

CHAPTER 467—S.F.No. 1734

An act relating to agriculture; renaming the livestock sanitary board; repealing obsolete language; regulating treatment of diseased animals; eliminating certain local boards; requiring anaplasmosis testing of livestock; providing a penalty; amending Minnesota Statutes 1978, Sections 17A.04, Subdivision 6; 29.051; 29.061; 29.081; 35.01, Subdivisions 1 and 2; 35.02, Subdivision 1; 35.03; 35.05; 35.06; 35.063; 35.065; 35.08; 35.09; 35.10; 35.11; 35.12; 35.13; 35.15; 35.16; 35.245; 35.67; 35.68; 35.695; 35.70, Subdivisions 1, 3 and 4; 35.71, Subdivisions 3 and 7; 35.81; 35.82; 35.822; 35.830; 35.831; 346.26; 347.32; 347.33; 347.34; 347.35; 347.37; 347.38; 347.39; and Chapter 35, by adding a section; repealing Minnesota Statutes 1978, Sections 35.01, Subdivisions 3, 4, 5, 6 and 7; 35.07; 35.131; 35.132; 35.133; 35.134; 35.135; 35.136; 35.137; 35.17; 35.18; 35.19; 35.20; 35.21; 35.22; 35.23; 35.24; 35.25; 35.26; 35.27; 35.28; 35.29; 35.30; 35.31; 35.32; 35.33; 35.34; 35.35; 35.40; 35.41; 35.42; 35.43; 35.44; 35.45; 35.46; 35.47; 35.48; 35.49; 35.50; 35.51; 35.55; 35.56; 35.57; 35.58; 35.60; 35.605; 35.70, Subdivisions 2, 5, 6 and 8; 35.73, Subdivision 2; and 35.821, Subdivision 2.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1978, Section 35.01, Subdivision 1, is amended to read:

35.01 **DEFINITIONS.** Subdivision 1. **TERMS.** Unless the language or context clearly indicates that a different meaning is intended, the words defined in ~~subdivision 2~~ this section shall; for the purposes of this chapter, be given the meanings ascribed to them; ~~and the terms defined in subdivisions 3 to 6 shall, for the purposes of sections 35.40 to 35.60, be given the meanings ascribed to them.~~

Sec. 2. Minnesota Statutes 1978, Section 35.01, Subdivision 2, is amended to read:

Subd. 2. **THE BOARD OR THE STATE BOARD.** "The board" or "the state board" means the state livestock sanitary board of animal health.

Sec. 3. Minnesota Statutes 1978, Section 35.02, Subdivision 1, is amended to read:

35.02 **BOARD OF ANIMAL HEALTH.** Subdivision 1. The state livestock sanitary board shall consist of five members appointed by the governor with the advice and consent of the senate. Three shall be persons engaged in the production of livestock in the state; and the other two practicing veterinarians and graduates of a regularly organized and recognized veterinary college licensed in Minnesota. The dean of the college of veterinary medicine of the University of Minnesota may serve as consultant to the board without vote. Appointments to fill unexpired terms shall be made from the classes to which the retiring members belong. The board shall elect a president and a vice-president from among this number; also a veterinarian and graduate of a regularly organized and recognized

~~veterinary college licensed in Minnesota, not a member, to be its secretary and executive officer for a term of one year and until his successor qualifies. It may also employ and dismiss at pleasure, an attorney and such other assistants as may be necessary in the performance of its duties. The duties of the secretary shall be prescribed by the board.~~

Sec. 4. Minnesota Statutes 1978, Section 35.03, is amended to read:

35.03 POWERS, DUTIES, AND REPORTS. The board shall protect the health of the domestic animals of the state, and carry out the provisions of this chapter; ~~employing such means and making such rules and regulations as it may deem expedient to that end. It shall hold quarterly meetings at the seat of government on the first Friday after the second Tuesday in January, April, July and October. Officers shall be elected at the April meeting. On or before October 1 in of each even numbered year the board shall report its proceedings and recommendations to the governor biennially.~~ issue an annual report which report shall be published by the state.

Sec. 5. Minnesota Statutes 1978, Section 35.05, is amended to read:

35.05 AUTHORITY OF STATE BOARD. ~~The state board and the local boards, within their respective jurisdictions, may quarantine or kill any domestic animal infected with, or which has been exposed to, any contagious and infectious dangerous disease; but, before killing an animal solely on the ground that it has been exposed, a local board shall procure the authority of the state board. These boards~~ The board may regulate or prohibit the arrival in, and departure from, the state of animals so infected or exposed, and, in case of violation of any such regulation ~~rule~~ or prohibition, may detain any animal at its owner's cost. The state board may regulate or prohibit the bringing of domestic animals into the state which, in its opinion, for any reason, may injure the health of live stock therein. All rules ~~and regulations~~ adopted by the board ~~or by any local board~~ under authority of this chapter shall be recorded in the minutes, and one week's published notice thereof shall be given in the state register.

Sec. 6. Minnesota Statutes 1978, Section 35.06, is amended to read:

35.06 REPORTING DISEASE; COMPELLING TESTIMONY. Every person who knows, or has reason to suspect, that a contagious or infectious disease exists in any domestic animal shall immediately notify the local board of health. ~~Within 24 hours after such board shall receive notice or have knowledge that any such animal is infected with, or has been exposed to, such disease, it shall give written notice thereof to the state board.~~ The board, or any member or authorized agent thereof, may examine, under oath, all persons believed to have knowledge of the existence or threatening of disease among domestic animals and, for this purpose, may take depositions and compel witnesses to attend and testify.

Sec. 7. Minnesota Statutes 1978, Section 35.063, is amended to read:

35.063 QUARANTINE MAINTAINED. ~~The state livestock sanitary board is hereby~~ authorized and empowered to establish and maintain, at the owner's

Changes or additions indicated by underline deletions by ~~strikeout~~

expense, a quarantine of any or all domestic animals or poultry, or both, imported into the state when, in its judgment, ~~such a~~ such a quarantine is necessary to protect the health of the domestic animals or poultry of the state. The quarantine shall be established by the adoption of a resolution declaring the quarantine and ~~specifying~~ specify the terms, conditions, scope, and application thereof, ~~and the publication of such resolution, as provided for the publication of rules and regulations promulgated by such board.~~

Sec. 8. Minnesota Statutes 1978, Section 35.065, is amended to read:

35.065 MAY NOT BREAK QUARANTINE. Upon the establishment of the quarantine, it shall be unlawful for the owner or the person having the custody or control of the animals or poultry subject to the quarantine to remove them, or any of them, from the premises where they first come to rest within the state after the interstate shipment or transportation is completed, until released by authority of the state livestock sanitary board.

Sec. 9. Minnesota Statutes 1978, Section 35.08, is amended to read:

35.08 KILLING OF DISEASED ANIMALS. When the board shall decide upon the killing of an animal affected with the disease of tuberculosis, paratuberculosis, ~~glanders,~~ or ~~Bangs disease~~ brucellosis, it shall notify the animal's owner or keeper ~~thereof of such~~ the decision and when, in the judgment of the board, ~~such an~~ an animal may be ordered transported for immediate slaughter by the board, through its executive officer, to any abattoir where the meat inspection division of the United States department of agriculture maintains inspection, or where the animal disease eradication division of the United States department of agriculture or the board may establish field post-mortem inspection, 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 the~~ the animal; in the absence of ~~such an~~ an agreement, there shall be appointed three competent, disinterested persons, one appointed by the board, one by the owner, and a third by the first two, to appraise ~~such the~~ the animal at its full replacement cost-value taking into consideration the purpose and use of ~~such the~~ the animal.

~~Such appraisal shall in no case exceed \$125 for a horse, except in the case of purebred 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 \$225.~~

The appraisal made under this section shall be in writing, signed by the appraisers, and certified by the board to the commissioner of finance, who shall draw a warrant on the state treasurer for the amount due the owner.

Sec. 10. Minnesota Statutes 1978, Section 35.09, is amended to read:

35.09 INSPECTION BEFORE KILLING; OWNER'S INDEMNITY.
Subdivision 1. Notwithstanding any provision of this chapter to the contrary,

Changes or additions indicated by underline deletions by ~~strikeout~~

neither cattle affected with tuberculosis, paratuberculosis, or Bangs disease, nor ~~glandered horses~~ brucellosis 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 Bangs disease brucellosis, the value of the net salvage of the carcass shall be deducted from the appraised value of the living animal; two-thirds of the remainder shall be paid to the owner by the state, except that in all cases where the animal disease eradication division of the United States department of agriculture compensates the owner for ~~such the~~ animal, in whole or in part, then the amount of the compensation so received from the federal government shall be deducted from the amount of indemnity payable by the state; provided, that in no case shall any payment be more than \$37.50 for grade females or more than \$75 for any registered 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 the horse, as directed by the board.~~

Subd. 2. The owner of ~~any such an~~ animal shall be entitled to indemnity ~~therefor~~, as herein provided, except in the following cases:

- (1) Indemnity shall not be paid for steers;
- (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 ~~regulations~~ of the board;
- (4) Animals diseased at the 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 Bangs disease brucellosis, or if the animals have been injected with Bangs disease brucellosis vaccine, bacterin, or other preparations made from or through the agency of Brucella Micro-organisms unless done in compliance with the rules and ~~regulations~~ of the state board;
- (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 Bangs disease brucellosis test;
- (9) Where the owner, agent, or person in possession of the animal has not complied with the rules and ~~regulations~~ of the board with respect to animals condemned;

Changes or additions indicated by underline deletions by ~~strikeout~~

(10) When the condemned animals are not destroyed within 15 days after date of appraisal, or when the owner refuses to sign the appraisal or report of the members of the appraisal board, except that in extraordinary circumstances and in meritorious cases and at the discretion of the secretary and executive officer of the board the time limit of 15 days may be extended an additional 15 days; provided, that the owner receives permission to do so from the secretary and executive officer within 15 days of the date of appraisal;

(11) No indemnity or compensation shall be paid for the destruction of any livestock affected with tuberculosis, paratuberculosis, ~~glanders,~~ or ~~Bangs disease~~ brucellosis unless the entire herd of which the affected livestock is a part, or from which the 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~~ the disease;

(12) No indemnity or compensation shall be paid for the destruction of any livestock affected with tuberculosis, paratuberculosis, ~~glanders,~~ or ~~Bangs disease~~ brucellosis 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 these 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 ~~Bangs disease~~ brucellosis, 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~~ 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 the 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 nonresident and neither he nor his duly authorized agent or agents are engaged in breeding livestock in this state.

Subd. 2a. The ~~livestock sanitary~~ board may condemn and appraise nonreactors to the brucellosis test and exposed cattle not eligible for test from herds affected with brucellosis and pay the owner the difference between the appraisal value and the salvage value not to exceed \$300 for grade animals or \$600 for purebred registered animals, provided the board through its secretary and executive officer has determined according to criteria adopted by the board that herd depopulation is essential to the goal of bovine brucellosis eradication. Indemnity payable by the state shall be reduced by the amount paid by the United States department of agriculture. No indemnity shall be paid for steers.

Changes or additions, indicated by underline deletions by ~~strikeout~~

Subd. 3. When it is determined by the board that it is necessary to eradicate any dangerous, infectious, communicable disease among domestic animals in the state, the presence of which constitutes an emergency so declared by resolution of the board or by the United States department of agriculture, the board may take ~~such steps~~ as it deems reasonable and necessary ~~steps~~ to suppress and eradicate ~~such the~~ disease. If the emergency is declared by the United States department of agriculture, the board may cooperate with the animal disease eradication division of the United States department of agriculture in the suppression and eradication of ~~such the~~ disease.

When ~~such~~ an emergency has been declared, the board may appraise and destroy animals affected with, or which have been exposed to ~~such the~~ disease, and appraise and destroy property in order to remove the infection and complete the cleaning and disinfection of the premises, and do any act and incur any other expense reasonably necessary to suppress ~~such the~~ disease. The board may accept, on behalf of the state, the rules adopted by the animal disease eradication division of the United States department of agriculture pertaining to ~~such the~~ disease, authorized under an act of Congress, or ~~such the~~ portion thereof deemed necessary, suitable, or applicable, and to cooperate with the animal disease eradication division of the United States department of agriculture, in the enforcement of the rules ~~and regulations~~ so accepted; or it may follow ~~such the~~ 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 ~~such the~~ disease as may be agreed upon and adopted by the board and representatives or authorized agents of the animal disease eradication division of the United States department of agriculture, provided when ~~such the~~ procedures have been followed under an emergency declared by the United States department of agriculture, the total expense shall be shared equally between the state and federal governments.

~~The~~ Appraisals of animals affected with, or exposed to, ~~such the~~ disease, or contact animals, or property destroyed in order to remove the infection and complete the cleaning and disinfection of the premises where ~~such the~~ animals are found, shall be made by an appraisal board consisting of a representative of the board, a representative of the animal disease eradication division of the United States department of agriculture, and the owner of the animals, or his authorized representative. ~~Such~~ Appraisals shall be in writing, and shall be signed by the appraisers, and shall be made at the true market value of all animals and property appraised.

Upon destruction of the animals or property, or both, and burial or other disposition of the carcasses of ~~such the~~ animals in accordance with the law and ~~regulations~~ ~~rules~~ of the board and the animal disease eradication division of the United States department of agriculture, and the completion of the cleaning and disinfection of the premises, the ~~state~~ board shall certify the appraisal to the commissioner of finance, who shall draw a warrant on the state treasurer for the proper amount thereof, payable to the owner. If the appraisal is made in respect to animals or other property or both destroyed under an emergency declared by the United States department of agriculture, the commissioner of finance shall

Changes or additions indicated by underline deletions by ~~strikeout~~

draw a warrant on the state treasurer for one-half of the amount thereof payable to the owner, and the remaining one-half of the appraisal to be paid by the federal government under the cooperative arrangement; provided that if said the disease is of such a nature that the carcasses of the diseased or exposed animals, or any part thereof, may be salvaged for human food or other purposes, the net amount of such the salvage paid to the owner shall be deducted from the appraisal, and the remainder shall be paid to the owner by the state or by the state and federal government in the manner heretofore provided.

Sec. 11. Minnesota Statutes 1978, Section 35.10, is amended to read:

35.10 INDEMNITY SUBJECT TO LIEN OR MORTGAGE ON ANIMALS.

When any animal is condemned and killed by the state, ~~or any subdivision thereof,~~ pursuant to law, and indemnity is provided ~~therefor,~~ and such the animal is subject to a mortgage or other lien and written notice of such the lien is given by the lienholder to the board or officer whose duty it is to order payment of such the indemnity, before such the indemnity is ordered paid, then such the lien shall attach to the indemnity to the same extent it attached to the animal and the indemnity shall be payable to the owner and the lienholder.

If the owner and lienholder shall execute and deliver to the board or officer, on blanks to be furnished by the board or officer, a written agreement providing for the distribution and payment of such an indemnity, payment ~~thereof~~ shall be made as specified and directed in the agreement, a copy of which ~~agreement~~ shall be transmitted by the board or officer to the officer by whom payment is to be made; otherwise the indemnity shall be placed in the custody of the district court of the county in which the animal was condemned, in the manner provided by the rules of civil procedure for the deposit of moneys claimed adversely by two or more persons, and the state, ~~or subdivision thereof,~~ shall be relieved from further liability on account thereof.

Sec. 12. Minnesota Statutes 1978, Section 35.11, is amended to read:

35.11 EXPENSES OF AUTOPSIES AND APPRAISALS. The expense of autopsies and appraisals shall be defrayed by the state, except that, in cases of protest where the animal is found infected, the charges of the expert appointed by the owner shall be paid by him. The compensation of experts and appraisers shall be fixed by the state board, which ~~board~~ shall approve, before payment all claims made under this chapter. No employee of the board shall receive any fee for acting as an expert or appraiser.

Sec. 13. Minnesota Statutes 1978, Section 35.12, is amended to read:

35.12 EXPENSES OF KILLING, BURIAL, AND QUARANTINE; LIEN.

The expense of killing and burial or destruction of a diseased animal, when the killing was ordered by any the board, shall be borne by the ~~town or incorporated place where the animal was kept~~ board. The expense of quarantine, when the animal is taken from the possession of its owner, shall be defrayed, ~~four-fifths~~ by the state, ~~and one-fifth by the town or place.~~ When such a quarantined animal is left upon the premises of its owner or keeper, he shall bear the expense. When an

animal is quarantined while being shipped into the state, the expense shall be borne by the owner or keeper. When the owner or keeper of any animal becomes liable for any an expense incurred by any the board under this chapter, the board shall have a lien on the animal ~~therefor~~, and may also maintain an action for the amount.

Sec. 14. Minnesota Statutes 1978, Section 35.13, is amended to read:

35.13 ENTRY TO PREMISES FORBIDDEN. During the prevalence among domestic animals of any of the diseases referred to in this chapter, any owner or keeper of ~~such these~~ animals may post upon the premises a notice forbidding all persons to enter any building or enclosure ~~thereon~~ in which animals are kept; and thereafter no person shall so enter, except a member or agent of the ~~state~~ board ~~of a local board of health~~.

Sec. 15. Minnesota Statutes 1978, Section 35.15, is amended to read:

35.15 TRANSPORTATION OF LIVESTOCK; COMPLIANCE WITH RULES. Subdivision 1. It shall be unlawful for any transportation company, owner or driver of any truck for hire, or a private truck, or person, to bring into the state, or drive or lead over the highways into the state, any animals or poultry for work, feeding, breeding, dairy purposes, or sale or resale except in compliance with the rules ~~and regulations~~ now or hereafter adopted by the board.

Subd. 2. Any law enforcement inspector compliance representative of the ~~state livestock sanitary~~ board who believes, upon reasonable cause, that the law is being violated, shall have the authority to stop ~~such a~~ truck on the public ways and to require the driver to permit the inspection of health certificates or permits for the livestock being transported.

When engaged in stopping a truck hauling livestock the ~~enforcement inspector compliance representative~~ of the ~~livestock sanitary~~ board shall be identified by a lighted red signal mounted on the right front fender or hood of his automobile, which signal shall have printed on its face the word: "Stop". The automobile shall also be equipped with a flashing amber light of the type used by the Minnesota highway patrol and ~~said the~~ light shall be mounted on the inside rear deck of the automobile and shall be used when stopping a truck. ~~Such The~~ automobile shall have the words "Livestock Sanitary Board of Animal Health" clearly printed on the right front door.

Any ~~such A~~ driver who fails to, or refuses to, stop for this inspection when so directed by ~~such inspector a~~ compliance representative shall be guilty of a misdemeanor.

Sec. 16. Minnesota Statutes 1978, Section 35.16, is amended to read:

35.16 TRANSPORTATION COMPANIES TO HOLD LIVESTOCK AND POULTRY. In any case where the rules ~~and regulations~~ of the board have not been complied with, transportation companies shall notify the board and shall hold ~~such the~~ animals or poultry at the first station within Minnesota where there are suitable facilities for holding animals or poultry for inspection by the board, ~~such the~~ inspection to be made at the expense of the owner.

Changes or additions indicated by underline deletions by ~~strikeout~~

Sec. 17. Minnesota Statutes 1978, Section 35.245, is amended to read:

35.245 CATTLE; SALE, LEASE, LOAN. Subdivision 1. **LIMITATION ON SALE.** No person shall sell or offer for sale any cattle over six months of age, except steers and spayed heifers and calves of beef type and breed under eight months of age, not known to be affected with brucellosis, at public auction, ~~sale barns~~ livestock auction markets, private stockyards or concentration points, mortgage foreclosure sale or sale by order of any court, or lease or loan cattle for breeding purposes except under ~~such rules and regulations~~ as may be prescribed by the ~~state livestock sanitary~~ board, and no person shall sell or offer for sale except for immediate slaughter, or consigned to a public stockyards under supervision of the United States department of agriculture, cattle which have not been tested and found free of brucellosis and unless a certificate of test is furnished or posted as provided in subdivision 2, unless ~~such the~~ the cattle have been vaccinated against brucellosis in accordance with the ~~rules and regulations~~ of the ~~state livestock sanitary~~ board and a certificate of ~~such~~ the vaccination is exhibited as provided in subdivision 2, excepting cattle under 18 months of age of beef type sold for feeding purposes as provided in subdivision 3.

Subd. 2. **TESTS AND VACCINATION.** ~~Such~~ The test and vaccination shall be made at the time and in the manner prescribed by the ~~state livestock sanitary~~ board and a certificate of the test and vaccination or both, approved by the board, shall be furnished to the purchaser by the vendor at the time of sale, excepting when cattle are sold at public auction and a certificate of test or vaccination or both is posted in a place plainly visible to the purchasers at ~~such the~~ the sale, and the auctioneer or other person conducting the sale shall publicly announce prior to conducting the sale, that the certificate of ~~such the~~ the test, or vaccination or both, approved by the board, has been posted and is available for inspection. No auctioneer or other person conducting ~~such a~~ a sale shall conduct any public sale in this state unless a certificate of ~~such the~~ the test or vaccination or both, approved by the board shall be posted by the vendor of ~~such the~~ the cattle at the time of ~~such the~~ the sale.

Subd. 3. **FEMALE CATTLE, SALE WITHOUT TEST OR VACCINATION.** Female cattle under 18 months of age of beef type and breed may be sold in quarantine for feeding or grazing purposes without a test for, or vaccination against brucellosis, pursuant to rules ~~and regulations~~ prescribed by the ~~state livestock sanitary~~ board provided the purchaser of ~~such the~~ the cattle furnishes the seller an affidavit certifying ~~such the~~ the cattle are purchased for feeding or grazing purposes, and will be maintained separate and apart from all other cattle except other quarantined feeding cattle until resold under affidavit, resold for immediate slaughter or until delivered to a public stockyard under supervision of the United States department of agriculture or tested in accordance with the ~~rules and regulations~~ of the ~~livestock sanitary~~ board specifically relating to this class of cattle. Any person who purchases cattle under the provisions of this section shall comply with the terms of the affidavit furnished the seller and shall also comply with ~~such rules, regulations or~~ the quarantines prescribed by the ~~state livestock sanitary~~ board pursuant to this section.

Changes or additions indicated by underline deletions by ~~strikeout~~

Subd. 4. **BOARD MAY AUTHORIZE USE OF IDENTIFICATION OTHER THAN VACCINATION CERTIFICATES.** The ~~state livestock sanitary~~ board may authorize the use of ear tattoos, brands, or other suitable identification instead of the vaccination certificate required by this section.

Subd. 5. **PENALTY.** Any person violating the provisions of this section or ~~rules, regulations~~ or quarantines of the ~~state livestock sanitary~~ board adopted pursuant hereto shall be guilty of a gross misdemeanor, and any auctioneer knowingly conducting a sale of cattle in violation of this section, shall upon conviction, forfeit his license as an auctioneer until ~~such~~ the time as its renewal is approved by the authority which issued the license.

Sec. 18. Minnesota Statutes 1978, Section 35.67, is amended to read:

35.67 RABIES; BOARD, HEALTH OFFICERS; DUTIES. It shall be the duty of the executive officer of the ~~livestock sanitary~~ board, the chief health officer of each city, the executive officer of each town board of health, and the board of health of a statutory city, when complaint, in writing, shall have been made to him that rabies exists in any town, or city over which his jurisdiction extends, and for the purposes of sections 35.67 to 35.69 the jurisdiction of the state officer herein named shall extend to any town, or city in this state, to investigate, either personally or through the agency of subordinate officers under his jurisdiction, as to the truth of any ~~such~~ complaint, and determine whether or not rabies does exist in any ~~such~~ town or city. Any ~~such~~ officer may, on his own motion, and without ~~such~~ a complaint, likewise make ~~such~~ an investigation and determination. The fact that ~~any~~ an executive officer of ~~any~~ a town, or city has investigated and determined that rabies does not exist in the territory over which he has jurisdiction, shall not deprive the executive officer of the ~~livestock sanitary~~ board of jurisdiction or authority to make ~~such~~ an investigation and determination with reference to ~~such~~ the territory.

Sec. 19. Minnesota Statutes 1978, Section 35.68, is amended to read:

35.68 RABIES; PROCLAMATION; PUBLICATION. If on ~~such~~ investigation any ~~such~~ officer finds and determines that rabies does exist in any town or city, he shall forthwith and thereupon make and file, as hereinbefore provided, a proclamation, setting forth the fact of ~~such~~ the investigation and determination, and also in and by the proclamation prohibit the owner or custodian of any dog from permitting or allowing ~~such~~ the dog to be at large within ~~such~~ the town or city, designating it, unless ~~such~~ the dog shall be so effectively muzzled that it cannot bite any other animal or any person.

When the secretary and executive officer of the ~~livestock sanitary~~ board, after investigation, has determined that rabies exists in any territory in the state, ~~he shall issue~~ similar proclamations shall be issued in all towns and cities within ~~such~~ the territory or area in which in his judgment it is necessary to control the outbreak and prevent the spread of ~~such~~ the disease; and ~~such~~ the proclamation, when filed as hereinafter provided, shall prohibit the owner or custodian of any dog within the designated territory from permitting or allowing ~~such~~ the dog to be at large within ~~such~~ the territory unless ~~such~~ the dog shall be so effectively muzzled that it cannot bite any other animal or any person.

Changes or additions indicated by underline deletions by ~~strikeout~~

It shall be the duty of all local peace officers and all health officers to enforce the provisions of sections 35.67 to 35.69 and any person violating any of their provisions shall be guilty of a misdemeanor.

Such A proclamation, when issued by the executive officer of a town board of health, shall be filed with the town clerk; when issued by the chief health officer of a city, it shall be filed with the city clerk; when issued by the state official hereinbefore named, it shall be filed with the clerk of each town and city within the territory specified therein.

It shall be the duty of each officer with whom ~~such~~ the proclamation is filed, ~~as aforesaid,~~ ~~to forthwith~~ publish a copy thereof in one issue, at the expense of his municipality, in a legal newspaper published in the town or city of which he is clerk, if ~~such~~ a newspaper is published therein, and if ~~there be~~ no newspaper is published therein, then to post a copy of ~~such~~ the proclamation in three public places ~~therein~~.

Proof of publication shall be made by affidavit of the publisher, in the one case, and of posting, in the other, by the person posting the same, which affidavit shall be filed with the proclamation. The proclamation shall be deemed effective and in full force five days after the publication or posting of copies thereof, ~~as hereinbefore provided for,~~ and shall remain in full force and effect for a period of time therein designated, not exceeding six months, as shall be determined by the officer making the proclamation.

Sec. 20. Minnesota Statutes 1978, Section 35.695, is amended to read:

35.695 LICENSING OF PERSONS OFFERING CERTAIN ANIMALS FOR PUBLIC SERVICE; REGISTRATION OF ANIMALS. Subdivision 1. A person who regularly makes a practice of renting, leasing, loaning, or otherwise offering three or more bulls for public service shall be licensed by the livestock sanitary board and shall register each animal offered for service with the livestock sanitary board before renting, leasing, or loaning ~~such an~~ each animal for public service. The board shall issue the license upon receipt of a license fee of \$10 and upon compliance with the provisions of this section. The board shall issue a registration certificate for each animal upon receipt of a fee of \$1 and upon compliance with the provisions of this section. The license is in effect for one year from the date of issuance. The registration certificate shall be permanent and in effect until cancelled. Registration certificates noting disposal of a bull shall be submitted to the livestock sanitary board by the owner for cancellation when a bull is withdrawn from public service. All fees collected by the board under this section shall be deposited in the general fund.

Subd. 2. Applications for licensing and registration shall be made upon forms prescribed by the livestock sanitary board. Applications for registration shall be accompanied by a statement from a licensed veterinarian relating to the physical condition of the animal, ~~which statement and~~ shall contain ~~such~~ all information as the board may require by rule ~~or regulations~~ promulgated in the manner provided by law. ~~Except under provisions of sections 35.25 to 35.30,~~ The board may not require by rule ~~or regulation~~ the testing for brucellosis an animal

Changes or additions indicated by underline deletions by ~~strikeout~~

which was registered and which has not been moved from the location where previously tested. The board shall state on the registration certificate any fact relating to the physical condition of the animal which it considers material to the breeding qualities of the animal. A person offering a bull for public service shall display the registration certificate prominently at the location where the animals are offered for service. The board shall provide, by rule ~~and regulation~~ promulgated in the manner provided by law, a method of identification for animals registered with the board, which identification shall appear on an animal offered for public service. Upon transfer of ownership of an animal registered with the board, a registration certificate may be transferred by the board upon satisfactory proof of change of ownership and upon payment of a fee of fifty cents.

Subd. 3. Before offering an animal registered under this section for service at a new location, the animal offered for service shall be inspected by a licensed veterinarian, who shall report his ~~the~~ findings to the ~~livestock sanitary~~ board. The inspection shall include ~~such~~ tests or examinations as may be required by the ~~livestock sanitary~~ board pursuant to rules ~~and regulations~~ promulgated in the manner provided by law. In the case of bulls, the examination shall include a test for brucellosis. ~~Except under provisions of sections 35.25 to 35.30, No rule or regulation may be promulgated or enforced under this subdivision requiring annual testing for brucellosis of an animal which has not been moved from the location for which he was previously tested.~~

~~Except under provisions of section 35.21, There shall be no test for tuberculosis after the initial test.~~

Subd. 4. No bull found to have brucellosis shall be offered for public service. The ~~livestock sanitary~~ board, pursuant to rule ~~or regulation~~ promulgated in the manner provided by law, may prohibit the offering of a bull for public service which has an infectious or contagious disease.

Subd. 5. A person who violates the provisions of this section is guilty of a misdemeanor. The ~~livestock sanitary~~ board may, after notice and hearing, suspend or revoke a license or registration certificate issued pursuant to this section if the person to whom the license or certificate is issued fails to comply with the provisions of this section.

Sec. 21. Minnesota Statutes 1978, Section 35.70, Subdivision 1, is amended to read:

35.70 VIOLATIONS; PENALTIES. Subdivision 1. Every person violating any provision of this chapter, except as provided in subdivision 4, or any rule ~~or regulation~~ made hereunder by the ~~state board, or by any local board of health,~~ or any order made ~~by either~~ under the authority of this chapter, shall be guilty of a misdemeanor, ~~the minimum punishment whereof shall be a fine of \$25 or imprisonment for 30 days. Any member of a local board who shall neglect or refuse to perform any duty imposed upon him by the provisions of this chapter or by the directions of the state board, or neglect or refuse to enforce the rules and regulations of the state board or the rules and regulations of a local board made hereunder, shall be guilty of a misdemeanor, the minimum punishment whereof shall~~

Changes or additions indicated by underline deletions by ~~strikeout~~

~~be a fine of \$25; and each day's neglect or refusal to perform any duty imposed upon him under this chapter shall constitute a separate and distinct offense.~~

Sec. 22. Minnesota Statutes 1978, Section 35.70, Subdivision 3, is amended to read:

Subd. 3. It shall be unlawful for any veterinarian, who is an agent or representative of the state 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 section 35.08, directly or indirectly, to sell, barter, exchange, ship, or otherwise dispose of ~~such the~~ animal to any particular person, firm, association, corporation, or any combination thereof; and any person violating any of the provisions of sections 35.08 and 35.09 shall be guilty of a gross misdemeanor.

Sec. 23. Minnesota Statutes 1978, Section 35.70, Subdivision 4, is amended to read:

Subd. 4. Any transportation company, corporation, or agent thereof, or the owner or driver of any truck for hire, any private truck, or any person or persons violating any of the provisions of sections 35.15 and 35.16 shall be guilty of a gross misdemeanor; ~~and, upon conviction thereof, shall be fined for each offense not less than \$500 nor more than \$1,000 or be imprisoned for not more than one year. Such~~ A transportation company, corporation, or agent, or owner or driver of a truck for hire, a private truck, or a person or persons shall be liable in a civil action to any person injured for the full amount of damages that may result from the violation of sections 35.15 and 35.16. Action may be brought in any county in the state in which the cattle are sold, offered for sale, or delivered to purchaser, or anywhere they may be detained in transit.

Sec. 24. Minnesota Statutes 1978, Section 35.71, Subdivision 3, is amended to read:

Subd. 3. **ESTABLISHMENT DEFINED, POWERS, STRAY ANIMALS, SEIZURE, DISPOSITION.** "Establishment" shall include any public or private agency, person, society or corporation having custody of animals which are seized under the authority of the state or any political subdivision of the state. All animals seized by public authority shall be held for redemption by the owner for a period not less than five regular business days of the impounding agency, or for ~~such a~~ longer period of time as ~~may~~ be specified by municipal ordinance. For the purpose of this subdivision, the term "regular business day" means any day during which the establishment having custody of an animal is open to the public not less than four consecutive hours between the hours of 8:00 A.M. and 7:00 P.M. These establishments shall maintain the following records of the animals in custody, and preserve the records for a minimum of six months: .

(a) The description of the animal, by species, breed, sex, approximate age, and other distinguishing traits;

(b) The location at which the animal was seized;

Changes or additions indicated by underline deletions by ~~strikeout~~

(c) The date of seizure;

(d) The name and address of the person from whom any animal three months of age or over was received;

(e) The name and address of the person to whom any animal three months of age or over was transferred.

The records shall be maintained in a form permitting easy perusal by the public. A person may view the records and may view any and all animals in custody at any time during which the establishment is open to the public. At the end of this five day period all animals which remain unredeemed by their owners or any other person entitled to do so shall be made available to any institution licensed hereunder which has submitted a prior request for the numbers which the institution requests. However, if a tag affixed to the animal, or a statement by the animal's owner after seizure, specifies that an animal shall not be used for research, the animal shall not be made available to any ~~such~~ institution but may, in the discretion of the establishment, be destroyed after the expiration of the five day period. If a request is made by a licensed institution to ~~such an~~ establishment for a larger number of animals than are available at the time of ~~such the~~ request, the establishment shall withhold ~~thereafter~~ from destruction, all unclaimed and unredeemed animals until the request has been filled, provided that the actual expense of holding animals beyond the time of notice to ~~such the~~ institution of their availability, shall be borne by the institution receiving them. Any establishment which fails or refuses to comply with these provisions shall become immediately ineligible for any further public funds from any county or municipality. Upon receipt of a sworn statement by an authorized officer or employee of any institution licensed hereunder of noncompliance by any establishment with these provisions, it shall be unlawful for the treasurer of any municipality or other political subdivision of the state to pay any public funds to ~~such an~~ establishment until the complainant withdraws its statement of noncompliance or until the ~~state live-stock sanitary~~ board shall either determine that the complaint of noncompliance was without foundation or that the establishment has given adequate assurance of future compliance, and the treasurer of ~~such the~~ municipality or other political subdivision has been notified of ~~such the~~ determination in writing. If it appears upon the complaint of any person that any officer, agent, or employee of ~~such an~~ establishment is violating or failing to carry out the provisions of this section, the attorney general or county attorney of the county in which the establishment is located, in addition to any other remedies, may bring an action in the name of the state of Minnesota against any ~~such~~ establishment, officer, agent or employee thereof to enjoin compliance with this section.

Sec. 25. Minnesota Statutes 1978, Section 35.71, Subdivision 7, is amended to read:

Subd. 7. **RULES.** The board shall have the power to adopt ~~such rules and regulations,~~ not inconsistent with this section, ~~as may be necessary~~ to carry out the provisions of this section, and shall have the right whenever it deems advisable, or in the public interest, to inspect or investigate any institution which has applied for a license or has been granted a license hereunder.

Changes or additions indicated by underline deletions by ~~strikeout~~

Sec. 26. Minnesota Statutes 1978, Section 35.81, is amended to read:

35.81 TRANSPORTATION OF ANIMALS AND POULTRY, RULES. The ~~state livestock sanitary board is hereby authorized to make reasonable rules and regulations for the cleaning and disinfection of railroad cars, used for the transportation of live animals and poultry within the state and~~ automobiles, trucks and other vehicles used as public carriers for the transportation of live animals and poultry over the public highways ~~and railroads~~ within the state. ~~It shall furnish from time to time to each railway company operating a railroad within this state, copies of the rules and furnish copies of the rules and regulations relative to the cleaning and disinfection of automobiles, trucks, and other vehicles used as public carriers to persons and companies operating public stockyards within the state; and, when deemed necessary by it, to such other public markets as it may from time to time designate. It is hereby made the duty of every such railway company and all owners of automobiles, trucks, and other vehicles as public carriers used for the transportation of live animals and poultry over public highways to obey each and every one of the rules.~~

Sec. 27. Minnesota Statutes 1978, Section 35.82, is amended to read:

35.82 RENDERING PLANT PERMITS; DISPOSITION OF CARCASSES.

Subdivision 1. No person shall engage in the business of rendering animals, poultry, fish or parts thereof, including scraps and grease, without first obtaining a permit from the ~~livestock sanitary board~~ in accordance with the rules ~~and regulations~~ adopted by the ~~livestock sanitary board~~ relative to transportation, rendering, and all other provisions deemed by that board to be necessary to prevent the spread of disease.

Subd. 1b. (a) The ~~livestock sanitary board~~, through its secretary and executive officer, may issue a permit to the owner or operator of a pet food processing establishment or a mink rancher or a supplier of ~~such an~~ establishment, located within the boundaries of Minnesota, to transport the carcasses of domestic animals that have died or have been killed otherwise than by being slaughtered for human consumption, over the public highways to ~~his the~~ establishment for pet food or mink food purposes only. The owners and operators of pet food processing establishments or suppliers of ~~such the~~ establishments and mink ranch operators located in any adjacent state with which a reciprocal agreement is in effect, as provided in subdivision 3 are not required to possess a permit issued pursuant to this subdivision. The permit shall be valid for one year following date of issue unless revoked.

(b) The owner or operator of a pet food processing plant or mink ranch shall employ an official veterinarian. If the veterinarian named in the permit application is accepted by the board to act as the official veterinarian, he shall be authorized by the board to act as its representative.

(c) Carcasses collected by ~~such~~ owners or operators under permit may be utilized for pet food or mink food purposes provided that the official veterinarian examines ~~such the~~ carcass and in his opinion the carcass is suitable for pet food or mink food purposes.

Changes . or additions . indicated by underline deletions by ~~strikeout~~

(d) Carcasses not passed by the official veterinarian for pet food or mink food purposes shall be disposed of by a rendering plant operating under permit from the board.

(e) Provided however that the ~~livestock sanitary~~ board shall require ~~such~~ pet food processing ~~establishment~~ establishments and owners and operators of mink ranches and suppliers of ~~such~~ these establishments to conform to ~~such~~ rules and regulations of the board applicable to rendering plants within the state of Minnesota.

Subd. 2. (a) Except as provided in subdivision 1b, every person owning or having in charge any domestic animal that has died or been killed otherwise than by being slaughtered for human or animal consumption, shall as soon as reasonably possible bury the carcass thereof at least three feet deep in the ground, or cause the same to be consumed by fire; provided, however, that the ~~livestock sanitary~~ board, through its secretary and executive officer, may issue a permit to owners of rendering plants, located within the boundaries of Minnesota, provided ~~such~~ the rendering plants are operated and conducted as required by law, to remove carcasses of domestic animals and fowl that have died or have been killed otherwise than by being slaughtered for human or animal consumption, over the public highways to their plants for rendering purposes in accordance with the rules and regulations adopted by the ~~livestock sanitary~~ board relative to transportation, rendering, and all other provisions deemed by that board to be necessary to prevent the spread of disease; and to owners of rendering plants located in any adjacent state with which a reciprocal agreement is in effect, as provided in subdivision 3.

(b) Carcasses collected by rendering plants under permit may be utilized for pet food or mink food purposes provided that the owner or operator employs an official veterinarian. If the veterinarian named in the application is accepted by the board to act as the official veterinarian, ~~he~~ the veterinarian shall be authorized by the board to act as its representative.

(c) Carcasses may be utilized for pet food or mink food purposes provided that the official veterinarian examines ~~such~~ each carcass and in his opinion the carcass is suitable for pet food or mink food purposes. Carcasses not passed by the official veterinarian for pet food or mink food purposes shall be disposed of by rendering.

(d) Any authorized employee or agent of the ~~livestock sanitary~~ board shall have the authority to enter upon any private or public property and to inspect the carcass of any domestic animal that has died or has been killed otherwise than by being slaughtered for human or animal consumption. Failure to dispose of the carcass of any ~~such~~ domestic animal within the period specified by this subdivision is a public nuisance. The ~~livestock sanitary~~ board may petition the district court of the county in which ~~such~~ a carcass is located for a writ requiring the abatement of the public nuisance. A civil action so commenced shall not preclude a criminal prosecution under the provisions of this section. No person shall sell or offer to sell, or give away ~~such~~ a carcass of a domestic animal when the animal died or was killed otherwise than by being slaughtered for human or animal consumption,

nor convey the same along any public road or upon any land not his own; unless in accordance with a special permit, as provided in this section of Minnesota Statutes; provided, however, that the carcass of a domestic animal that has died or has been killed otherwise than by being slaughtered for human or animal consumption, or parts thereof, may, be transported along any public road for a medical or scientific purpose, provided that the carcass of any ~~such~~ domestic animal so transported shall be enclosed in a leak proof container to prevent spillage or the dripping of liquid waste. The ~~livestock sanitary~~ board may adopt rules ~~and regulations~~ relative to the transportation of the carcass of any ~~such~~ domestic animal for a medical or scientific purpose, and further provided that a carcass situated on a public thoroughfare may be transported for burial or other disposition in accordance with this section. No person shall negligently or wilfully permit diseased animals owned or controlled by him to escape his control or to run at large. Every violation of any provision of this section shall be a misdemeanor.

Subd. 3. The secretary and executive officer of the ~~livestock sanitary~~ board is ~~hereby~~ authorized to enter into reciprocal agreements in behalf of this state with any one or more of the states adjacent to this state, providing for permits to be issued to rendering plants, pet food processing establishments or suppliers of ~~such~~ establishments, and mink ranch operators located in either state to transport carcasses to their plants, establishments or ranches over the public highways of this state and the reciprocating state.

Subd. 3a. The provisions of Laws 1974, Chapter 159 relating to reciprocal agreements with an adjacent state only apply if the adjacent state has in effect standards and requirements which are the equivalent of the standards and requirements of this state as established by the ~~Minnesota livestock sanitary~~ board.

Subd. 4. The term domestic animal as used in this section does not include any species of domestic animal which in common practice is maintained in the home of the owner whether or not the particular domestic animal was so housed at any time prior to its death. Nothing contained in this section shall be construed to limit the authority of local governmental units to regulate the disposition of carcasses of domestic animals excluded from the provisions of this section by this subdivision.

Sec. 28. Minnesota Statutes 1978, Section 35.822, is amended to read:

35.822 REGISTRATION OF MARKS OR BRANDS WITH BOARD. The board shall approve marks or brands for registration, issue certificates of approval, and administer the provisions of sections 35.821 to 35.831. The board shall publish a state brand book which shall contain a facsimile of each and every mark or brand that is registered with it, showing the owner's name and address together with the pertinent laws, and rules, ~~and regulations~~ pertaining to brand registrations and reregistrations.

Sec. 29. Minnesota Statutes 1978, Section 35.830, is amended to read:

35.830 SALE OF BRANDED LIVESTOCK; WRITTEN BILL OF SALE; PENALTY. All persons selling animals marked or branded with their mark or brand recorded in a current state brand book, supplement thereto, or registered with the board, shall execute to the purchaser a written bill of sale bearing the signature and residence of the seller, the name and address of the purchaser, the total number of animals sold, a description of each animal sold as to sex and kind, and all registered brands. The bill of sale shall be kept by the purchaser for two years and for as long thereafter as he owns any of the animals described in the bill of sale. A copy of the bill of sale shall be given to each hauler of such the animals, other than railroads, and shall accompany the shipment of animals while in transit. The bill of sale or a copy shall be shown by the possessor on demand to any peace officer or inspector compliance representative of the state livestock sanitary board. The bill of sale is prima facie evidence of the sale of the animals described by the bill of sale. A person who violates this section is guilty of a misdemeanor.

Sec. 30. Minnesota Statutes 1978, Section 35.831, is amended to read:

35.831 RULES. The board may promulgate ~~in the manner provided by law, such rules and regulations~~ as it considers necessary to carry out the purposes of sections 35.821 to 35.831.

Sec. 31. Minnesota Statutes 1978, Section 17A.04, Subdivision 6, is amended to read:

Subd. 6. **REFUSAL TO LICENSE.** The commissioner shall refuse to issue a license if the applicant has not filed a surety bond in the form and amount required under sections 17A.04 and 17A.05; the commissioner may refuse to issue a license if the applicant (1) has not satisfactorily demonstrated by a current balance sheet and financial statement that his the applicant's assets exceed his liabilities; (2) has been found by the department to have failed to pay, without reasonable cause, obligations incurred in connection with livestock transactions; or (3) has failed to comply with other statutes or rules and regulations enforced by the commissioner or the Minnesota livestock sanitary board of animal health.

Sec. 32. Minnesota Statutes 1978, Section 29.051, is amended to read:

29.051 POULTRY DISEASE ERADICATION. The state livestock sanitary board of animal health shall cooperate with the commissioner of agriculture in all ways consistent with law. The livestock sanitary board shall have exclusive jurisdiction and control over all matters pertaining to poultry diseases and the control and eradication thereof. The livestock sanitary board is hereby authorized to formulate, adopt, and enforce rules and regulations whereby owners of poultry breeding flocks may, upon agreement with the board, have such flocks examined, tested, and officially designated as meeting the qualifications for any stage of eradication of any specified communicable infectious disease when and as approved methods for official testing for such the other disease may be adopted by the board, if personnel is available and funds are appropriated for the use of the board in making such the tests and inspections.

Changes or additions indicated by underline deletions by ~~strikeout~~

Sec. 33. Minnesota Statutes 1978, Section 29.061, is amended to read:

29.061 PRODUCTS TO BE LABELED. All poultry and poultry products shipped under the authority of sections 29.021 to 29.091 shall be uniformly labeled with designs prescribed and furnished by the commissioner of agriculture; provided that all labeling pertaining to disease or freedom therefrom shall first be approved by the state livestock sanitary board of animal health.

Sec. 34. Minnesota Statutes 1978, Section 29.081, is amended to read:

29.081 MAY CANCEL CERTIFICATES. ~~In his discretion,~~ The commissioner of agriculture may cancel any certificate of accreditation or certification issued under ~~his~~ the commissioner's authority, and likewise the secretary and executive officer of the state livestock sanitary board of animal health may cancel any certificate of testing, approval, or accreditation issued under the authority of his board, for violation of sections 29.021 to 29.091, or any rule ~~or regulation~~ adopted thereunder; and any person, firm, association, partnership, or corporation who shall violate any provision of sections 29.021 to 29.091, or any ~~regulation~~ rule adopted thereunder, shall be guilty of a misdemeanor.

Sec. 35. Minnesota Statutes 1978, Chapter 35, is amended by adding a section to read:

[35.251] ANAPLASMOSIS TESTING. Subdivision 1. All breeding cattle entering Minnesota shall have a health certificate evidencing a negative test for anaplasmosis conducted at a state or federal laboratory within 30 days of entry. Cattle not so certified shall be immediately quarantined and tested for anaplasmosis at the expense of the cattle owner. Cattle having a positive reaction to the anaplasmosis test shall remain quarantined until testing free of anaplasmosis or be slaughtered. An anaplasmosis test shall not be required of steers, cattle shipped directly to a slaughtering establishment, cattle sent to a quarantine feed lot, and other cattle excepted by rule of the livestock sanitary board. The livestock sanitary board is authorized to adopt rules to implement the provisions of this section.

Subd. 2. This section is effective January 1, 1981 except that the provision authorizing the livestock sanitary board to adopt rules is effective the day following final enactment.

Sec. 36. Minnesota Statutes 1978, Section 346.26, is amended to read:

346.26 ANIMAL WITH INFECTIOUS DISEASE. Every owner or person having charge of any animal, knowing the same to have any infectious or contagious disease, or to have recently been exposed thereto, who shall sell or barter the same, or knowingly permit ~~such~~ the animal to run at large or come into contact with any other animal, or with another person without ~~his~~ that person's knowledge and permission shall be ~~punished by imprisonment in the county jail for not more than 30 days or by fine of not less than \$20 nor more than \$100~~ guilty of a misdemeanor.

Changes or additions indicated by underline deletions by ~~strikeout~~

Sec. 37. Minnesota Statutes 1978, Section 347.32, is amended to read:

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 a~~ license therefor from the ~~livestock sanitary board of animal health.~~ Such annual ~~The~~ license shall be issued for a term of one year.

Sec. 38. Minnesota Statutes 1978, Section 347.33, is amended to read:

347.33 **LICENSING PROCEDURES; INSPECTIONS; ADMINISTRATION.** Subdivision 1. **APPLICATION.** The application for ~~annual a~~ license to operate and maintain a dog kennel shall be made to the ~~livestock sanitary board of animal health, at such office and in such~~ the manner as may be prescribed by ~~regulations~~ rules of the board.

Subd. 2. **CONTENTS.** The application for ~~such annual a~~ license shall be in writing and ~~upon such~~ on a form as the board may by ~~regulation~~ rule 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 general fund.

When application is made to the ~~livestock sanitary~~ board, complete in the manner set forth by ~~regulation~~ rule to be issued by the ~~livestock sanitary~~ board, and upon payment of the license fee, the license shall be issued by ~~said~~ the board if, after inspection of the premises, the board determines that the dog kennel complies with sections 347.31 to 347.40 and the rules ~~and regulations~~ promulgated pursuant to it.

Sec. 39. Minnesota Statutes 1978, Section 347.34, is amended to read:

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 of animal health. ~~Such~~ The license shall be conspicuously displayed upon the licensed premises.

All licenses issued under sections 347.31 to 347.40 shall be personal to the licensee and be nontransferable.

Changes or additions indicated by underline deletions by ~~strikeout~~

Sec. 40. Minnesota Statutes 1978, Section 347.35, is amended to read:

347.35 BOARD OF ANIMAL HEALTH AUTHORIZED TO PROMULGATE RULES. The ~~livestock sanitary~~ board of animal health shall promulgate ~~such rules and regulations~~ as it deems necessary for the operation of dog kennels and the enforcement of sections 347.31 to 347.40 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~~ the records for a minimum period of two years.

Sec. 41. Minnesota Statutes 1978, Section 347.37, is amended to read:

347.37 INSPECTION; ENFORCEMENT. The ~~livestock sanitary~~ board of animal health shall cause to be inspected from time to time all dog kennels licensed hereunder and all records required by sections 347.31 to 347.40 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 section 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 the purposes of inspecting the compliance with the provisions of sections 347.31 to 347.40 and the rules ~~and regulations~~ issued pursuant thereto, and for the purposes of enforcing sections 347.31 to 347.40.

Sec. 42. Minnesota Statutes 1978, Section 347.38, is amended to read:

347.38 REVOCATION OF LICENSE. The ~~livestock sanitary~~ board of animal health may as hereinafter set forth revoke or suspend the license of any person, firm, or corporation, for violation of the ~~regulations~~ rules issued pursuant to sections 347.31 to 347.40.

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 sections 347.31 to 347.40 or any rules ~~or regulations~~ pursuant thereto, the board shall, upon ~~20~~ a minimum of 30 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 sections 347.31 to 347.40 has been violated

Changes or additions indicated by underline deletions by ~~strikeout~~

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~~ The 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~~ the 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~~ a 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. 43. Minnesota Statutes 1978, Section 347.39, is amended to read:

347.39 **PENALTIES.** Violation of any provision of sections 347.31 to 347.40 or of any rule or regulation of the ~~livestock~~ sanitary board of animal health issued pursuant to sections 347.31 to 347.40, 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. 44. **REPEALER.** Minnesota Statutes 1978, Sections 35.01, Subdivisions 3, 4, 5, 6 and 7; 35.07; 35.131; 35.132; 35.133; 35.134; 35.135; 35.136; 35.137; 35.17; 35.18; 35.19; 35.20; 35.21; 35.22; 35.23; 35.24; 35.25; 35.26; 35.27; 35.28; 35.29; 35.30; 35.31; 35.32; 35.33; 35.34; 35.35; 35.40; 35.41; 35.42; 35.43; 35.44; 35.45; 35.46; 35.47; 35.48; 35.49; 35.50; 35.51; 35.55; 35.56; 35.57; 35.58; 35.60; 35.605; 35.70, Subdivisions 2, 5, 6 and 8; 35.73, Subdivision 2; and 35.821, Subdivision 2, are repealed.

Approved April 3, 1980

CHAPTER 468—H.F.No. 753

An act relating to banks and banking; removing certain restrictions on services that may be offered at detached facilities; amending Minnesota Statutes 1978, Section 47.53.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1978, Section 47.53, is amended to read:

47.53 **FUNCTIONS OF A FACILITY.** The function of the detached facility shall be limited to opening deposit accounts, receiving deposits of every kind, cashing checks or orders to pay, issuing drafts, money orders and travelers checks, accepting loan applications and receiving payments payable at the bank. A detached facility may provide any service or perform any function that may be offered or performed at the bank's main banking house.

Sec. 2. This act is effective the day following its final enactment.

Approved April 3, 1980

Changes or additions indicated by underline deletions by ~~strikeout~~