

H. F. No. 616.

CHAPTER 352.

State live
stock and
sanitary
board.

An Act to establish the state live stock sanitary board of Minnesota and to provide for the suppression and control of dangerous, contagious and infectious diseases of domestic animals.

Be it enacted by the Legislature of the State of Minnesota :

Composed
of five
members.

SECTION 1. That a board is hereby established to be known as "The State Live Stock Sanitary Board." This board shall consist of five (5) members to be appointed by the governor of the State of Minnesota. Each member of said board shall be a qualified elector of the State of Minnesota. Three members of said board shall be persons who are financially interested in the breeding and maintenance of live stock in the State of Minnesota, and two members of said board shall be competent and qualified veterinary surgeons who are graduates of some regularly organized and recognized veterinary colleges practicing in the State of Minnesota.

Governor
shall appoint,
conditions.

SEC. 2. In making the first appointments to said state live stock sanitary board, the governor shall divide the appointees into five classes: the term of office of each of the first appointees shall commence on the first day of April, 1903; one of said appointees shall hold his office for a term of one year; one for the term of two years; one for the term of three years; one for the term of four years; and one for the term of five years; and at the expiration of the term of office of each of the first appointees, a successor shall be appointed who shall hold his office for a term of five years, so that the term of office of one member of said board shall expire every year. In case of the death, resignation or removal of any member of said board during his term of office, the governor shall appoint a successor to serve the unexpired portion of the term of office of such member.

Terms of
office.

SEC. 3. Immediately after the appointment of the first board hereinafter provided for the members thereof shall meet at the city of St. Paul, and from their own numbers shall elect a president and a vice president. They shall also elect, from outside their numbers, a secretary, who shall be a graduate of some regularly organized and recognized veterinary college, who shall be the executive officer of said board, and who shall receive such compensa-

Provision
for secretary.

tion as said state live stock sanitary board may determine. His term of office shall be one year, and he shall hold his office until his successor is elected and qualified. The said board may also, if it deem expedient, elect a field veterinarian, a bacteriologist and an attorney for said board, which said officers, if elected, shall also hold office for the term of one year, and shall receive such compensation as may be determined by said state live stock sanitary board. The said state live stock sanitary board shall also have the power to appoint or employ such additional help as it may deem necessary and expedient for carrying into effect the powers and duties conferred on said board by this act.

Term
one year.

SEC. 4. No member of said state live stock sanitary board shall receive any compensation for any services he may render, either as a member of said board, or to said board, under the provisions of this act, save and except that the members of said board shall receive their actual expenses necessarily paid or incurred in the discharge of their duties as members of said board.

No com-
pensation.

SEC. 5. The said state live stock sanitary board shall hold quarterly meetings in the city of St. Paul, on the Friday after the second Tuesday in January, April, July and October of each year. The annual meeting of said board for the election of officers shall be on the Friday after the second Tuesday in April of each year.

Meetings.

SEC. 6. It shall be the duty of the said state live stock sanitary board to protect the health of the domestic animals of the state; to determine and employ the most efficient and practical means for the prevention, suppression, control and eradication of dangerous, contagious, and infectious diseases among the domestic animals of the State of Minnesota, and for these purposes it is hereby authorized and empowered to make all such rules and regulations for the conduct of the business of said state live stock sanitary board as it may deem expedient.

Duty of
board.

SEC. 7. It is hereby made the duty of the several local boards of health of the towns, villages, and cities of this state to co-operate with and assist said state live stock sanitary board in all matters and things pertaining to the prevention, suppression, control and eradication of dangerous, contagious or infectious diseases among the domestic animals of the state, whenever directed so to do by said state live stock sanitary board or the executive officer

Duty of
local
boards of
health.

thereof, and in such manner as directed by said state live stock sanitary board.

SEC. 8. All authority conferred upon the state board of health by any law of the State of Minnesota concerning the prevention, control, suppression or eradication of contagious or infectious diseases among any of the domestic animals of this state is hereby taken from said state board of health and conferred upon said state live stock sanitary board. The proviso at the end of section four (4) of chapter two hundred and thirty-three (233) of the laws of Minnesota for the year 1897, is hereby repealed.

SEC. 9. Authority is hereby given to the state live stock sanitary board and to the several local boards of health of the towns, villages and cities of this state, to take all steps they may severally deem necessary to control, suppress and eradicate any and all contagious and infectious diseases among any of the domestic animals in this state, and to that end, said boards are hereby severally empowered, within their respective jurisdictions, to quarantine any domestic animal which is infected with any such disease or which has been exposed to infection therefrom; to kill any animal so infected, and, whenever deemed necessary by the state live stock sanitary board, to kill any animal which has been exposed to the infection of any such disease; to regulate or prohibit the arrival in or departure from this state, or the arrival in or departure from any of the towns, villages and cities thereof, of any such exposed or infected animal, and at the cost of the owner thereof, to detain any domestic animal found in violation of any such regulation or prohibition; to adopt all such rules and regulations as may be by such several boards deemed necessary or expedient to enforce the authority hereby given; and said state live stock sanitary board is hereby expressly given authority to regulate or prohibit the shipment into this state of any domestic animal which in the judgment of said board may injure the health of live stock in this state; *provided* that neither said state live stock sanitary board nor any local board of health shall, by any rule or regulation thereof prohibit the sale, disposal or removal of any domestic animal of any person or persons from any place when such animal has no disease or has not been exposed to any contagious disease, and the fact that animals are upon the same premises with other animals having a contagious disease shall not of itself necessarily be construed as evidence of

Authority
taken from
state
board of
health.

Authority
given new
board.

exposure to such a contagious disease as is had by said other animals.

SEC. 10. Any person who knows of or has reason to suspect the existence of any contagious or infectious disease in any domestic animal in the State of Minnesota shall forthwith give notice thereof to the local board of health of the town, village or city wherein such animal is kept. Within twenty-four hours after any local board of health shall receive notice or have knowledge that any domestic animal is infected with any such disease or has been exposed thereto, it shall give notice thereof in writing to the said state live stock sanitary board.

Contagious
or infectious
diseases.

SEC. 11. All rules and regulations adopted by said state live stock sanitary board or by any local board of health under the authority of this act shall be entered upon the minutes of the board so adopting such rules or regulations and shall be published in a newspaper to be designated by the board making such rule or regulation and in the manner by such rule or regulation prescribed. All regulations now in force adopted by any board of health within this state under authority of any law existing prior to the passage of this act or relating to the matters covered by this act and not in conflict with this law, are continued in force and are hereby declared to be rules and regulations of said state live stock sanitary board and the several local boards of health of the towns, villages and cities under this act until such times as others are adopted.

Rules and
regulations
to be
entered on
minutes.

SEC. 12. No animals shall be killed by any of the boards herein mentioned until it shall first have been adjudged to be infected with a contagious or infectious disease, either by a duly authorized agent of said state live stock sanitary board or by a veterinary surgeon selected by a local board of health; except that whenever, in the judgment of said state live stock sanitary board, the control or eradication of the disease renders it advisable to do so, said state live stock sanitary board may order killed and buried or otherwise destroyed any domestic animal which has been exposed to a contagious or infectious disease although at the time not infected therewith.

Killing of
animals
infected.

SEC. 13. Whenever a domestic animal has been adjudged to be infected with a contagious or infectious disease and has been ordered killed by said state live stock sanitary board or by a local board of health, the owner or keeper of such animal shall be notified thereof, and with-

Owner of
animal to be
notified.

in twenty-four hours thereafter such owner or keeper may file a protest against the killing thereof with the board which has ordered such animal killed. Such notice shall state under oath that to the best of the knowledge and belief of the person making such protest, such animal is not infected with any contagious or infectious disease; whereupon if such animal is killed notwithstanding such protest, a post-mortem examination thereof shall be made by three experts, one of said experts to be appointed by said state live stock sanitary board; one to be appointed by the person making such protest, and the two thus appointed to choose a third.

Post
mortem ex-
aminations.

If upon such post-mortem examination such animal shall be found to have been entirely free from contagious or infectious diseases, there shall be appointed three competent and disinterested men, one to be selected by said state live stock sanitary board, one by the person making such protest, and the third by the two already appointed, to appraise such animal at its cash value immediately before it was killed, and the amount thereof shall be paid to the owner of said animal out of the funds hereby appropriated for the purpose of carrying out this act.

Appraise-
ments.

The appraisements made under this act shall be in writing and signed by the appraisers and certified by the local board of health and the said state live stock sanitary board respectively, to the auditor of the state, who shall draw a warrant on the state treasurer for the amount thereof.

Expense
of experts
to be
paid by
board.

SEC. 14. The expense of the experts in making the post-mortem examination herein provided for shall be defrayed by said state live stock sanitary board out of the moneys appropriated for the carrying into effect of this act, in case said experts upon examination find such animal to have been entirely free from contagious or infectious disease. If, however, upon such examination, such animal shall be found to have been infected with a contagious or infectious disease, then the expense of the expert appointed by said state live stock sanitary board and the third expert shall be paid by the said state live stock sanitary board out of the funds hereby appropriated for the carrying into effect of this act, and the expense of the other expert shall be paid by the person making the protest. The amount of such expense shall be fixed and allowed by the said live stock sanitary board and by its certified to the state auditor, who shall draw his warrant on the state treasurer for the amount thereof.

SEC. 15. Upon the filing of any appraisement hereinbefore provided for, it shall be the duty of the local board of health in the town, village or city where such appraisement shall have been had to make a certificate under their hands of the number of days served by the appraisers in making their appraisement, and upon the filing of such certificate, the said certificate shall be forwarded to the state live stock sanitary board and if by said board found to be correct, such fact shall be endorsed on the back thereof and such certificate with such endorsement shall be filed with the state auditor and the state treasurer shall pay to each of said appraisers the sum of two dollars per day for his services as such appraiser upon the warrant of the state auditor, such payment to be made out of the funds herein appropriated.

Certificate
of expense
to be filed.

SEC. 16. Whenever any such animal which has not been adjudged to be infected is killed by order of said board, but not by the owner or keeper thereof, a post-mortem examination thereof shall be made by one appointed as aforesaid, and if found to have been entirely free from any contagious or infectious disease, the value of such animal shall be determined and paid for as hereinbefore specified.

SEC. 17. The expense of the killing and burial, or destruction, of any diseased animal ordered killed by either of the boards aforesaid shall be borne by the town, village or city where such animal was kept. The expense of the quarantine of any infected animal, or of any animal that has been exposed to infection, when taken from the possession of its owner or keeper, shall be borne, one-fifth by the town, village or city where the animal was kept and four-fifths by the state. When any animal is quarantined upon the premises of its owner or keeper, the expense thereof shall be borne by such owner or keeper. Whenever any animal is quarantined when being shipped into the state, the expenses thereof shall be borne by its owner or keeper. Whenever the owner or keeper of any domestic animal is liable for any expenses incurred under this act by the state live stock sanitary board or by any board of health in connection therewith, such board may have a lien on such animal for such expense, and may also maintain an action against such owner or keeper therefor.

Expense to
be borne
by town,
village or
city.

SEC. 18. It is hereby made the duty of the several local boards of health in this state to carry out and en-

force all orders and directions of the state live stock sanitary board to them directed, and the state live stock sanitary board may require any two or more local boards to act together for the purpose of enforcing any of the provisions of this act.

Rules of
live stock
board
supersede
local boards.

SEC. 19. Whenever the rules and regulations of the state live stock sanitary board made under authority of this act conflict with the rules and regulations made hereunder by any local board of health, those made by the state live stock sanitary board shall supersede those made by the local board.

Examination
under oath.

SEC. 20. The state live stock sanitary board, or any member or duly authorized agent thereof, may examine or cause to be examined, under oath, all persons believed to possess knowledge of material facts concerning the existence or dissemination, or danger of dissemination, of disease among domestic animals; and, for this purpose, shall have all the powers vested in justices of the peace to take depositions and to compel witnesses to attend and testify.

Penalties
for violation
of act.

SEC. 21. Any person violating any provisions of this act or any rule or regulation made by the state live stock sanitary board, or by any local board of health, or any order made by any such board under the authority hereof, shall be guilty of a misdemeanor, and be punished by a fine of not less than twenty-five (25) dollars or more than one hundred dollars, or by imprisonment for not less than thirty (30) days or more than ninety (90) days. Any member of any local board of health who shall neglect or refuse to carry into effect the provisions of this act, or who shall neglect or refuse to carry out any directions of the state live stock sanitary board. Or who shall neglect or refuse to enforce any rule or regulation made by the state live stock sanitary board, or by any local board of health under the authority hereof, shall be guilty of a misdemeanor and be punished by a fine of not less than twenty-five (25) dollars and not more than one hundred (100) dollars; and each and every day's neglect or refusal to perform any duty imposed upon him by this act shall constitute a separate and independent misdemeanor. Complaints for violating the provisions of this act, or for violating any rule or regulation made by the state live stock sanitary board or by any board of health under its authority, or by the said state live stock sanitary board, may be made by any member or authorized

agent of any such board, or by any citizen of this state, or by any person directly interested.

SEC. 22. Whenever, during the prevalence in this state of any contagious or infectious disease among domestic animals, the owner shall post on his premises a notice forbidding all persons not authorized by said state live stock sanitary board or local boards of health to enter any building or inclosure on said premises without permission from said owner, it shall be a misdemeanor to enter upon said premises, punishable by a fine of not less than twenty-five (25) dollars, nor more than one hundred (100) dollars, or by imprisonment for not less than thirty (30) nor more than ninety (90) days.

Notices
posted.

SEC. 23. The said state live stock sanitary board shall make an annual report to the governor of Minnesota of all its proceedings and transactions for the preceding year, which said report shall be published by the State of Minnesota.

Annual
report.

SEC. 24. The state board of health is hereby directed to turn over and deliver to said state live stock sanitary board, immediately upon the appointment of said board, all books, papers, documents and files of said state board of health pertaining or relating to contagious or infectious diseases of domestic animals, either in Minnesota or elsewhere.

SEC. 25. The annual appropriation, made for the use of the state board of health by the provisions of section twelve (12) of chapter (233) two hundred and thirty-three of the Laws of Minnesota for the year 1897 as amended by section two (2) of chapter three hundred and twenty-two (322) of the Laws of Minnesota for the year 1901, is hereby transferred from said state board of health and granted and appropriated to said state live stock sanitary board for the carrying into effect the purposes of this act; and any moneys which at the time of the passage of this act remain unexpended out of said annual appropriation for the fiscal year ending July 31st, 1903, is hereby transferred from said state board of health and granted and appropriated to said state live stock sanitary board.

Transfer of
appropriation.

SEC. 26. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 27. This act shall take effect and be in force from and after its passage.

Approved April 22, 1903.