

Provided, further, that said lessee, or its assigns, shall have the power to institute condemnation proceedings to pay for the interests of private persons or corporations who may be injured or whose rights may be destroyed by the carrying on of such operations.

Sec. 2. This act shall take effect and be in force from and after passage.

Approved March 31, 1937.

CHAPTER 119—S. F. No. 113

An act defining and regulating the practice of veterinary medicine in the State of Minnesota; establishing a State Board of Veterinary Medical Examiners, defining its powers, prescribing its duties, providing for the appointment of its members and fixing their terms of office and compensation; providing for the licensing and registering of veterinarians and for the revocation of licenses; providing for the enforcement of this Act and penalties for its violation; and repealing Chapter 419, Laws of 1907, and all amendments thereto.

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

Section 1: State Board of Veterinary Medical Examiners Created; Officers; Duties; Compensation.—That there be and is hereby created a state veterinary examining board, hereinafter in this act referred to as the board, which shall consist of five qualified veterinarians appointed by the governor. Each of said appointees shall have practiced veterinary medicine in this state for at least five years prior to his or her appointment, and each such appointee shall be a graduate of a reputable veterinary college. Each member of said board shall be appointed for a term of five years; provided, however, that the first board appointed by the governor pursuant to this act shall consist of five members who shall hold office for one, two, three, four and five years respectively and said first board shall be appointed by the governor within 60 days after this act shall take effect.

Whenever the occasion arises pursuant to this act for the appointment of a member of said board by the governor, the board of trustees of the Minnesota State Veterinary Medical Society shall recommend to the governor, at least 30 days in advance of the date that such appointment is to be made, three veterinarians qualified to serve on said board for each such appointment so to be made, and the governor may appoint one of said persons so recommended to fill such vacancy.

The board shall elect from its number a president and a secretary-treasurer. Said board shall have a seal, and have the power to administer oaths and take testimony. Said board shall make, alter or amend such rules and regulations as may be necessary to carry into effect the provisions of this act. It shall also hold meetings at the State Capitol for the examination of applicants for license to engage in veterinary practice on the Tuesday preceding the second Wednesday in January and July in each year, and it may hold such other meetings as it may deem necessary; but no meeting shall exceed three days duration. Each member shall receive \$10.00 a day for actual services together with mileage at the rate of five cents per mile for necessary travel. Such fees and mileage shall be paid out of the funds of the board.

The board shall have the power to provide for its office and necessary furniture, fixtures and supplies and to appoint and employ, and, at will, to remove and discharge such officers, agents and other employees of said board as it may deem necessary to perform its duties, and to fix the salaries and define the duties of such officers, agents and employees.

The secretary shall conduct all correspondence necessary to carry out the provisions of this act; he shall also keep a record of all proceedings including the name of every applicant for registration or examination, which record shall show the age of the applicant, the extent of his study and practice, and the name of the veterinary college from which he has graduated and the date of such graduation. Such record shall be prima facie evidence of the matters therein contained. The secretary of the board shall receive such compensation as the board may provide.

The members of the state veterinary examining board heretofore appointed and now holding office, shall continue in office until the appointment and qualification of members of such board as herein provided.

Sec. 2. Qualifications of Applicants for License; Form of Application.—Application for a license to practice veterinary medicine in this state shall be made to said board and shall be upon a form furnished by said board and shall be accompanied by satisfactory evidence that the applicant is at least 21 years of age, is of good moral character and has received a diploma conferring the degree of Doctor of Veterinary Medicine or its equivalent from some reputable veterinary school approved by the board. Such application shall contain any other information that the board may, in its sound judgment, require. If the board deems it advisable, it may require that such application be verified by the oath of the applicant.

Sec. 3. Application Fee; Examination.—Upon filing such application and any other papers, affidavits or proof that said board

may require, together with the payment to said board of a fee of \$25.00, the board, if satisfied, shall issue to the applicant for license, an order for examination. Every applicant for a license shall submit to a theoretical or practical examination, or both, as designated by the board. The examination may be oral or written or both.

Sec. 4. Board to Issue License.—The board shall issue to every applicant who has successfully passed the required examination and who shall have been adjudged to be duly qualified to practice veterinary medicine, a license to practice.

Sec. 5. License Subscribed by Board Members and Sealed.—The license shall be subscribed by the members of the board and shall have affixed to it by the secretary-treasurer the seal of the board.

Sec. 6. License to be Recorded.—The license, before issued, shall be recorded in a book to be kept in the office which the board shall establish for the purpose of carrying out the provisions of this act. The number of the book and the page therein containing the recorded copy of the license shall be noted upon the face of the license. These records shall be open to public inspection with proper restrictions as to their preservation.

Sec. 7. Annual Registration.—Each person now qualified to practice veterinary medicine in this state, or who shall hereafter be licensed by the board to engage in such practice, shall register with the board annually before the first day of May in each year, and thereupon the license of such veterinarian shall be renewed for such calendar year.

The fee for such annual registration shall be \$2.00 and shall be paid by each licensed veterinarian in this state to the secretary of said board before the first day of May in each year.

Any such veterinarian failing so to register and pay the annual registration fee before May 1, in each year as hereinbefore provided, shall pay to the secretary-treasurer of said board the sum of \$5.00 before his said license shall be renewed; provided, however, that in the event any such licensed veterinarian fails to register and to pay the registration fee provided herein within sixty days after May 1, in any such year, then and in that event said board shall revoke his or her license to practice veterinary medicine in this state.

Any person who at the time of the passage of this act shall be legally licensed to practice veterinary medicine in this state shall be entitled to receive a license to continue such practice upon making application to the board and complying with the terms of this section for annual registration.

Sec. 8. Revocation of License.—On hearing, the board shall revoke any license or renewal which is obtained by fraud or when the

holder is guilty of gross moral or professional misconduct. The board may deny a renewal of license, subject to review by the courts.

Sec. 9. License to be Filed with Clerk of District Court; Clerk to Keep Record.—Every person now holding a license from the board shall file it for record with the clerk of the District Court in the county in which he resides, within sixty days after the date that this act takes effect, and every person hereafter licensed by the board shall file said license for record with the clerk of District Court in the county in which he resides within sixty days after the date when he commences to practice veterinary medicine in such county. Upon removal to another county he shall file his license in like manner. It shall not be necessary to record the annual renewal of such license. The clerk of court's fees for filing such license for record shall be \$1.00.

Such clerk shall keep, in the record book of such licenses, an index thereof, showing the date and page of the record, and in January of each year shall furnish to the secretary of the board a list of licenses so filed. Upon notice to the clerk of the death or removal of a licensee or of a revocation of a license, he shall note the same upon the record of such license.

Sec. 10. Unlawful to Practice Veterinary Medicine without License.—It shall be unlawful for any person to practice veterinary medicine or any branch thereof, in the state of Minnesota, without having first secured a license as provided in this act, and any person violating the provisions of this section shall be guilty of a gross misdemeanor and punishable therefore according to the laws of the state of Minnesota.

Sec. 11. Corporations not to Practice Veterinary Medicine.—It shall be unlawful in the state of Minnesota for any corporation to practice veterinary medicine, or to hold itself out or advertise itself in any way as being entitled to practice veterinary medicine or to receive the fees, or portions of fees, or gifts or other emoluments or benefits derived from the practice of veterinary medicine or the performance of veterinary services by any person whether such person be licensed to practice veterinary medicine or not. Any corporation violating the provisions of this section shall be guilty of a gross misdemeanor and shall be fined not more than \$1000.00 for each offense, and each day that this act is violated shall be considered a separate offense.

Sec. 12. Definition of Practice of Veterinary Medicine.—The practice of Veterinary Medicine, as the term is used in this Act, shall include the act or acts of prescribing, or applying any drug, medicine, biologic, biochemical or other material agency for the treatment of any animal, or for the testing of any animal for the diagnosis

of any disease, or for the vaccination of any animal for the prevention of transmissible disease or diseases, or performing any operation for the treatment, relief or cure of any sick, diseased or injured animal for any fee or compensation or money or emolument, received or to be received, directly or indirectly, or to publicly profess to do any of these things. Nothing in this Act shall be construed to prohibit the dehorning of cattle or the castration of animals except the spaying of females; nor shall any provision of this Act prohibit anyone from rendering necessary gratuitous assistance in the treatment of any animal when the attendance of a licensed Veterinarian cannot be procured. The word "animal" as used in this act shall not include poultry and/or birds of any kind.

Any person who makes both a sale of and applies or offers to apply any drug, medicine, biologic preparation, including sera, vaccines, bacterins, tuberculin, mallein, johnin or any other material agency for the treatment, vaccination or testing of any animal, belonging to or in the custody of the person to whom such sale is made, and from which sale such person derives any profit, commission, discount or other emolument, directly or indirectly, shall be presumed to have engaged in the practice of Veterinary Medicine, and any profit, discount, commission, gift or other emolument received directly or indirectly by such person so selling and applying said drug, biologic, biochemical or other material agency shall be presumed to include a charge for the services in applying the same.

Nothing in this act shall prohibit the sale of or offering for sale of or recommending of animal remedies upon the containers of which there are or are not printed directions for the use thereof, provided, however, that the word "recommending" as used herein shall not involve a diagnosis by the seller or his agent.

Sec. 13. Penalties Recoverable in Civil Action by Board.—The penalties prescribed in this act may be recovered in a civil case instituted by the board in the name of the state, or by a criminal prosecution upon complaint being made. In case any county attorney shall omit or refuse to conduct such civil action or such criminal prosecution, the board may employ another attorney for that purpose.

Sec. 14. Fees and Receipts Collected by this Act turned over to State Treasurer and Credited to Board.—Expenditures by Board.—All fees collected on behalf of the board as provided by this act, and all receipts of every kind or nature received by said board shall be collected by the secretary-treasurer of the board, and shall be by him deposited in the State Treasury and credited to said board and such fund shall be known as the State Veterinary Examining Board Fund, and shall be under the sole and exclusive jurisdiction of said board for the purposes of carrying out the provisions of this act. All expenditures from said fund shall be upon vouchers.

issued and signed by the secretary-treasurer of said board and transmitted, together with an abstract of such expenditures, to the State Auditor for his approval.

Sec. 15. **Laws Repealed.**—Chapter 419 of the Session Laws of 1907, and all amendments thereto are hereby repealed and any and all other laws inconsistent with the provisions of this act are hereby repealed, provided, however, that this act shall not repeal any part or portion of Chapter 112 of the Laws of 1923. If any part or portion of this act is declared invalid, such invalidity shall not affect the remaining portions of this act.

Sec. 16. **Act Effective May 1, 1937.**—This act shall take effect on May 1, 1937.

Approved March 31, 1937.

CHAPTER 120—S. F. No. 334

An act to repeal Mason's Minnesota Statutes of 1927 Section 2691 as amended by Laws 1929, Chapter 335, relating to the taxation of motor vehicles.

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

Section 1. **Law repealed.**—Mason's Minnesota Statutes of 1927, Section 2691, as amended by Laws 1929, Chapter 335, is hereby repealed.

Sec. 2. This Act shall be in force from and after its passage.

Approved March 31, 1937.

CHAPTER 121—S. F. No. 517

An act to amend General Statutes 1923, Sections 4368 and 4369, relating to preference to soldiers, marines, etc. in public appointments.

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

Section 1. **Soldier's preference in public office.**—That General Statutes 1923, Sections 4368 and 4369, relating to preference to soldiers, marines, etc., in public appointments be, and the same hereby is, amended so as to read as follows: