

# House Research Act Summary

**CHAPTER:** 274

**SESSION:** 2008 Regular Session

**TOPIC:** Bovine tuberculosis control

**Date:** May 14, 2008

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## Overview

This act provides resources and additional authority for the Board of Animal Health (BAH) and Department of Natural Resources (DNR) to control and eradicate bovine tuberculosis (TB) in northwestern Minnesota. Responding to confirmed cases of infected cattle, the United States Department of Agriculture downgraded the state's bovine TB status on April 9. This status downgrade triggered additional restrictions including increased animal testing requirements for Minnesota cattle or bison producers who transport animals out of the state for purposes other than immediate slaughter.

State officials have applied to the USDA for permission to impose these testing restrictions only in the portion of the state where the TB outbreak occurred. The USDA is expected to announce its decision this fall.

Background and current information on the bovine TB situation can be found at [www.mntbfree.com](http://www.mntbfree.com).

### Section

#### 1 Bovine tuberculosis management zone; restrictions.

**Subd. 1. Definitions.** Defines the terms "bovine tuberculosis management zone"

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and “located within.”

**Subd. 2. Cattle herd buyout.** Requires the BAH to offer to buy and destroy cattle herds located during calendar year 2007 within ten miles of five TB-positive wild deer (“the zone”). Requires eligible cattle producers to accept or decline the offer by July 15, 2008. Specifies buyout contract terms. Prohibits anyone from moving cattle into the zone unless they receive BAH approval. In addition to the herd buyout, cattle owners who participate also will receive annual payments of \$75/animal until the area is declared tuberculosis-free. Cattle owners who depopulated an infected herd prior to the effective date of this law and sign a contract with the BAH also are eligible to receive these annual payments.

**Subd. 3. Cattle herds remaining in the zone.** If a cattle owner in the zone does not participate in the herd buyout, the BAH must perform a deer/elk interaction risk assessment on their herd(s). If the BAH determines that a herd presents a risk of interaction with deer or elk, the BAH must require the cattle owner to keep their cattle away from wild deer or elk. The BAH also may require any person who stores forage crops in the zone to prevent deer/elk access. If the BAH requires a person to erect fencing, the BAH must offer financial assistance according to the terms in subdivision 4.

**Subd. 4. Cost-share assistance for fencing.** Requires the BAH to provide 90 percent cost-share assistance up to a maximum payment of \$75,000. The BAH must establish minimum fencing specifications and periodically inspect subsidized fences for compliance. If a fence paid for in part by state funds is not maintained or used properly, the BAH may require repairs or repayment of cost-share assistance.

**2 Rules for control of bovine tuberculosis.**

**Subd. 1. Designation of zones.** Grants the BAH authority to control bovine tuberculosis and the movement of cattle, bison, goats, and farmed cervidae by creating bovine tuberculosis control zones. A zone may contain no more than 325 herds.

**Subd. 2. Control within modified accredited zone.** Grants the BAH authority to control bovine TB in a modified accredited zone by requiring: herd location and inventory information, a permit for moving ruminants within or outside of a zone, whole herd and individual animal tuberculosis tests, and deer/elk interaction risk assessments.

**Subd. 3. Authority to adopt rules.** No change.

**3 Power to prevent or control wildlife disease.** Requires the DNR to restrict wildlife (i.e. deer and elk) feeding within a modified accredited bovine TB zone created by the BAH under section 2, subdivision 1. A person who violates this restriction—in addition to existing penalties—shall be denied a hunting license for two years.

**4 Collection of deer and elk in a bovine tuberculosis zone.** Requires the DNR to collect dead deer and elk within a modified accredited bovine TB zone if a person requests it. The DNR is not required to perform these collections once the USDA upgrades the zone’s

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bovine TB status.

- 5** **Bovine tuberculosis control assessment; temporary assessment; appropriation.** Creates a one-year assessment of \$1 per head levied on each sale of live beef cows, heifers, or steers in this state. The person who purchases the animal must collect the assessment and forward it to the Department of Agriculture at least once every 30 days. All assessment funds collected are appropriated to the BAH for bovine TB control activities. The assessment is optional for cattle producers located within a modified accredited bovine TB zone.
- 6** **Appropriation.** Appropriates \$6.2 million for bovine TB control, including \$2.3 million in ongoing baseline funding and the remainder in onetime funds. Specific appropriations include \$2.2 million ongoing for BAH activities, \$3.4 million onetime for herd buyouts/annual payments/fencing cost-share, and ongoing and onetime funds for bovine TB best management practices research at the University of Minnesota's North Central Research and Outreach Center in Grand Rapids.
- 7** **Effective date.** All sections are effective the day following final enactment, or May 6, 2008.