

the above limitations is not sufficient to enable such town to carry on its necessary governmental functions, the electors, during the business hour after disposing of the annual report may make an additional levy of not to exceed three mills to enable such town to carry on such necessary governmental functions.

4. For school district purposes, such amounts as are provided in chapter 14."

Approved April 8, 1939.

CHAPTER 171—H. F. No. 617

An act relating to the suppression of dangerous infectious and contagious diseases of animals and the payment of indemnity upon the slaughter of diseased animals; to amend Mason's Minnesota Statutes of 1927, Sections 5402 and 5403, as amended.

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

Section 1. Killing of animals afflicted with tuberculosis, glanders or Bang's disease—Transportation to place of slaughter—Appraisal of and payment for animals ordered killed.—Mason's Minnesota Statutes of 1927, Section 5402, as amended by Laws 1929, Chapter 35, and by Laws 1935, Chapter 32, is hereby amended so as to read as follows:

"5402. Whenever the State Livestock Sanitary Board (hereinafter called the board) shall decide upon the killing of an animal affected with the disease of tuberculosis, paratuberculosis, glanders, or *Bang's disease*, it shall notify the owner or keeper thereof of such decision and 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 the owner shall receive the value of the net salvage of the carcass.

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 ap-

pointed 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 \$100 for a cow and \$125 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 which case the maximum appraisal shall not exceed \$200.00.

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. Killing of animals afflicted with tuberculosis, glanders or Bang's disease—Transportation to place of slaughter—Appraisal of and payment for animals ordered killed—Inspection before killing—Appraisal of and payments to owners for animals killed—Eradication of foot and mouth diseases.—Mason's Minnesota Statutes of 1927, Section 5403, as amended by Laws 1929, Chapter 35, is hereby amended so as to read as follows:

"5403. (a) Notwithstanding any provision of this chapter to the contrary, neither cattle affected with tuberculosis, paratuberculosis, *Bang's disease*, nor glandered horses shall be killed as such until they have been inspected by a veterinarian appointed by the board, and are pronounced by him to be so diseased.

For each animal slaughtered because of tuberculosis, paratuberculosis, glanders, or *Bang's disease*, the value of the net salvage of the carcass shall be deducted from the appraised value of the living animal; *provided that in no case shall any payment be more than \$15.00 for grade females or more than \$30.00 for any purebred animal, nor, in case of joint payments on the part of the Federal government or any other agency, shall compensation from all sources aggregate more than \$15.00 for grade females or more than \$30.00 for any purebred animal, and that no payment shall be made unless the owner has complied with all lawful rules and regulations of the board; and provided further that two-thirds of the appraised value of any horse slaughtered as provided herein shall be paid to the owner thereof by the state after disposal of the carcass of said horse as directed by the board.*

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

1. *Indemnity shall not be paid for steers or grade bulls.*
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, *or when the owner shall have been guilty of negligence by wilfully exposing his animal or animals to Bang's disease, or if the animals have been injected with live Bang's disease organisms in the form of so-called Bang's disease vaccines.*
8. When the owner has received indemnity as a result of a former inspection or tests and has hereafter introduced into his herd any animals which *theretofore* had not passed the tuberculin *or Bang's disease* test.
9. Where the owner, agent, *or person in possession of said animal* 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 *15 days after date of appraisal, except that in extraordinary circumstances and in meritorious cases and at the discretion of the secretary and executive officer of the board, said time limit of 15 days may be extended an additional 15 days, provided, however, that the owner receives permission to do so from the said secretary and executive officer within 15 days of date of appraisal.*
11. No indemnity or compensation shall be paid for the destruction of any livestock affected with tuberculosis, *paratuberculosis, glanders, or Bang's disease*, unless the entire herd of which such affected livestock is a part, or from which such affected livestock 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 livestock affected with tuberculosis, *paratuberculosis*, glanders, or *Bang's disease*, 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 15 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 livestock affected with tuberculosis, *paratuberculosis*, or *Bang's disease*, if the owner has fed milk or milk products derived from creameries and which have not been 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 condemnation and slaughter of animals, the state livestock 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 *animals* 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.

15. *When the owner is a non-resident and neither he nor his duly authorized agent or agents are engaged in breeding livestock in this state.*

(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-oper-

ate 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 livestock 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 such co-operative arrangement.

Sec. 3. Unlawful acts—Penalties.—*It shall be unlawful for any veterinarian, who is an agent or representative of the state livestock sanitary board, or any other public official to suggest, recommend, or in any manner endeavor to influence or seek to persuade the owner of any animal affected with any disease set forth in Mason's Minnesota Statutes of 1927, Section 5402, as amended by Laws 1929, Chapter 35, and by Laws 1935, Chapter 32, either directly or indirectly to sell, barter, exchange, ship or otherwise dispose of such animal to any particular person, firm, association, corporation or any combination thereof: and any person violating any of the provisions of this act shall be guilty of a gross misdemeanor."*

Approved April 8, 1939.

CHAPTER 172—H. F. No. 752

An act relating to the duties of the State Board of Education; and to amend Laws 1913, Chapter 550, Section 6.