

CHAPTER 230—H. F. No. 1005

An act to amend Sections 5402 and 5403, General Statutes 1923, and to repeal Section 5400, General Statutes 1923, and all acts and parts of acts inconsistent with this act; relating to the suppression of dangerous, infectious and contagious diseases of animals.

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

Section 1. Owners of stock to be notified—Appraisal of animals.—That Section 5402, General Statutes 1923, be and the same hereby is amended so as to read as follows:

"5402. Whenever the state live stock sanitary board (*herein-after called the board*) shall decide upon the killing of an animal affected with the disease of tuberculosis or glanders, it shall notify the owner or keeper of such decision, when in the judgment of the board, such animal may be ordered transported for immediate slaughter by said board, through its executive officer to any abattoir where the United States Bureau of Animal Industry maintains inspection, or where the United States Bureau of Animal Industry or the board may establish field post mortem inspection, and said board shall pay all reasonable transportation and other charges connected with the transportation and slaughter of such animal.

Before the animal is removed from the premises of the owner, the representative or authorized agent of the board shall agree in writing with the owner as to the value of such animal; in the absence of such agreement, there shall be appointed three (3) competent disinterested men, one appointed by the board, one by the owner, and a third by the first two, to appraise such animal at its cash value, taking into consideration the condition of the animal as to the disease and its present and probable effect on the animal.

Such appraisal shall in no case exceed sixty dollars (\$60) for a cow and one hundred twenty-five dollars (\$125.00) for a horse, except in the case of pure bred cattle and horses, where the pedigree shall be proved by certificates of registration from the herd books where registered, and in that case the maximum appraisal shall not exceed one hundred and fifty dollars (\$150.00).

The appraisements made under this act shall be in writing and signed by the appraisers and certified by the board, to the auditor of the state, who shall draw a warrant on the state treasurer for the amount due the owner.

Sec. 2. Animals not to be killed until inspected.—That Section 5403, General Statutes 1923, be and the same hereby is amended so as to read as follows:

"5403. (a) Notwithstanding any provision of this chapter to the contrary, neither cattle affected with tuberculosis or glandered horses shall be killed as such until they have been inspected by a

veterinarian appointed by the state board, and are pronounced by him to be so diseased.

For each animal slaughtered because of tuberculosis or glanders, the value of the net salvage of the carcass shall be deducted from the appraised value of the living animal; two-thirds (2/3) of the remainder shall be paid to the owner by the state, except that in all cases where the Federal Bureau of Animal Industry compensates the owner for such animal, in whole or in part, then the amount of such compensation so received from the Federal Government shall be deducted from the amount of indemnity payable by the state; provided, however, that where cattle are so slaughtered from counties that at the time of the passage hereof had registered agreements with the board or belonged to owners who, prior to the passage hereof had signed and furnished to the board agreements for accredited herds, no deduction shall be made of the compensation so received from the Federal Government.

(b) The owner of any animal, as provided in this act, shall be entitled to indemnity therefore as herein provided, except in the following cases:

1. *No indemnity shall be paid for steers.*
2. *Animals which have not been kept for one year, or since their birth in good faith, in the state.*
3. *Animals brought into the state, or from one county into another within the state, contrary to any provision of law or rules and regulation of the board.*
4. *Animals diseased at time of arrival in this state.*
5. *Animals belonging to the United States.*
6. *Animals belonging to institutions maintained by state, county or municipality.*
7. *Animals which the owner or claimant knew to be diseased or had notice thereof at the time they came into his possession.*
8. *When the owner has received indemnity as a result of a former inspection or test and has thereafter introduced into his herd any animal which had not passed the tuberculin test.*
9. *Where the owner or agent has not complied with the rules and regulations of the board with respect to animals condemned.*
10. *When the condemned animals are not destroyed within 60 days, except in the case of tuberculosis, when they may be kept 150 days after they have been determined to be affected with tuberculosis and during such period have not been kept under quarantine and isolated from healthy animals, except in counties where the control of tuberculosis is under the area plan, then indemnity will not be paid unless all condemned animals are slaughtered within thirty (30) days after the test or condemnation.*
11. *No indemnity or compensation shall be paid for the destruction of any live stock affected with tuberculosis or glanders,*

unless the entire herd of which such affected live stock is a part, or from which such affected live stock has originated, shall be examined and tested under the supervision of the board, in order to determine if they are free from such disease.

12. *No indemnity or compensation shall be paid for the destruction of any live stock affected with tuberculosis or glanders, unless the owner has carried out the instructions and regulations of the board relating to the cleaning, disinfection and rendering the stables and premises in a sanitary condition, within thirty days from the time of removal of such animals from the premises, except when because of inclement weather or other extenuating circumstances, the time may be extended by the executive officer of the board.*

13. *No indemnity or compensation shall be paid for the destruction of any live stock affected with tuberculosis, if the owner has fed milk or milk products derived from creameries and which have not been properly pasteurized as required by state laws and regulations.*

14. *If at any time the annual appropriation for payment of indemnities becomes exhausted as a result of the condemnation and slaughter of animals, the state live stock sanitary board shall discontinue making further official tests or to authorize such tests, with the exception that if an owner signs a waiver, on blanks to be furnished by said board, for payment of indemnity for any animal that may be condemned as the result of a test and inspection, and releasing the state from any obligation to pay indemnity from any future appropriation.*

(c) *Whenever it is determined by the board that it is necessary to eradicate the dangerous, infectious, communicable foot and mouth disease among domestic animals in the state in co-operation with the United States Bureau of Animal Industry and to appraise and destroy animals affected with or which have been exposed to this disease, or to destroy property in order to remove the infection and complete the cleaning and disinfection of the premises or to do any act or incur any other expense reasonably necessary in suppressing this disease, the board may accept, on behalf of the state, the rules and regulations adopted by the United States Bureau of Animal Industry under authority of an act of congress, or such portion thereof deemed necessary, suitable or applicable, and co-operate with the United States Bureau of Animal Industry in the enforcement of such rules and regulations so accepted; or it may follow such procedure only as to quarantine or inspection or condemnation or appraisal or destruction or burial of animals, disinfection and other acts deemed by it reasonably necessary in the suppression of this disease as may be agreed upon and adopted by the board and representatives or authorized agents of the United States Bureau of*

Animal Industry, the total expense to be shared equally between the state and federal government.

The appraisals of animals affected with or exposed to foot and mouth disease, or contact animals shall be made by an appraisal board consisting of a representative of the board, a representative of the United States Bureau of Animal Industry and the owner of the animals or his representative, such appraisals, in writing and signed by the appraisers, to be made at the true market value of all animals.

Upon destruction and burial of such animals and the completion of the cleaning and disinfection of the premises, the state live stock sanitary board shall certify the appraisal to the auditor of the state, who shall draw a warrant on the state treasurer for one-half the amount thereof payable to the owner, and the remaining one-half of such appraisal to be paid by the federal government under said co-operative arrangement."

Sec. 3. Laws repealed.—Section 5400, General Statutes, 1923, and all acts and parts of acts inconsistent herewith, hereby are repealed.

Sec. 4. Invalidity of one section not to affect balance.—If any section, subsection, sentence or clause herein is invalid for any reason, such invalidity shall not affect the balance hereof.

Approved April 16, 1925.

CHAPTER 231— H. F. No. 1462

An act to legalize purchases of supplies, coal and fuel made by the board of education in any city of the first class, from any person, firm or co-partnership where such person or member of such firm or co-partnership was, at the time, a member of any board or legislative body of such city other than its board of education.

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

Section 1. Acts of Board of Education legalized.—In any case in which the Board of Education of or in any city of the first class in this State, has purchased or has been furnished and has received, during the month of January, 1925, necessary supplies including coal and fuel under any contract, agreement or understanding entered into with any person, firm or co-partnership, where such person or a member of such firm or co-partnership was at that time a member of any board or legislative body of said city, other than its Board of Education, every such contract, agreement or understanding and all acts in performance thereof, are hereby legalized and validated, and such Board of Education is hereby empowered and authorized to pay to the person, firm or co-partner-