

to fill a vacancy in the United States senate in effect on the effective date of this act shall expire as provided in section 1, subdivision 10 and shall be filled for the remainder of the unexpired term as provided in section 1, subdivision 11.

Sec. 3. **REPEALER.** Minnesota Statutes 1976, Section 202A.72, is repealed.

Sec. 4. **EFFECTIVE DATE.** This act is effective the day following final enactment.

Approved January 27, 1978.

CHAPTER 457-S.F.No.686

An act relating to animals; authorizing destruction rather than research use for unclaimed animals; amending Minnesota Statutes 1976, Section 35.71, Subdivision 3.

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

Section 1. Minnesota Statutes 1976, Section 35.71, Subdivision 3, is amended to read:

Subd. 3. **ESTABLISHMENT DEFINED, POWERS, STRAY ANIMALS, SEIZURE.** "Establishment" shall include any public or private agency, person, society or corporation having custody of animals which are seized under the authority of the state or any political subdivision of the state. All animals seized by public authority shall be held for redemption by the owner for a period not less than five regular business days of the impounding agency, or for such longer period of time as may be specified by municipal ordinance. For the purpose of this subdivision, the term "regular business day" means any day during which the establishment having custody of an animal is open to the public not less than four consecutive hours between the hours of 8:00 A.M. and 7:00 P.M. These establishments shall maintain the following records of the animals in custody, and preserve the records for a minimum of six months:

- (a) The description of the animal, by species, breed, sex, approximate age, and other distinguishing traits;
- (b) The location at which the animal was seized;
- (c) The date of seizure;
- (d) The name and address of the person from whom any animal three months of age or over was received;
- (e) The name and address of the person to whom any animal three months of age or over was transferred.

The records shall be maintained in a form permitting easy perusal by the public. A

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person may view the records and may view any and all animals in custody at any time during which the establishment is open to the public. At the end of this five day period all animals which remain ~~unclaimed and~~ unredeemed by their owners or by any other person entitled to do so shall be made available to any institution licensed hereunder which has submitted a prior request ~~therefor in such~~ for the numbers as which the institution requests. However, if a tag affixed to the animal, or a statement by the animal's owner after seizure, specifies that an animal shall not be used for research, the animal shall not be made available to any such institution but may, in the discretion of the establishment, be destroyed after the expiration of the five day period. If a request is made by a licensed institution to such establishment for a larger number of animals than are available at the time of such request, the establishment shall withhold thereafter from destruction, all unclaimed and unredeemed animals until the request has been filled, provided that the actual expense of holding animals beyond the time of notice to such institution of their availability, shall be borne by the institution receiving them. Any establishment which fails or refuses to comply with these provisions shall become immediately ineligible for any further public funds from any county or municipality. Upon receipt of a sworn statement by an authorized officer or employee of any institution licensed hereunder of noncompliance by any establishment with these provisions, it shall be unlawful for the treasurer of any municipality or other political subdivision of the state to pay any public funds to such establishment until the complainant withdraws its statement of noncompliance or until the state livestock sanitary board shall either determine that the complaint of noncompliance was without foundation or that the establishment has given adequate assurance of future compliance, and the treasurer of such municipality or other political subdivision has been notified of such determination in writing. If it appears upon the complaint of any person that any officer, agent, or employee of such establishment is violating or failing to carry out the provisions of this section, the attorney general or county attorney of the county in which the establishment is located, in addition to any other remedies, may bring an action in the name of the state of Minnesota against any such establishment, officer, agent or employee thereof to enjoin compliance with this section.

Sec. 2. This act is effective the day following final enactment.

Approved February 3, 1978.

CHAPTER 458-H.F.No.1792

[Not Coded]

An act relating to the Lincoln-Pipestone and Rock county rural water systems; providing for the assessment of costs.

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

Section 1. **LINCOLN, PIPESTONE AND ROCK COUNTIES; RURAL WATER SYSTEMS.** Proceedings to establish or regulate the Lincoln-Pipestone rural water system and the Rock county rural water system under Minnesota Statutes, Chapter 116A, shall

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