

SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 659

(SENATE AUTHORS: WESENBERG, Green, Drazkowski and Westrom)		
DATE	D-PG	OFFICIAL STATUS
01/27/2025	185	Introduction and first reading
02/03/2025	241	Referred to Agriculture, Veterans, Broadband, and Rural Development
03/24/2025	1023	Comm report: No recommendation, re-referred to Environment, Climate, and Legacy Author stricken Eichorn

1.1

A bill for an act

1.2

relating to agriculture; transferring certain duties from the commissioner of natural

1.3

resources to the Board of Animal Health; amending Minnesota Statutes 2024,

1.4

section 35.155, subdivisions 4, 7, 11; repealing Minnesota Statutes 2024, section

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35.155, subdivision 15.

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

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Section 1. Minnesota Statutes 2024, section 35.155, subdivision 4, is amended to read:

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Subd. 4. **Fencing.** Farmed Cervidae must be confined in a manner designed to prevent

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escape. All perimeter fences for farmed Cervidae must be at least 96 inches in height and

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be constructed and maintained in a way that prevents the escape of farmed Cervidae, entry

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into the premises by free-roaming Cervidae, and physical contact between farmed Cervidae

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and free-roaming Cervidae. The Board of Animal Health ~~or commissioner of natural~~

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~~resources~~ may determine whether the construction and maintenance of fencing is adequate

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to prevent physical contact or escape under this subdivision and may compel corrective

1.15

action when fencing is determined to be inadequate. All new fencing installed and all fencing

1.16

used to repair deficiencies must be high tensile. All entry areas for farmed Cervidae enclosure

1.17

areas must have two redundant gates, which must be maintained to prevent the escape of

1.18

animals through an open gate. If a fence deficiency allows entry or exit by farmed or wild

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Cervidae, the owner must immediately repair the deficiency. All other deficiencies must be

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repaired within a reasonable time, as determined by the Board of Animal Health, not to

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exceed 14 days. If a fence deficiency is detected during an inspection, the facility must be

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reinspected at least once in the subsequent three months. The farmed Cervidae owner must

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pay a reinspection fee equal to one-half the applicable annual inspection fee under subdivision

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7a for each reinspection related to a fence violation. If the facility experiences more than

one escape incident in any six-month period or fails to correct a deficiency found during an inspection, the board may revoke the facility's registration and order the owner to remove or destroy the animals as directed by the board. If the board revokes a facility's registration, the commissioner of natural resources may seize and destroy animals at the facility.

Sec. 2. Minnesota Statutes 2024, section 35.155, subdivision 7, is amended to read:

Subd. 7. **Inspection.** (a) The Board of Animal Health must annually inspect farmed Cervidae, farmed Cervidae facilities, and farmed Cervidae records. As coordinated by the board, the commissioner of agriculture and an enforcement officer as defined under section 97A.015, subdivision 18, may participate in the inspection.

(b) The annual inspection must include a physical inspection of all perimeter fencing around the facility and a viewing to verify that all animals are tagged. The owner of a farmed Cervidae facility must present to the inspectors an accurate inventory of the owner's farmed Cervidae and other records for review. During an annual inspection, the owner must present individual animals in a herd for a physical inventory, if required by the board.

(c) 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.

~~(d) The commissioner of natural resources may inspect farmed white-tailed deer according to the concurrent authority granted under subdivision 14.~~

Sec. 3. Minnesota Statutes 2024, section 35.155, subdivision 11, is amended to read:

Subd. 11. **Mandatory surveillance for chronic wasting disease; depopulation.** (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 the movement on forms approved by the Board of Animal Health. A person must not move farmed white-tailed deer from a herd that tests positive for chronic wasting disease from any premises to another location.

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

(d) The owner of a premises where chronic wasting disease is detected must:

(1) allow and cooperate with inspections of the premises as determined by the Board of Animal Health and Department of Natural Resources conservation officers and wildlife managers;

(2) depopulate the premises of Cervidae after the federal indemnification process has been completed or, if an indemnification application is not submitted, within 30 days;

(3) maintain the fencing required under subdivision 4 on the premises for ten years after the date of detection;

(4) post the fencing on the premises with biohazard signs as directed by the board;

(5) not raise farmed Cervidae on the premises for at least ten years;

(6) before signing an agreement to sell or transfer the property, disclose in writing to the buyer or transferee the date of depopulation and the requirements incumbent upon the premises and the buyer or transferee under this paragraph; and

(7) record with the county recorder or registrar of titles, as appropriate, in the county where the premises is located a notice, in the form required by the board, that meets the recording requirements of sections 507.093 and 507.24 and includes the nearest address and the legal description of the premises, the date of detection, the date of depopulation, the landowner requirements under this paragraph, and any other information required by the board. The legal description must be the legal description of record with the county recorder or registrar of titles and must not otherwise be the real estate tax statement legal description of the premises. The notice expires and has no effect ten years after the date of detection stated in the notice. The registrar of titles must omit an expired notice from future certificates of title.

(e) An owner of farmed Cervidae that test positive for chronic wasting disease is responsible for proper disposal of the animals, as determined by the board.

Sec. 4. TRANSFER OF DUTIES; FARMED WHITE-TAILED DEER.

(a) Responsibility for administering and enforcing the statutes and rules listed in clauses (1) and (2) for farmed white-tailed deer are, except as provided in paragraph (b), transferred pursuant to Minnesota Statutes, section 15.039, from the commissioner of natural resources to the Board of Animal Health:

(1) Minnesota Statutes, sections 35.153 to 35.156; and

(2) Minnesota Rules, parts 1721.0370 to 1721.0420.

4.1 (b) Notwithstanding Minnesota Statutes, section 15.039, subdivision 7, personnel must
4.2 not be transferred pursuant to this section.

4.3 Sec. 5. **REPEALER.**

4.4 Minnesota Statutes 2024, section 35.155, subdivision 15, is repealed.

35.155 FARMED CERVIDAE.

Subd. 15. **Cooperation with Board of Animal Health.** (a) The commissioner of natural resources may contract with the Board of Animal Health to administer some or all of sections 35.153 to 35.156 for farmed white-tailed deer.

(b) The commissioner of natural resources must enter into an interagency agreement which establishes roles and responsibilities necessary to protect the health of Cervidae in Minnesota consistent with state regulations.