** (a) Farmed Cervidae must be confined in a manner designed to prevent  
1.8 escape. All perimeter fences for farmed Cervidae must be high tensile fencing. Except as  
1.9 provided in subdivision 4a, all perimeter fences must be at least 96 inches in height and  
1.10 Perimeter fences must be constructed and maintained in a way that prevents the escape of  
1.11 farmed Cervidae or entry into the premises by free-roaming Cervidae, and physical contact  
1.12 between farmed Cervidae and free-roaming Cervidae.

1.13 (b) All entry areas for farmed Cervidae enclosure areas shall have two redundant gates,  
1.14 which must be maintained to prevent the escape of animals through an open gate. If a fence  
1.15 deficiency allows imminent entry or exit by farmed or wild Cervidae, the owner must repair  
1.16 the deficiency within 48 hours of discovery. If a fence deficiency is detected during annual  
1.17 inspection under subdivision 7, the facility must be reinspected not less than two times in  
1.18 the subsequent six months. If the facility experiences more than two escape incidents in any  
1.19 12-month period, the board shall revoke the facility's registration and the animals may be  
1.20 seized and destroyed by the commissioner of natural resources.

2.1 Sec. 3. Minnesota Statutes 2018, section 35.155, is amended by adding a subdivision to  
2.2 read:

2.3 Subd. 4a. **Fencing; commercial herds.** In addition to the requirements in subdivision  
2.4 4, commercially farmed Cervidae must be confined by two or more perimeter fences, with  
2.5 each perimeter fence at least 120 inches in height.

2.6 Sec. 4. Minnesota Statutes 2018, section 35.155, subdivision 6, is amended to read:

2.7 Subd. 6. **Identification.** (a) Farmed Cervidae must be identified by means approved by  
2.8 the Board of Animal Health. The identification must include a distinct number that has not  
2.9 been used during the previous three years and must be visible to the naked eye during  
2.10 daylight under normal conditions at a distance of 50 yards. Newborn animals must be  
2.11 identified before December 31 of the year in which the animal is born within 72 hours of  
2.12 birth or before movement from the premises, whichever occurs first. The commissioner of  
2.13 natural resources may destroy any animal that is not identified as required by this subdivision.

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

2.20 Sec. 5. Minnesota Statutes 2018, section 35.155, subdivision 7, is amended to read:

2.21 Subd. 7. **Inspection.** (a) The commissioner of agriculture, the commissioner of natural  
2.22 resources, and the Board of Animal Health may inspect farmed Cervidae, farmed Cervidae  
2.23 facilities, and farmed Cervidae records. For each herd, the owner or owners must, on or  
2.24 before January 1, pay an annual inspection fee equal to \$10 for each cervid in the herd as  
2.25 reflected in the most recent inventory submitted to the Board of Animal Health, up to a  
2.26 maximum fee of \$100. The board shall coordinate inspections authorized under this  
2.27 paragraph.

2.28 (b) The Board of Animal Health shall annually inspect each farmed Cervidae facility.  
2.29 Upon request by the Board of Animal Health, the commissioner of agriculture and the  
2.30 commissioner of natural resources shall assist the board with annual inspections required  
2.31 under this paragraph. The annual inspection shall include a physical inspection of the entire  
2.32 perimeter of fencing around the facility and a viewing to ensure all animals are tagged. The  
2.33 owner of a farmed Cervidae facility must present to the regulatory agency conducting the

3.1 annual inspection an accurate inventory of the owner's farmed Cervidae for review. During  
3.2 an annual inspection, the owner must present individual animals in a herd for a physical  
3.3 inventory, if required by the board.

3.4 (c) The commissioner of natural resources may inspect farmed Cervidae, farmed Cervidae  
3.5 facilities, and farmed Cervidae records with reasonable suspicion that laws protecting native  
3.6 wild animals have been violated and must notify the owner in writing at the time of the  
3.7 inspection of the reason for the inspection and must inform the owner in writing after the  
3.8 inspection of whether (1) the cause of the inspection was unfounded; or (2) there will be an  
3.9 ongoing investigation or continuing evaluation.

3.10 (d) If the owner of a farmed Cervidae facility does not repair fence deficiencies or is not  
3.11 otherwise in compliance with this section after an inspection and review of the owner's  
3.12 farmed Cervidae facility, the board must establish a reasonable period of time for the owner  
3.13 to come into compliance. If the owner is still not in compliance once the reasonable period  
3.14 has expired, the board must revoke the owner's registration and the owner's animals may  
3.15 be destroyed by the commissioner of natural resources.

3.16 Sec. 6. Minnesota Statutes 2018, section 35.155, is amended by adding a subdivision to  
3.17 read:

3.18 Subd. 7a. Fees. (a) For each commercial herd, the owner or owners must, on or before  
3.19 January 1, pay an annual inspection fee of \$500. For each noncommercial herd, the owner  
3.20 or owners must, on or before January 1, pay an annual inspection fee of \$150.

3.21 (b) If the owner allows killing of captive farmed Cervidae for sport or enjoyment, the  
3.22 owner must, on or before January 1 each year, pay an additional annual fee of \$1,000.

3.23 (c) An owner or owners of a commercial herd or a noncommercial herd who possess  
3.24 cervids shall pay an annual fee of \$5 per cervid as identified in the owner's annual herd  
3.25 inventory. The board shall deposit fees collected under this paragraph in the farmed Cervidae  
3.26 reimbursement and indemnity account established under section 35.1551.

3.27 (d) At the end of any calendar quarter in which the farmed Cervidae reimbursement  
3.28 account equals or exceeds \$500,000, the board shall suspend the collection of the fee under  
3.29 paragraph (c). If the account falls below \$400,000 after suspension, the board shall resume  
3.30 collection of the fee under paragraph (c).

3.31 (e) For purposes of this subdivision:

4.1 (1) "commercial herd" means a cervid herd that is managed on a business basis or for  
4.2 purposes of a transaction or exchange for consideration including barter, the offer to sell,  
4.3 or possession with the intent to sell for profit or monetary gain; and

4.4 (2) "noncommercial herd" means one or more cervid that is managed solely for personal  
4.5 enjoyment and personal use.

4.6 Sec. 7. Minnesota Statutes 2018, section 35.155, subdivision 9, is amended to read:

4.7 Subd. 9. **Contested case hearing.** A person raising farmed Cervidae that is aggrieved  
4.8 with any decision regarding the farmed Cervidae may request a contested case hearing under  
4.9 chapter 14. The request for a contested case hearing must be made within 30 days of the  
4.10 notice of revocation from the board.

4.11 Sec. 8. Minnesota Statutes 2018, section 35.155, subdivision 10, is amended to read:

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

4.16 (b) Beginning on the effective date of this act, the board shall not allow new registrations  
4.17 under this section for possessing white-tailed deer.

4.18 **EFFECTIVE DATE.** This section is effective the day following final enactment.

4.19 Sec. 9. Minnesota Statutes 2018, section 35.155, subdivision 11, is amended to read:

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

4.23 (b) Movement of farmed Cervidae from any premises to another location must be reported  
4.24 to the Board of Animal Health within 14 days of the movement on forms approved by the  
4.25 Board of Animal Health. Beginning on the effective date of this act, a person must not move  
4.26 farmed white-tailed deer from any premises to another location.

4.27 (c) All animals from farmed Cervidae herds that are over ~~16~~ 12 months of age that die  
4.28 or are slaughtered must be tested for chronic wasting disease.

4.29 (d) If an animal in a farmed Cervidae herd tests positive for chronic wasting disease,  
4.30 the entire herd must be euthanized and disposed of in a manner approved by the board in  
4.31 consultation with the commissioner of natural resources. The herd euthanization and disposal

5.1 required by this paragraph must be paid by the owner unless the euthanization and disposal  
5.2 is paid by the United States Department of Agriculture or by another regulatory agency. If  
5.3 the owner pays for the euthanization and disposal, the owner is eligible for reimbursement  
5.4 under section 35.1551.

5.5 (e) The owner of the herd that is required to be euthanized and disposed of as required  
5.6 by paragraph (d) must:

5.7 (1) maintain the fencing required under subdivision 4; and

5.8 (2) prevent any wild or farmed Cervidae from accessing the former cervid pens and  
5.9 other areas that were accessible by the farmed cervids.

5.10 The requirements under this paragraph must be met for at least 60 months from the date  
5.11 depopulation is completed.

5.12 (f) The owner of a premises where chronic wasting disease (CWD) is detected must  
5.13 record, with the county recorder or registrar of titles of the county in which the land is  
5.14 located, a deed restriction containing:

5.15 (1) a legal description of the property;

5.16 (2) the date or dates of detection and the date of depopulation;

5.17 (3) an agreement to maintain high tensile fencing on the premises for five years from  
5.18 the depopulation date identified in clause (2); and

5.19 (4) an agreement to not stock cervid species on the premises for five years from the  
5.20 depopulation date identified in clause (2).

5.21 **EFFECTIVE DATE.** The new language in paragraph (b) is effective the day following  
5.22 final enactment.

5.23 Sec. 10. **[35.1551] FARMED CERVIDAE REIMBURSEMENT AND INDEMNITY**  
5.24 **PROGRAM.**

5.25 Subdivision 1. **Establishment.** A farmed Cervidae reimbursement and indemnity program  
5.26 is established. The board shall administer the program and provide reimbursement and  
5.27 indemnity payments to eligible owners. Program funds are also available to the board, the  
5.28 commissioner of natural resources, and the commissioner of agriculture to perform  
5.29 coordinated chronic wasting disease surveillance and management near premises where a  
5.30 farmed Cervidae herd was infected with chronic wasting disease.

6.1 Subd. 2. **Eligibility.** An owner of farmed Cervidae registered with the board under  
6.2 section 35.155 who is required to euthanize and dispose of farmed Cervidae under section  
6.3 35.155, subdivision 11, is eligible to receive reimbursement and indemnity payments under  
6.4 this section.

6.5 Subd. 3. **Application.** An owner asserting eligibility for reimbursement and indemnity  
6.6 payments under subdivision 2 must file a completed application with the board within 30  
6.7 days of the required euthanization and disposal under section 35.155, subdivision 11. The  
6.8 owner must demonstrate that the euthanization and disposal was completed in the manner  
6.9 required by the board.

6.10 Subd. 4. **Payment.** The board shall provide an owner eligible for reimbursement and  
6.11 indemnity payments under this section with an amount not to exceed \$3,000 per animal as  
6.12 determined by the board.

6.13 Subd. 5. **Account; appropriation.** A farmed Cervidae reimbursement and indemnity  
6.14 program account is established in the special revenue fund. Money in the account, including  
6.15 interest, is appropriated (1) to the Board of Animal Health to pay reimbursements under  
6.16 this section, and (2) to the board, the commissioner of natural resources, and the  
6.17 commissioner of agriculture for purposes of coordinated disease surveillance and management  
6.18 as provided under subdivision 1.

6.19 Sec. 11. **RULE CHANGES.**

6.20 The Board of Animal Health shall make necessary changes to Minnesota Rules consistent  
6.21 with this act. The commissioner shall use the good cause exemption under Minnesota  
6.22 Statutes, section 14.388, in adopting the amendments. The provisions of Minnesota Statutes,  
6.23 section 14.386, do not apply except as provided in Minnesota Statutes, section 14.388.

6.24 **EFFECTIVE DATE.** This section is effective the day following final enactment.

6.25 Sec. 12. **VOLUNTARY WHITE-TAILED DEER HERD BUYOUT;**  
6.26 **APPROPRIATION.**

6.27 \$..... in fiscal year 2019 is appropriated from the general fund to the Board of Animal  
6.28 Health to offer a herd buyout payment to the owner of each herd of white-tailed deer  
6.29 registered under Minnesota Statutes, section 35.155. The board must pay no more than  
6.30 \$..... per animal, with each animal disposed of as determined by the board. By October 1,  
6.31 2019, an owner must accept or decline the buyout offered by the board under this section.  
6.32 A participating owner must sign a contract with the board certifying that the owner will not

7.1 have or allow any wild or farmed white-tailed deer to be located on the owner's premises  
 7.2 and must record a corresponding deed restriction with the county recorder or registrar of  
 7.3 titles. A participating owner who violates the buyout contract must repay all money received  
 7.4 under this section and is subject to appropriate penalties under Minnesota Statutes, chapter  
 7.5 35.

7.6 **EFFECTIVE DATE.** This section is effective the day following final enactment."

7.7 Delete the title and insert:

7.8 "A bill for an act  
 7.9 relating to animal health; modifying farmed Cervidae provisions including  
 7.10 provisions governing fencing, identification, and inspections; requiring an owner  
 7.11 to record a deed restriction in certain instances; providing a farmed Cervidae  
 7.12 reimbursement program; authorizing a voluntary buyout; requiring rulemaking  
 7.13 under the good cause exemption; appropriating money; amending Minnesota  
 7.14 Statutes 2018, sections 35.153, subdivision 1; 35.155, subdivisions 4, 6, 7, 9, 10,  
 7.15 11, by adding subdivisions; proposing coding for new law in Minnesota Statutes,  
 7.16 chapter 35."