

tee of any instrument so recorded for the amount of any damages sustained.

Approved April 13, 1939.

CHAPTER 216—H. F. No. 595

An act relating to commercial traveler insurance companies to permit such associations to give prizes to its own members for securing new members; and to amend Mason's Minnesota Statutes of 1927, Section 3443.

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

Section 1. Commercial Traveler insurance company may give prizes.—Mason's Minnesota Statutes of 1927, Section 3443, is hereby amended so as to read as follows :

“3443. Any domestic assessment, health or accident association now licensed to do business in this state, which confines its membership to commercial travelers, professional men, and others whose occupation is of such character as to be ordinarily classified as no more hazardous than commercial travelers, and which does not pay *any other* commissions or compensation, *other than prizes to members of nominal value in proportion to the membership fees charge* for securing new members, may issue certificates of membership, which, with the application of the member and the by-laws of the association shall constitute a contract between the association and the member. A printed copy of the by-laws and a copy of the application shall be attached to the membership certificate when issued, and a copy of any amendment to the by-laws shall be mailed to the members following their adoption. Certified copies of certificate, by-laws and amendments shall be filed with the commissioner of insurance and subject to his approval. The by-laws shall conform to the requirements of Laws 1913, *Chapter 156*, so far as applicable, and wherever the word “policy” appears in said act, it shall, for the purpose of this act, be construed to mean the contract as herein defined.”

Approved April 13, 1939.

CHAPTER 217—H. F. No. 615

An act to authorize the State Livestock Sanitary Board to control and eradicate Bang's disease by area testing, to adopt

rules and regulations to carry out the provisions of this act, and authorizing boards of county commissioners to appropriate money to aid area testing in their counties; and to repeal inconsistent acts.

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

Section 1. Cattle to be tested for Bang's disease.—For the purpose of controlling and eradicating Bang's disease in the cattle herds of Minnesota, the State Livestock Sanitary Board, hereinafter called the board, is hereby authorized to undertake testing of bovine animals for such disease on the area plan, which plan is hereby declared to be one involving the testing and periodic retesting of all bovine animals within a given area, as hereinafter limited and defined, and elimination by condemnation and slaughter of all said animals reacting to said test, in the manner as provided by law. An area shall consist of a county, provided that, when in the opinion of the board it is more practical so to do, any given township may be designated as an area.

Sec. 2. Petition to be filed—Hearing.—Whenever petitions signed by 70 per cent of the cattle owners resident in an area, as determined by the last preceding assessment roll, shall be presented to the board, asking that all cattle within such area or county be tested for Bang's disease, said board is hereby authorized to make such test without expense to the owners of cattle within said county or area. The board shall fix a time when and place where said petitions and any objections thereto may be heard by the board, and notice of said hearing shall be published in at least one newspaper published or circulated in such area, or if in the case of a township there be no newspaper published therein, then notice shall be published in a newspaper circulating within the county in which said township is located, not less than ten days preceding the time set for such hearing. At the time and place fixed for such hearing the board shall examine and consider such petitions and the evidence, facts and things offered in support of and against the same, and shall render its decision thereon. In case the board determines that the petitions are sufficient to satisfy the statute, such determination shall be final unless reviewed in the manner herein provided. In case the board grants the petition and determines to undertake the work of testing, notice of such determination and the time and place when testing shall begin shall be given by publishing notice in at least one newspaper, published or circulating in such county.

Sec. 3. Rehearing.—A rehearing shall be granted upon the written application therefor, signed by not less than 20 per cent of the resident cattle owners within said area, as shown by the last preceding assessment rolls, and filed with the board within thirty days after the publication of notice of the board's determination, as provided in section 2 hereof. The board shall, upon receipt of a valid application for rehearing, order one or more agents or employees of said board to make an investigation in said area and hold at least one public hearing therein, notice of which hearing shall be published as in the manner provided for the original hearing. The representative or representatives of the board who may conduct such investigation and rehearing shall make and file with the board a written report thereof. The report shall be examined and acted upon by the board, and if it shall find that the original petitions were sufficient, its decision shall be final.

Sec. 4. Board to fix time for testing.—Notwithstanding full compliance with the procedure on the part of cattle owners, as herein provided, the board shall retain complete discretion as to the time of the commencement of such testing in any area; and the board shall not be required to make such tests in the order in which the petitions are received. In any case the board may proceed with such testing only when, in its opinion, sufficient approved veterinarians and sufficient funds for administration and indemnity payments are available.

Sec. 5. Re-tests.—After the first test in any area shall have been completed, the board shall periodically make such re-tests as in its opinion are necessary until the percentage of cattle infected with Bang's disease in the area is reduced to meet the requirements of a "Modified Accredited Area" as defined and approved by rules and regulations of the Minnesota State Livestock Sanitary Board. And after an area has been certified as a "Modified Accredited Area" subsequent tests of cattle in the county and retests of infected herds and any and all retests necessary to keep and maintain said area free from Bang's disease as herein required for a "Modified Accredited Area" shall be made in the discretion of the board, and such tests and retests shall be without expense to the county or area.

Sec. 6. Cattle owners to assist in making test.—Whenever in accordance with this act the board by its order has fixed the time for commencement of testing in any area, all cattle owners and persons in possession of cattle in the area shall upon demand submit the same for Bang's disease testing and physical examination by the board or its authorized agent or agents,

and all such persons shall assist the board and its agents in applying said tests and in making such physical examinations whenever the board or its agents enter upon the premises where such cattle are located and makes demand therefor, or in making any retest of cattle within such area, as provided in this act. Such owner or person in possession shall account for all animals tagged in making such tests and retests, and shall submit all such cattle to the board or its agents at any time when the board or its agents visit said premises to make further tests or examinations. Such owner or person in possession shall also immediately remove reacting cattle from the premises when officially condemned and cause the same to be slaughtered as required by said board, and shall not use milk or milk products, or sell or dispose of the same, from reacting cattle after the same have been officially condemned.

Sec. 7. Board to make and enforce rules.—The board shall have power to make and enforce such rules and regulations and quarantines as it may deem expedient to carry out the provisions of this act.

Sec. 8. Board to provide funds.—Boards of county commissioners in the state of Minnesota are hereby authorized in their discretion to appropriate or provide funds for the use of the Minnesota Livestock Sanitary Board to aid in the eradication and control of Bang's disease in their counties, as provided in this act. When and if such funds are made available by counties, the same shall be expended under the direction and supervision of the Minnesota Livestock Sanitary Board and shall be distributed on vouchers verified by the executive officer of said board.

Sec. 9. Provisions severable.—The various provisions of this act shall be severable, and if any part of provision shall be held to be invalid, it shall not be held to invalidate any other part or provision thereof.

Sec. 10. Inconsistent acts repealed.—All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 11. Effective July 1, 1939.—This act shall take effect and be in force from and after the first day of July, 1939.

Approved April 13, 1939.