

1.1 moves to amend H.F. No. 2310, in conference committee, as follows:

1.2 Article 1, On R36, House language, (H2310-3)

1.3 Page 37, delete lines 32 to 35, and insert:

1.4 "(b) \$982,000 the first year and \$982,000 the
1.5 second year are from the general fund and
1.6 \$1,675,000 the first year and \$1,675,000 the
1.7 second year are from the game and fish fund
1.8 for statewide response and management of
1.9 chronic wasting disease. The commissioner
1.10 and the Board of Animal Health must each
1.11 submit annual reports on chronic wasting
1.12 disease activities funded in this biennium to
1.13 the chairs and ranking minority members of
1.14 the legislative committees and divisions with
1.15 jurisdiction over environment and natural
1.16 resources and agriculture. The annual report
1.17 requirement does not apply to the Board of
1.18 Animal Health if the board does not receive
1.19 money under this appropriation. The base for
1.20 the general fund portion of this appropriation
1.21 in fiscal year 2026 and later is \$282,000.

1.22 (c) \$5,150,000 the first year and \$3,250,000
1.23 the second year are appropriated for
1.24 inspections, investigations, and enforcement
1.25 activities taken for the white-tailed deer farm
1.26 program and for statewide response and

2.1 management of chronic wasting disease. This
 2.2 appropriation is available until June 30, 2029."

2.3 Page 38, delete lines 1 to 18

2.4 Article 1, On R42, House language, (H2310-3)

2.5 Page 43, delete lines 31 to 35, and insert:

2.6 "(g) \$2,900,000 of the general fund
 2.7 appropriation for fiscal years 2022 and 2023
 2.8 in Laws 2021, First Special Session chapter
 2.9 6, article 1, section 3, subdivision 7, paragraph
 2.10 (i), for inspections, investigations, and
 2.11 enforcement activities taken in conjunction
 2.12 with the Board of Animal Health for the
 2.13 white-tailed deer farm program is canceled no
 2.14 later than June 29, 2023."

2.15 Page 44, delete lines 1 to 14

2.16 Reletter the paragraphs in sequence

2.17 On R148, House language, (H2310-3)

2.18 Page 264, delete article 6, and insert:

2.19 **"ARTICLE 6**
 2.20 **FARMED CERVIDAE**

2.21 Section 1. Minnesota Statutes 2022, section 35.155, subdivision 1, is amended to read:

2.22 Subdivision 1. **Running at large prohibited.** (a) An owner may not allow farmed
 2.23 Cervidae to run at large. The owner must make all reasonable efforts to return escaped
 2.24 farmed Cervidae to their enclosures as soon as possible. The owner must immediately notify
 2.25 the commissioner of natural resources of the escape of farmed Cervidae if the farmed
 2.26 Cervidae are not returned or captured by the owner within 24 hours of their escape.

2.27 (b) An owner is liable for expenses of another person in capturing, caring for, and
 2.28 returning farmed Cervidae that have left their enclosures if the person capturing the farmed
 2.29 Cervidae contacts the owner as soon as possible.

2.30 (c) If an owner is unwilling or unable to capture escaped farmed Cervidae, the
 2.31 commissioner of natural resources may destroy the escaped farmed Cervidae. The

3.1 commissioner of natural resources must allow the owner to attempt to capture the escaped
3.2 farmed Cervidae prior to destroying the farmed Cervidae. Farmed Cervidae that are not
3.3 captured by 24 hours after escape may be destroyed.

3.4 (d) A hunter licensed by the commissioner of natural resources under chapter 97A may
3.5 kill and possess escaped farmed Cervidae in a lawful manner and is not liable to the owner
3.6 for the loss of the animal. If the animal has been outside of its enclosure less than 72 hours
3.7 following notification of the commissioner of natural resources of its escape, the farmed
3.8 Cervidae owner retains ownership of the animal. A licensed hunter who harvests escaped
3.9 farmed Cervidae under this paragraph must notify the commissioner of natural resources
3.10 within 24 hours.

3.11 (e) Escaped farmed Cervidae killed by a hunter or destroyed by the commissioner of
3.12 natural resources must be tested for chronic wasting disease. The hunter must provide the
3.13 animal to the commissioner of natural resources for testing and the commissioner must
3.14 ensure the animal is tested.

3.15 (f) The possessor of the animal is responsible for proper disposal, as determined by the
3.16 board, of farmed Cervidae that are killed or destroyed under this subdivision and test positive
3.17 for chronic wasting disease.

3.18 (g) An owner is liable for any additional costs associated with escaped farmed Cervidae
3.19 that are infected with chronic wasting disease. This paragraph may be enforced by the
3.20 attorney general on behalf of any state agency affected.

3.21 **EFFECTIVE DATE.** This section is effective September 1, 2023.

3.22 Sec. 2. Minnesota Statutes 2022, section 35.155, subdivision 4, is amended to read:

3.23 Subd. 4. **Fencing.** Farmed Cervidae must be confined in a manner designed to prevent
3.24 escape. All perimeter fences for farmed Cervidae must be at least 96 inches in height and
3.25 be constructed and maintained in a way that prevents the escape of farmed Cervidae ~~or,~~
3.26 entry into the premises by free-roaming Cervidae, and physical contact between farmed
3.27 Cervidae and free-roaming Cervidae. The Board of Animal Health or commissioner of
3.28 natural resources may determine whether the construction and maintenance of fencing is
3.29 adequate to prevent physical contact or escape under this subdivision and may compel
3.30 corrective action where it determines fencing is inadequate. ~~After July 1, 2019,~~ All new
3.31 fencing installed and all fencing used to repair deficiencies must be high tensile. ~~By~~
3.32 ~~December 1, 2019,~~ All entry areas for farmed Cervidae enclosure areas must have two
3.33 redundant gates, which must be maintained to prevent the escape of animals through an

4.1 open gate. If a fence deficiency allows entry or exit by farmed or wild Cervidae, the owner
4.2 must immediately repair the deficiency. All other deficiencies must be repaired within a
4.3 reasonable time, as determined by the Board of Animal Health, not to exceed ~~45~~ 14 days.
4.4 If a fence deficiency is detected during an inspection, the facility must be reinspected at
4.5 least once in the subsequent three months. The farmed Cervidae owner must pay a
4.6 reinspection fee equal to one-half the applicable annual inspection fee under subdivision
4.7 7a for each reinspection related to a fence violation. If the facility experiences more than
4.8 one escape incident in any six-month period or fails to correct a deficiency found during
4.9 an inspection, the board may revoke the facility's registration and order the owner to remove
4.10 or destroy the animals as directed by the board. If the board revokes a facility's registration,
4.11 the commissioner of natural resources may seize and destroy animals at the facility.

4.12 **EFFECTIVE DATE.** This section is effective September 1, 2024.

4.13 Sec. 3. Minnesota Statutes 2022, section 35.155, subdivision 10, is amended to read:

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

4.18 (b) A person whose registration is revoked by the board is ineligible for future registration
4.19 under this section unless the board determines that the person has undertaken measures that
4.20 make future escapes extremely unlikely.

4.21 (c) The board must not allow new registrations under this section for possessing
4.22 white-tailed deer. This paragraph does not prohibit a person holding a valid registration
4.23 under this subdivision from selling or transferring the person's registration to an immediate
4.24 family member. A valid registration may be sold or transferred only once under this
4.25 paragraph. Before the board approves a sale or transfer under this paragraph, the board must
4.26 verify that the registration is in good standing and the eligible family member must pay a
4.27 onetime transfer fee of \$500 to the board.

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

4.29 Sec. 4. Minnesota Statutes 2022, section 35.155, subdivision 11, is amended to read:

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

5.1 (b) Movement of farmed Cervidae from any premises to another location must be reported
5.2 to the Board of Animal Health within 14 days of the movement on forms approved by the
5.3 Board of Animal Health. A person must not move farmed white-tailed deer from a herd that
5.4 tests positive for chronic wasting disease from any premises to another location.

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

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

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

5.11 ~~(1)~~ (2) depopulate the premises of Cervidae after the federal indemnification process
5.12 has been completed or, if an indemnification application is not submitted, within ~~a reasonable~~
5.13 ~~time determined by the board in consultation with the commissioner of natural resources~~
5.14 30 days;

5.15 ~~(2)~~ (3) maintain the fencing required under subdivision 4 on the premises for ~~five~~ ten
5.16 years after the date of detection; ~~and~~

5.17 ~~(3)~~ (4) post the fencing on the premises with biohazard signs as directed by the board;

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

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

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

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

6.1 Sec. 5. Minnesota Statutes 2022, section 35.155, is amended by adding a subdivision to
6.2 read:

6.3 Subd. 11a. **Liability.** (a) A herd owner is liable in a civil action to a person injured by
6.4 the owner's sale or unlawful disposal of farmed Cervidae if the herd owner knew or
6.5 reasonably should have known that the farmed Cervidae were infected with or exposed to
6.6 chronic wasting disease. Action may be brought in a county where the farmed Cervidae are
6.7 sold, delivered, or unlawfully disposed.

6.8 (b) A herd owner is liable to the state for costs associated with the owner's unlawful
6.9 disposal of farmed Cervidae infected with or exposed to chronic wasting disease. This
6.10 paragraph may be enforced by the attorney general on behalf of any state agency affected.

6.11 Sec. 6. Minnesota Statutes 2022, section 35.155, subdivision 12, is amended to read:

6.12 Subd. 12. **Importation.** (a) A person must not import live Cervidae into the state from
6.13 a herd that is infected or exposed to chronic wasting disease or from a known chronic wasting
6.14 disease endemic area, as determined by the board. A person may import Cervidae into the
6.15 state only from a herd that is not in a known chronic wasting disease endemic area, as
6.16 determined by the board, and the herd has been subject to a state or provincial approved
6.17 chronic wasting disease monitoring program for at least three years state or province where
6.18 chronic wasting disease has been detected in the farmed or wild cervid population in the
6.19 last five years unless the animal has tested not detected for chronic wasting disease with a
6.20 validated live-animal test.

6.21 (b) Live Cervidae or Cervidae semen must originate from a herd that has been subject
6.22 to a state, federal, or provincial approved chronic wasting disease herd certification program
6.23 and that has reached a status equivalent to the highest certification.

6.24 (c) Cervidae imported in violation of this section may be seized and destroyed by the
6.25 commissioner of natural resources.

6.26 (d) This subdivision does not apply to the interstate transfer of animals between two
6.27 facilities accredited by the Association of Zoos and Aquariums.

6.28 (e) Notwithstanding this subdivision, the commissioner of natural resources may issue
6.29 a permit allowing the importation of orphaned wild cervid species that are not susceptible
6.30 to chronic wasting disease from another state to an Association of Zoos and Aquariums
6.31 accredited institution in Minnesota following a joint risk-based assessment conducted by
6.32 the commissioner and the institution.

7.1 Sec. 7. Minnesota Statutes 2022, section 35.155, is amended by adding a subdivision to
7.2 read:

7.3 Subd. 15. **Cooperation with Board of Animal Health.** (a) The commissioner of natural
7.4 resources may contract with the Board of Animal Health to administer some or all of sections
7.5 35.153 to 35.156 for farmed white-tailed deer.

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

7.9 **EFFECTIVE DATE.** This section is effective July 1, 2023.

7.10 Sec. 8. Minnesota Statutes 2022, section 35.156, subdivision 2, is amended to read:

7.11 Subd. 2. **Federal fund account.** (a) Money granted to the state by the federal government
7.12 for purposes of chronic wasting disease must be credited to a separate account in the federal
7.13 fund and is annually appropriated to the commissioner of agriculture for the purposes for
7.14 which the federal grant was made according to section 17.03.

7.15 (b) By February 15, each year the commissioner of agriculture, in consultation with the
7.16 commissioner of natural resources and Board of Animal Health, must submit a report to the
7.17 chairs and ranking minority members of the house of representatives and senate committees
7.18 and divisions with jurisdiction over agriculture and the environment and natural resources
7.19 on the receipt and expenditure of any federal money received for purposes of chronic wasting
7.20 disease.

7.21 Sec. 9. Minnesota Statutes 2022, section 35.156, is amended by adding a subdivision to
7.22 read:

7.23 Subd. 3. **Consultation required.** The Board of Animal Health and the commissioner
7.24 of natural resources must consult the Minnesota Center for Prion Research and Outreach
7.25 at the University of Minnesota and incorporate peer-reviewed scientific information when
7.26 administering and enforcing section 35.155 and associated rules pertaining to chronic wasting
7.27 disease and farmed Cervidae.

8.1 Sec. 10. Minnesota Statutes 2022, section 35.156, is amended by adding a subdivision to
8.2 read:

8.3 Subd. 4. **Notice required.** The Board of Animal Health must promptly notify affected
8.4 local units of government and Tribal governments when an animal in a farmed Cervidae
8.5 herd tests positive for chronic wasting disease.

8.6 Sec. 11. Minnesota Statutes 2022, section 35.156, is amended by adding a subdivision to
8.7 read:

8.8 Subd. 5. **Live-animal testing required.** (a) Once the United States Department of
8.9 Agriculture has determined that a noninvasive live-animal test capable of accurately detecting
8.10 chronic wasting disease in white-tailed deer is available, the Board of Animal Health must
8.11 have each farmed white-tailed deer possessed by a person registered under section 35.155
8.12 tested for chronic wasting disease using a noninvasive live-animal test offered by a public
8.13 or private diagnostic laboratory. A validated live-animal test is required when moving
8.14 farmed white-tailed deer six months old and over from any premises within the state within
8.15 12 weeks of movement. The Board of Animal Health may institute additional live-animal
8.16 chronic wasting disease testing protocols. Live-animal testing results must be submitted to
8.17 both the commissioner of natural resources and the Board of Animal Health in the form
8.18 required by both agencies.

8.19 (b) If a farmed white-tailed deer tests positive using a noninvasive live animal test, the
8.20 owner must have the animal destroyed and tested for chronic wasting disease using a
8.21 postmortem test approved by the Board of Animal Health.

8.22 (c) If a farmed white-tailed deer tests positive for chronic wasting disease under paragraph
8.23 (b), the owner must depopulate the premises of farmed Cervidae as required under section
8.24 35.155, subdivision 11.

8.25 Sec. 12. **TRANSFER OF DUTIES; FARMED WHITE-TAILED DEER.**

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

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

8.31 (2) Minnesota Rules, parts 1721.0370 to 1721.0420.

9.1 (b) The Board of Animal Health retains responsibility for administering and enforcing
9.2 the statutes and rules listed in paragraph (a), clauses (1) and (2), for all other farmed Cervidae.

9.3 (c) Notwithstanding Minnesota Statutes, section 15.039, subdivision 7, the transfer of
9.4 personnel will not take place.

9.5 **EFFECTIVE DATE.** This section is effective July 1, 2023.

9.6 Sec. 13. **REVISOR INSTRUCTION.**

9.7 The revisor of statutes must recodify the relevant sections in Minnesota Statutes, chapter
9.8 35, and Minnesota Rules, chapter 1721, as necessary to conform with section 12. The revisor
9.9 must also change the responsible agency, remove obsolete language, and make necessary
9.10 cross-reference changes consistent with section 12 and the renumbering.

9.11 Sec. 14. **REPEALER.**

9.12 Minnesota Statutes 2022, section 35.155, subdivision 14, is repealed.

9.13 **EFFECTIVE DATE.** This section is effective July 1, 2023."

9.14 Amend the title accordingly