

CHAPTER 295—H. F. No. 280

An act authorizing the counties of the state to license and regulate the running at large of dogs, and to create a live stock and poultry indemnity fund, and providing for the handling and disposition thereof and prescribing penalties.

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

Section 1. County board to license dogs.—The Board of County Commissioners of any county, by a majority vote, may provide for the licensing and regulating the running at large of dogs, and create a livestock indemnity fund to be handled and disbursed as hereinafter set forth. After the plan therefor shall have been in operation in any county for at least one year, the Board of County Commissioners thereof may by a majority vote, abandon the same. In any county containing a city of the first class the Board of County Commissioners shall exclude from the operation of this act such city of the first class.

Sec. 2. Owners to obtain licenses.—The owners of all dogs six months old or over, except dogs kept in kennels, in all counties providing for the licensing and regulating the running at large of dogs as provided for in Section one of this act, shall annually obtain a license therefor, as herein provided, and it shall be unlawful for the owner of any dog six months old or over to allow such dog to run at large without being so licensed or without wearing the license tag herein provided for.

Sec. 3. Who are owners.—For the purposes of this act, the term "owner" shall, in addition to its ordinary meaning, include any person who keeps or harbors a dog.

Sec. 4. County auditor to issue license.—The owner of a dog for which a license shall be required, shall on or before the 15th day of July, of each year apply to the auditor of the county in which such owner resides for a license for each dog owned by him.

Sec. 5. Application.—Application for license shall be made after July 15th and at any time, for a dog which has come into the possession or ownership of the applicant or which has reached the age of six months after said date.

Sec. 6. Contents of application.—Such application shall be in writing on blank provided therefor by the county auditor and

shall state the breed, sex, age, color, markings and name, if any, of the dog, and if a female, whether or not spayed, and the address of the owner and shall be signed by him, or a duly authorized agent of such owner.

Sec. 7. License fee.—The annual license fee shall be \$1.00 for each male or spayed female dog and \$3.00 for each unspayed female dog. Such fee shall accompany the application for license.

Sec. 8. Auditor to deliver license.—The county auditor, upon receipt of such application and license fee, shall deliver or mail to the applicant a license which shall be in form of a metal tag stamped as follows:

- (a) The year in which it is issued.
- (b) The name of the County in which it is issued.
- (c) The serial number as shown by the record book in the office of the county auditor.

Sec. 9. License to be attached to collar.—Such license tag shall be attached by the owner to a substantial collar, and during the term of the license shall at all times be kept on the dog for which the license is issued.

Sec. 10. Licenses to expire July 15.—All licenses shall expire on July 15th of each year following the date of issuance.

Sec. 11. Licenses may be transferred.—When the permanent ownership of a dog is transferred, the license may be transferred by the county auditor by notation on the license record, giving the name and address of the new owner.

Sec. 12. Owner moving to new county.—When a dog licensed in one county is permanently transferred to another county, the owner thereof shall surrender the original license tag to the auditor of the county to which such dog is removed, providing such latter county has availed itself of the provisions of this act as provided in section one thereof. The auditor shall thereupon preserve the surrender tag, and, without license fee, issue a new license tag. The auditor shall note on the license record the fact that the newly issued license tag is issued to effect a transfer of, and is in lieu of such surrender license tag.

Sec. 13. Auditor to collect transfer fee.—The auditor on making any transfer shall collect a fee of 25 cents, which shall with all license fees, penalties and fines that are collected in such

county, be paid into the county treasury to the credit of the Live Stock Indemnity Fund, which is hereby provided, and herein called the Indemnity Fund. For the performance of his duties under this act, in addition to his compensation otherwise fixed by law, the auditor shall receive such compensation, payable from the indemnity fund, as may be fixed by the County Board at its annual meeting in January, of each year.

Sec. 14. Licenses may not be transferred to another dog.—A license tag issued for one dog shall not be transferable to another dog.

Sec. 15. Duplicate licenses.—Upon the filing of an affidavit that the license tag has been lost or destroyed, the owner may obtain another tag upon the payment of 25 cents. The auditor shall enter in the license record the new number assigned.

Sec. 16. Assessor to list dogs.—Each assessor shall, at the time of listing personal property for assessment, list and return to the county auditor the names of all persons who own or harbor dogs, and indicate on such lists whether the dogs are male, female or spayed, and the number thereof. For such service the assessor shall receive, from the indemnity fund, in addition to any and all other fees or compensation allowed by law, the sum of ten cents for each dog reported, which fees shall be paid in full when the return is made.

Sec. 17. Penalties for non-payment of license.—All license fees shall become delinquent on the first day of September of the year in which they are due and payable and a penalty of \$1.00 shall be added to each unpaid license on and after such date.

Sec. 18. Names of unlicensed dog owners to be published.—The county auditor shall between the first and the 20th days of September cause to be published once in the official newspaper of the county, a list of names of all the owners of unlicensed dogs as shown by a comparison of his license record and the assessor's returns, or as otherwise ascertained or known by him.

Sec. 19. Owner to appear.—Such publications shall be notice to each owner that he may appear before the county auditor on or before the 30th day of September, following, and by affidavit show cause why the license fee and penalty should not be assessed against him as a tax, and no exemption from such taxation shall be granted except on the affidavit of such owner, which shall be filed and preserved by such auditor.

Sec. 20. Cost of publication.—The cost of publishing the list of delinquent owners shall be paid from the indemnity fund upon the filing of proper proof of publication.

Sec. 21. Auditor to certify list to county treasurer.—Immediately following September 30th, the auditor shall, except as to persons to whom he has granted exemptions, certify to the county treasurer:

- (a) The name of the owner of each unlicensed dog.
- (b) The number of dogs so owned by said person and the sex thereof.
- (c) The amount of the unpaid license fee, plus a penalty of \$1.00 for each dog.

Sec. 22. Auditor to include license fee in tax.—After issuance of said certificate, the auditor shall at once enter, as a tax against each person owning dogs, except to persons who have been granted exemptions as herein provided, the amount of the tax and penalty as is in said certificate stated. Said tax and penalty shall be attended with the same consequences and be certified to the treasurer and be collected in the same manner as personal property taxes for the current year.

Sec. 23. Violation a misdemeanor.—The violation of any of the foregoing provisions relating to listing of dogs for assessment by the owners thereof or the removal of a license tag from a dog prior to the expiration of the license, by any person who is not the owner thereof or his agent, shall be a misdemeanor.

Sec. 24. County treasurer to receive funds.—The auditor shall make payment to the county treasurer of all funds received by him hereunder on the first day of each month. The treasurer shall keep said funds, together with all tax collections and penalties and all fines imposed for the violation of this act as herein provided, as the livestock indemnity fund, which is hereby created in each county coming within the provisions of this act.

Sec. 25 Auditor to keep record of licenses.—The county auditor shall keep a book to be known as the record licenses which shall show:

- (a) The serial number and date of each application for license.
- (b) The description of the dog as specified in the application, together with the name of the owner of said dog.

(c) The date when each license tag is issued and the serial number of such tag.

(d) The amount of all fees, licenses and penalties, and costs and fines paid to him.

(e) Such other data as the law may require.

Sec. 26.—Auditor to prepare forms.—All forms for blanks, records, books and tags, including proper columns in the assessor's books in which to note the ownership of dogs, shall be prepared by the auditor. All such blanks, books, tags and supplies shall be furnished by the county and paid for out of the indemnity fund.

Sec. 27. Peace officers may kill dogs.—It shall be lawful for peace officers within their respective jurisdictions, to kill any dog for which a license is required, when such dog is not wearing a collar with a license tag, showing license then to be in effect, attached to such collar as herein provided.

Sec. 28. Dogs may be killed—when.—It shall be lawful for any person to kill a dog, although licensed and wearing a collar with license tag attached, when such dog is caught in the act of worrying, chasing or injuring sheep or other livestock, including poultry.

Sec. 29. Owner to be liable.—The owner of any dog, whether licensed or not, shall be liable to the party injured for all damages done by such dog, except when the party damaged is doing an unlawful act directly contributing to said injury. This section shall not apply to any damage done by a dog affected with hydrophobia unless the owner of such dog has reasonable ground to know that such dog was afflicted with said malady and by reasonable effort might have prevented the injury.

Sec. 30. Claims for damages may be filed.—Any person damaged by the killing or injury of his livestock, including poultry by wolves or by dogs not owned by said person, may within ten days, from the time he or his agent has knowledge of such killing or injury, and not thereafter, file with the county auditor in which such killing or injury occurred a claim for such damage.

Sec. 31. Claims to contain detailed statement.—Such claims for damage shall state the amount of the damage and shall contain

a detailed statement of the facts attending the killing or injury and be verified by affidavit of at least two disinterested persons not related to claimant.

Sec. 32. Claims to be presented to county board.—The county auditor shall present such claim to the County Board which shall act thereon within a reasonable time, and allow such part thereof as it may deem just, but not exceeding 80% of the actual loss or damage sustained. When a claim is allowed, the value of each animal or fowl killed or injured shall be entered of record.

Sec. 33. Warrants in payment of claims.—Warrants in payment of claims shall be issued payable January 1st following their issuance and not before, and to be paid out of the livestock indemnity fund.

Sec. 34. Auditor to certify amount to treasurer.—The auditor shall, prior to the first Monday in January, of each year, certify to the treasurer an itemized list of all warrants issued during the preceding year on said indemnity fund, except warrants issued to pay the fees of assessors, and compensation of the county auditor and the necessary cost of publication. If said fund is sufficient in amount, the treasurer shall pay said warrants on presentation, but if it is insufficient in amount to pay all warrants in full, then he shall pro rata the same, as compared and certified by the county auditor, and pay only the pro rata share thereof.

Sec. 35. County board to transfer excess to revenue fund.—When the balance in said indemnity fund, after payment of all warrants issued in any one year, exceeds the sum of \$500.00, the county board may by resolution direct and order the excess thereof transferred to the general revenue fund of the county. If the amount in the indemnity fund is insufficient in any one year to pay all duly allowed claims and the other items properly payable out of said fund as hereinbefore provided, the county board shall transfer from said general revenue fund an amount, not exceeding the amount previously transferred thereto from said indemnity fund, sufficient funds to pay the unpaid balance of said warrants.

Sec. 36. Provisions separable.—In the event that any section, provision or part of this act shall be declared unconstitutional, it shall not in any way affect any other section, provision or part thereof.

Sec. 37. Act supplemental.—This act is supplemental to all other laws relating to dogs, and to all laws relating to taxation of

dogs as personal property, and shall not be construed as to modify, repeal or in any wise affect any part or provision of any such laws nor so as to prevent municipalities from prohibiting or licensing or regulating the running at large of dogs within their respective limits as by law or ordinance now or hereafter provided.

Approved April 21, 1931.

CHAPTER 296—H. F. No. 452

An act to amend Mason's Minnesota Statutes of 1927, Section 7714, Sub-division 3, relating to authorized securities of savings banks.

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

Section 1. **Authorized securities for savings banks.**—That Mason's Minnesota Statutes of 1927, Section 7714, Sub-division 3, be and the same is hereby amended to read as follows:

"3. In the bonds of any county, city, town, village, school, drainage or other district created pursuant to law for public purposes in Minnesota, or in any warrant, order, or interest-bearing obligation, issued by the state, or by any city, city board, *village, school district*, town or county therein, provided that the net indebtedness of any such municipality or district, as net indebtedness is defined by Revised Laws of 1905, section 777, and its amendments, shall not exceed ten per cent of its assessed valuation, or in the bonds of any county, city, town, village, school, drainage or other district created pursuant to law for public purposes in Iowa, Wisconsin and North and South Dakota, or in the bonds of any city, county, town, village, school district, drainage or other district created pursuant to law for public purposes in the United States, containing at least 3,500 inhabitants, provided that the total bonded indebtedness of any such municipality or district shall not exceed ten per cent of its assessed valuation."

Approved April 21, 1931.