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HOUSE FILE NO. 4164

FIRST COMMITTEE ENGROSSMENT

April 2, 2008

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The bill was read for the first time and referred to the Committee on Environment and Natural Resources

Referred by Chair to Game, Fish and Forestry Division.

April 17, 2008

Returned to the Committee on Environment and Natural Resources as Amended.

1.1 A bill for an act
1.2 relating to natural resources; providing for bovine tuberculosis management;
1.3 providing civil penalties; amending Minnesota Statutes 2006, section 97A.045,
1.4 subdivision 11.

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

1.6 Section 1. Minnesota Statutes 2006, section 97A.045, subdivision 11, is amended to
1.7 read:

1.8 Subd. 11. **Power to prevent or control wildlife disease.** (a) If the commissioner
1.9 determines that action is necessary to prevent or control a wildlife disease, the
1.10 commissioner may prevent or control wildlife disease in a species of wild animal in
1.11 addition to the protection provided by the game and fish laws by further limiting, closing,
1.12 expanding, or opening seasons or areas of the state; by reducing or increasing limits in
1.13 areas of the state; by establishing disease management zones; by authorizing free licenses;
1.14 by allowing shooting from motor vehicles by persons designated by the commissioner;
1.15 by issuing replacement licenses for sick animals; by requiring sample collection from
1.16 hunter-harvested animals; by limiting wild animal possession, transportation, and
1.17 disposition; and by restricting wildlife feeding.

1.18 (b) The commissioner shall restrict wildlife feeding within ~~a 15-mile radius of~~
1.19 ~~a cattle herd that is infected with bovine tuberculosis.~~ the modified accredited bovine
1.20 tuberculosis zone proposed by the Board of Animal Health until the zone is upgraded by
1.21 the United States Department of Agriculture to a bovine tuberculosis status of modified
1.22 accredited advanced or better. In addition to any other penalties provided by law, a person
1.23 who violates wildlife feeding restrictions required under this paragraph may not obtain a
1.24 hunting license to take a wild animal for two years after the date of conviction.

2.1 The following restrictions on wildlife feeding activities are in effect within the
2.2 modified accredited bovine tuberculosis zone:

2.3 (1) except as provided in clauses (2) and (3), a person may not place or distribute
2.4 feed in an area frequented by deer or elk or knowingly allow another person to place or
2.5 distribute feed on property under the person's ownership or lease. For purposes of this
2.6 paragraph, "feed" means grains, fruits, vegetables, nuts, hay, or other food that is capable
2.7 of attracting or enticing deer or elk. Liquid scents are not feed;

2.8 (2) unless otherwise prescribed by the commissioner, wildlife feeding is allowed
2.9 if the feed is placed in such a manner as to exclude access to deer and elk or the feed is
2.10 placed at least six feet above the ground; and

2.11 (3) the prohibition in clause (1) does not apply to feed that is present solely as a
2.12 result of normal agriculture, forest management, or wildlife feed planting practices. It also
2.13 does not apply to feed that is for agricultural or livestock purposes if the feed is:

2.14 (i) placed for domestic livestock that are present and actively consuming the feed on
2.15 a daily basis;

2.16 (ii) covered to deter deer or elk from gaining access to the feed; or

2.17 (iii) stored consistently with normal agricultural practices.

2.18 (c) The commissioner may prevent or control wildlife disease in a species of wild
2.19 animal in the state by emergency rule adopted under section 84.027, subdivision 13.