

tory, including per diem and expenses of guards, shall be approved by the state auditor, and be paid out of the state treasury. The auditor may allow for such expenses the following rates: The necessary expenses incurred by the sheriff or deputy in going to and returning from the state prison or the reformatory; \$5.00 per day for each guard, and such sum as may be necessary for railroad fare and actual traveling expenses. No more than one guard shall be allowed for one prisoner, and one additional guard for every two additional prisoners; provided, that in all counties of the state wherein the compensation of the sheriff is upon a fee basis, such sheriff shall also receive a per diem of \$3.00 per day for each day necessarily consumed in conveying prisoners to the prison or the reformatory. All bills shall be rendered in writing, fully itemized and verified by oath, and accompanied by the receipt of the warden of the prison or the superintendent of the reformatory, for the delivery of such convict or convicts, in form to be prescribed by the state auditor.

Approved April 16, 1945.

CHAPTER 328—S. F. No. 445

An act relating to the suppression of dangerous, infectious and contagious diseases of animals, and the payment of indemnity upon the slaughter of diseased animals; amending Minnesota Statutes 1941, Sections 35.08, 35.09, Subdivisions 1 and 2, and Sections 35.26 and 35.30.

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

Section 1. Minnesota Statutes 1941, Section 35.08, is amended to read as follows:

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, it shall notify the owner or keeper thereof of such decision and when, in the judgment of the board, such animal may be ordered transported for immediate slaughter by the board, through its executive officer, to any abattoir where the United States bureau of animal industry maintains inspection, or where the United States bureau of animal industry or the board may establish field post-mortem inspection, and the owner shall receive the value of the net salvage of the carcass.

Before the animal is removed from the premises of the owner the representative or authorized agent of the board shall agree, in writing, with the owner as to the value of such animal; in the absence of such agreement, there shall be appointed three competent, disinterested men, one appointed by the board, one by the owner, and a third by the first two, to appraise such animal at its cash value, taking into consideration the condition of the animal as to the disease and its present and probable effect on the animal.

Such appraisal shall in no case exceed \$125.00 for a cow and \$125.00 for a horse, except in the case of pure-bred cattle and horses, where the pedigree shall be proved by certificates of registration from the herd books where registered, and in which case the maximum appraisal shall not exceed \$225.

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

Sec. 2. Minnesota Statutes 1941, Section 35.09, Subdivisions 1 and 2, is amended to read as follows:

35.09. Inspection before killing. Subdivision 1. Notwithstanding any provision of this chapter to the contrary, neither cattle affected with tuberculosis, paratuberculosis, or Bangs disease, nor glandered horses shall be killed as such until they have been inspected by a veterinarian appointed by the board, and are pronounced by him to be so diseased.

For each animal slaughtered because of tuberculosis, paratuberculosis, glanders, or Bangs disease, 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 federal bureau of animal industry compensates the owner for such 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 \$25.00 for grade females or more than \$50.00 for any pure-bred 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.

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

- (1) Indemnity shall not be paid for steers or grade bulls;
- (2) Animals which have not been kept for one year, or since their birth, in good faith, in the state;
- (3) Animals brought into the state, or from one county into another within the state, contrary to any provision of law or rules and 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, or if the animals have been injected with Bangs disease 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 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;
- (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 live stock affected with tuberculosis, paratuberculosis, glanders, or Bangs disease unless the entire herd

of which the affected live stock is a part, or from which the affected live stock has originated, shall be examined and tested under the supervision of the board, in order to determine if they are free from such disease;

(12) No indemnity or compensation shall be paid for the destruction of any live stock affected with tuberculosis, paratuberculosis, glanders, or Bangs disease unless the owner has carried out the instructions and regulations of the board relating to the cleaning, disinfection and rendering the stables and premises in a sanitary condition within 15 days from the time of removal of 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 live stock affected with tuberculosis, paratuberculosis, or Bangs disease, if the owner has fed milk or milk products derived from creameries and which have not been pasteurized, as required by state laws and regulations;

(14) If, at any time, the annual appropriation for payment of indemnities becomes exhausted as a result of condemnation and slaughter of animals, the state 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 non-resident and neither he nor his duly authorized agent or agents are engaged in breeding live stock in this state.

Sec. 3. Minnesota Statutes 1941, Section 35.26, is amended to read as follows:

35.26. Petition and hearing. When petitions signed by 67 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 Bangs disease, the board is hereby authorized to make such test without expense to the owners of cattle within the county or area. The board shall fix a time when and a place where the petitions and any objections thereto may be heard by the board, and notice of the hearing shall be published in at least one newspaper published or circulated in such area, or if in

case of a township there be no newspaper published therein, then notice shall be published in a newspaper circulating within the county in which the 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 the petitions are sufficient to satisfy the statute, such determination shall be final, unless reviewed in the manner provided in section 35.27. 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. 4. Minnesota Statutes 1941, Section 35.30, is amended to read as follows:

35.30. Cattle owners to assist in making test. When, in accordance with sections 35.25 to 35.32, 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 Bangs disease testing and physical examination by the board, or its authorized agents, and all such persons shall *furnish such assistance to the board or its agents as shall be necessary to restrain the cattle in order to apply these tests and to make these physical examinations* when the board, or its agents, enter upon the premises where the cattle are located and make demand therefor, or to make any retest of cattle within the area, as provided in sections 35.25 to 35.32. The owner, or person in possession, shall account for all animals tagged in making these tests and retests, and submit all such cattle to the board, or its agents, at any time when the board, or its agents, visit the premises to make further tests or examinations. The owner, or person in possession, shall *immediately remove reacting cattle from the premises and cause the same to be slaughtered, as required by said board, or shall segregate such cattle and shall not dispose of segregated cattle, except with permission of the board, or make such other disposition of reacting cattle as the board shall direct* such owner or person in possession, and shall not use milk or milk products, or sell or dispose of the same, from reacting cattle unless the milk or the milk from which these products have been made has been properly pasteurized.

Approved April 16, 1945.