

pay any part thereof. *Public health and home nursing care health services shall not be denied to any person who is in need of such services and lacks means, either personally or as a beneficiary under a health or accident insurance policy, to pay either in whole or in part for the cost of the services he has received. These fees may not exceed the costs of the actual service furnished, as determined by a study of costs which the county board or the nursing district will undertake make in January each year. The results of this study, together with a schedule of such fees, shall be filed with the state board of health. In lieu of making such annual studies, the county board or the nursing district may adopt a schedule of fees established by the state board of health from information gathered by it relative to the costs of nursing service public health and home health services.*

Subd. 3. Collection of fees. The county board or the nursing district, as the case may be, shall set up a procedure for the collection of these fees and may assign the duty of collection to the public health nursing service.

Subd. 4. Fees paid into county revenue fund or home health services fund. Fees so collected in any county shall be paid into the revenue fund of the county and shall be used for such purposes as the county board determines after giving due consideration to the total needs of the public health and home health nursing service. Fees so collected in any nursing district shall be paid to the special nursing fund of the nursing district and used for the purposes of carrying out the program of public health and home health nursing services therein.

Sec. 6. Effective date. *This act is effective upon final enactment.*

Approved May 24, 1967.

CHAPTER 695—S. F. No. 1127

[Coded]

An act relating to dog kennels; to promote the health, safety, and welfare of the public; requiring annual licenses therefor; authorizing the state livestock sanitary board to regulate the maintenance, operation, and inspection of dog kennels; requiring dog kennels to maintain certain records; providing remedies and penalties for violations thereof.

Changes or additions indicated by italics, deletions by strikeout.

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

Section 1. **[347.31] Dog kennels; regulation; definitions.**
Subdivision 1. **Terms.** For the purpose of this act the terms defined in this section shall have the meanings given to them.

Subd. 2. **Dog kennel.** "Dog kennel" means any place, building, tract of land, abode, or vehicle wherein or whereupon dogs are kept, congregated or confined for resale, such dogs having been obtained from municipalities, dog pounds, dog auctions, or by advertising for unwanted dogs, or dogs abandoned, or stolen. "Dog kennel" does not mean a municipal dog pound, a non-profit humane society animal shelter, or a bona fide pet shop.

Subd. 3. **Premises.** The word "premises" means any building, structure, shelter, or land wherein or whereon dogs are kept or confined.

Sec. 2. **[347.32] License for dog kennel.** No person, firm, or corporation shall establish, maintain, conduct, or operate a dog kennel within this state without first obtaining an annual license therefor from the livestock sanitary board. Such annual license shall be issued for a term of one year.

Sec. 3 **[347.33] Licensing procedures; inspections; administration.** Subdivision 1. **Made to livestock sanitary board.** The application for annual license to operate and maintain a dog kennel shall be made to the livestock sanitary board, at such office and in such manner as may be prescribed by regulations of the board.

Subd. 2. **Contents.** The application for such annual license shall be in writing and upon such form as the board may by regulation provide, and shall set forth:

(1) The full name and address of the applicant or applicants, or names and addresses of the partners if the applicant is a partnership, or the names and addresses of the officers if the applicant is a corporation, and the address of the corporation.

(2) The legal description or, in its place, the address and specific location of the site, lot, field, or tract of land upon which it is proposed to operate and maintain a dog kennel.

Subd. 3. **Fees; issuance of license.** The annual license fee is \$10 for each kennel licensed. All license fees collected by the board shall be deposited in the state treasury and credited to the kennel license account, which is hereby established in the state treasury. All money in the state treasury credited to the kennel license account

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is annually appropriated to the livestock sanitary board to administer and enforce the provisions of this act.

When application is made to the livestock sanitary board, complete in the manner set forth by regulation to be issued by the livestock sanitary board, and upon payment of the license fee, the license shall be issued by said board if, after inspection of the premises, the board determines that the dog kennel complies with this act and the rules and regulations promulgated pursuant to it.

Sec. 4. [347.34] Licenses required. It shall be unlawful for any person, firm, or corporation to establish, maintain, conduct, carry on, or operate a dog kennel without first having received a license to maintain, conduct, carry on, and operate a dog kennel, duly signed and executed in the name of the state of Minnesota and signed by the livestock sanitary board. Such license shall be conspicuously displayed upon the licensed premises.

All licenses issued under this act shall be personal to the licensee and be nontransferable.

Sec. 5. [347.35] Livestock sanitary board authorized to promulgate rules and regulations. The livestock sanitary board shall promulgate such rules and regulations as it deems necessary for the operation of dog kennels and the enforcement of this act which shall be in addition to rules and regulations established herein. Such rules and regulations may include, but are not limited to, requirements governing the care of dogs, minimum conditions, and maintenance of quarters and dog kennels, the humane treatment of dogs while in the dog kennels, maintenance of records showing the person from whom any dog aged over three months has been received and to whom it has been transferred, and preservation of such records for a minimum period of two years.

Sec. 6. [347.36] Advertising. All advertising by any person, firm, or corporation licensed hereunder shall include the number of the current license issued to such licensee.

Sec. 7. [347.37] Inspection; enforcement. The livestock sanitary board shall cause to be inspected from time to time all dog kennels licensed hereunder and all records required by this act to be kept by the licensees.

Any duly authorized agent of the board, any sheriff, or his deputy, or police officer, or state humane agent appointed pursuant to Minnesota Statutes 343.01, is hereby granted the power and the authority to enter upon the premises of any dog kennel at any time during the daylight hours for the purposes herein set forth, and for

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the purposes of inspecting the compliance with the provisions of this act and the rules and regulations issued pursuant thereto, and for the purposes of enforcing this act.

Sec. 8. [347.38] Revocation of license. The livestock sanitary board may as hereinafter set forth revoke or suspend the license of any person, firm, or corporation, for violation of the regulations issued pursuant to this act.

Upon written complaint made to the livestock sanitary board by any person, firm, or corporation alleging any violation of this law or any rules or regulations pursuant thereto by any licensee, the livestock sanitary board may cause an investigation to be made upon matters related in said complaint.

Thereupon the livestock sanitary board shall in its discretion either dismiss the complaint or require the kennel against whom the complaint is made to correct the conditions or violations complained of within ten days after receipt of written notice of the same. If upon termination of the ten day period the licensee has failed to correct or to remedy the violation or violations of this act or any rules or regulations pursuant thereto, the board shall, upon 20 days' notice to the licensee, conduct a hearing for the purpose of determining whether the license to operate a kennel should be revoked or temporarily suspended for a period not to exceed six months. If after notice and hearing the board finds that any provision of this act has been violated by the licensee or any rule or regulation issued by the board has been violated by the licensee, the board may revoke and suspend the license. Such suspension shall not exceed a period of six months. The licensee whose license is revoked or suspended may within 20 days after the board's decision appeal to the district court. The district court shall upon 20 days' notice to the board hear such appeal within 45 days after the filing of the appeal. On the hearing of the appeal the court shall review the decision of the board in such manner as though reviewed by certiorari, except that new or additional evidence may be taken, if in the opinion of the court additional evidence is necessary or proper to the disposition of the case.

Sec. 9. [347.39] Penalties. Violation of any provision of this act or of any rule or regulation of the livestock sanitary board issued pursuant to this act, or the operation of a kennel without a license, or the operation of a kennel after revocation of a license or during a period of suspension, shall constitute a misdemeanor.

Sec. 10. Should any sentence, word, phrase, clause, or provision of this act be held to be invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portion of this act, it being the legislative intent that this act shall con-

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tinue in force notwithstanding the invalidity of any such sentence, word, phrase, clause, or provision.

Sec. 11. **[347.40] Exceptions.** This act shall in no way apply to dog kennels owned, operated, or leased by any veterinarian licensed to practice in the state of Minnesota.

The provisions of this act shall not apply to any institution licensed to obtain animals under the provisions of Minnesota Statutes, Section 35.71, and to any person licensed under P.L. 89-544, the federal laboratory animal welfare act.

Sec. 12. This act shall take effect January 1, 1968.

Approved May 24, 1967.

CHAPTER 696—S. F. No. 1201

An act relating to the system of state and district public defenders; amending Minnesota Statutes 1965, Sections 243.49; 611.23.

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

Section 1. Minnesota Statutes 1965, Section 243.49, is amended to read:

243.49 Public defenders; commitment papers; duty of clerk. Upon a plea of guilty or finding of guilty after trial, the clerk of every court by which a person shall be sentenced for a felony or gross misdemeanor to the custody of the commissioner of corrections or to the youth conservation commission, or to the superintendent of the work house or work farm, shall furnish to the officer or person having such person in charge a record containing a copy of the indictment and plea, the name and residence of the judge presiding, of the prosecuting officer, of the person's attorney, of the jurors, and of the witnesses sworn on the trial or proceedings, a transcript of the arraignment and all other district court pre-trial proceedings, the charge of the court, the verdict and a transcript of the sentencing proceedings, with the date thereof, together with the person's statement under oath, if obtainable from him, as to his true name, his residence, if any, the date and place of his birth, the names and addresses of his parents and other relatives and of persons by whom he has been employed or is well known, his social and other affiliations, his past occupations and employments, his former places of residence and the period of time he has resided in each, with the dates thereof, his citizenship, the number, dates, places and causes of prior con-

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