

CHAPTER 35

STATE LIVE STOCK SANITARY BOARD

35.01 DEFINITIONS.

HISTORY. 1903 c. 352 ss. 1 to 4; R.L. 1905 s. 2155; 1913 c. 160 s. 1; G.S. 1913 s. 4690; 1923 c. 112 s. 2; G.S. 1923 ss. 5395, 5433; M.S. 1927 ss. 5395, 5433.

35.02 SANITARY BOARD.

HISTORY. 1903 c. 352 ss. 1 to 4; R.L. 1905 s. 2155; 1913 c. 160 s. 1; G.S. 1913 s. 4690; G.S. 1923 s. 5395; M.S. 1927 ss. 53-42, 5395.

35.03 POWERS; DUTIES; ANNUAL REPORTS.

HISTORY. 1903 c. 352 ss. 5, 6, 23; R.L. 1905 s. 2156; G.S. 1913 s. 4691; G.S. 1923 s. 5396; M.S. 1927 s. 5396.

HEALTH OFFICERS. Field veterinarians and the field force of the board are health officers. Therefore a prosecution will lie against all wilfully opposing or obstructing them in the performance of their duties. 1908 OAG 229.

35.04 DUTY OF LOCAL BOARDS OF HEALTH.

HISTORY. 1903 c. 352 ss. 7, 18, 19; R.L. 1905 s. 2157; G.S. 1913 s. 4692; G.S. 1923 s. 5397; M.S. 1927 s. 5397.

35.05 AUTHORITY OF STATE AND LOCAL BOARDS.

HISTORY. 1903 c. 352 ss. 9, 11; R.L. 1905 s. 2158; G.S. 1913 s. 4693; G.S. 1923 s. 5398; M. S. 1927 s. 5398.

35.06 REPORTING DISEASE; COMPELLING TESTIMONY.

HISTORY. 1903 c. 352 ss. 10, 20; R.L. 1905 s. 2159; G.S. 1913 s. 4694; G.S. 1923 s. 5399; M.S. 1927 s. 5399.

35.07 CONDEMNED ANIMALS TO BE PAID FOR.

HISTORY. 1921 c. 181 s. 11; G.S. 1923 s. 5401; M.S. 1927 s. 5401.

35.08 KILLING OF DISEASED ANIMALS.

HISTORY. 1903 c. 352 ss. 13, 16; 1905 c. 115; R.L. 1905 s. 2160; 1909 c. 401; 1913 c. 148 s. 1; G.S. 1913 s. 4696; 1915 c. 114 s. 1; 1921 c. 485 s. 1; G.S. 1923 s. 5402; 1925 c. 230 s. 1; M.S. 1927 s. 5402; 1929 c. 35 s. 1; 1935 c. 32; 1939 c. 171 s. 1; 1945 c. 328 s. 1.

DISCRETIONARY. The board is not bound to order all diseased animals killed and if it finds that the domestic animals of the state would not be jeopardized by a failure to kill the diseased animals it may refuse to do so. 1916 OAG 2.

APPRAISERS. No person is qualified to act as an appraiser unless he would be qualified to act as a juror if the same question were being tried. 1906 OAG 278.

Laws 1939, Chapter 171, concerning the suppression of animal diseases, added Bang's disease to the list of diseases by reason of which animals may be destroyed. 24 MLR 241.

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35.09 INSPECTION OF ANIMALS BEFORE KILLING; INDEMNITY.

HISTORY. 1897 c. 233; 1901 c. 322; 1903 c. 141; R.L. 1905 s. 2161; G.S. 1913 s. 4697; 1921 c. 485 s. 2; 1923 c. 319 s. 1; G.S. 1923 s. 5403; 1925 c. 230 s. 2; M.S. 1927 s. 5403; 1939 c. 171 s. 2; 1941 c. 67 s. 1; 1945 c. 328 s. 2.

CONSTRUCTION. Subdivision 2(2) is to be construed as though it read "Provided the animal has been kept for one year, or since its birth, in good faith in the state, next prior to the killing." 1918 OAG 428.

35.10 INDEMNITY SUBJECT TO LIEN OR MORTGAGE ON ANIMALS.

HISTORY. 1927 c. 274; M.S. 1927 s. 5403-3.

35.11. EXPENSES OF AUTOPSIES AND APPRAISALS.

HISTORY. 1903 c. 141 s. 2; 1903 c. 352 ss. 14, 15; R.L. 1905 s. 2162; G.S. 1913 s. 4698; G.S. 1923 s. 5404; M.S. 1927 s. 5404.

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

HISTORY. 1903 c. 352 s. 17; R.L. 1905 s. 2163; G.S. 1913 s. 4699; G.S. 1923 s. 5405; M.S. 1927 s. 5405.

35.13 ENTRY TO PREMISES FORBIDDEN.

HISTORY. 1903 c. 352 s. 22; R.L. 1905 s. 2164; G.S. 1913 s. 4700; G.S. 1923 s. 5406; M.S. 1927 s. 5406.

35.14 LIVE STOCK DETECTIVES FROM OTHER STATES.

HISTORY. 1893 c. 26 ss. 1 to 4; G.S. 1894 ss. 7952 to 7955; R.L. 1905 s. 2167; G.S. 1913 s. 4702; G.S. 1923 s. 5408; M.S. 1927 s. 5408; 1933 c. 303.

35.15 ANIMALS OR FOWLS NOT TO BE BROUGHT INTO STATE; EXCEPTION.

HISTORY. 1907 c. 355 s. 1; G.S. 1913 s. 4703; G.S. 1923 s. 5409; M.S. 1927 s. 5409; 1935 c. 31 s. 1.

COMMERCE CLAUSE. This section does not violate the commerce clause of the federal constitution but it is a reasonable exercise of the state's police power. *Evans v Chic. & N.W. Ry. Co.*, 109 M 64, 122 N.W. 876, 26 LRA (N.S.) 278.

35.16 TRANSPORTATION COMPANIES TO HOLD LIVE STOCK AND POULTRY.

HISTORY. 1907 c. 355 s. 2; G.S. 1913 s. 4704; G.S. 1923 s. 5410; M.S. 1927 s. 5410; 1935 c. 31 s. 2.

35.17 TUBERCULIN AND MALLEIN; DISTRIBUTION, NO DISCRIMINATION IN.

HISTORY. 1909 c. 445 s. 1; G.S. 1913 s. 4707; G.S. 1923 s. 5413; M.S. 1927 s. 5413.

35.18 APPLICATIONS, HOW FILED; RECORD.

HISTORY. 1909 c. 445 s. 2; G.S. 1913 s. 4708; G.S. 1923 s. 5414; M.S. 1927 s. 5414.

35.19 COUNTY BOARD MAY APPROPRIATE MONEY FOR CATTLE TESTING.

HISTORY. 1923 c. 269 s. 1; G.S. 1923 s. 5416; M.S. 1927 s. 5416; 1931 c. 360 s. 1.

CONSTITUTIONALITY. This does not violate the constitutional prohibition of taxation for private purposes, nor the requirement of uniform taxation on the same class of subjects nor the provision forbidding special legislation nor that securing equal protection of the laws. *Schulte v Fitch*, 162 M 184, 202 NW 719.

The provision making action by the county board mandatory upon petition of the majority of cattle owners in a county is not an unlawful delegation of legislative power. *State ex rel v Board of County Comm'rs*, 186 M 524, 243 NW 851.

Laws for promoting public health are not invalid because their regulations are made effective without affording a hearing for those affected. *Schulte v Fitch*, 166 M 498, 207 NW 639, app. dismissed in *Draxton v Fitch*, 275 U.S. 495, 48 Sup. Ct. 82, 72 L. Ed. 391.

TAX LEVIED. Since the county is acting as the state's agent in making tuberculin tests, the tax levied for this purpose is not subject to the 7-mill limitation placed on counties by Laws 1925, Chapter 186. 1930 OAG 119.

CONTRACTS under this statute must be entered into with the understanding that the legislature may amend or alter the law pertaining to them without being charged with wrongful interference with vested rights. *State ex rel v County of Lincoln*, 169 M 145, 210 NW 635.

WORKMEN'S COMPENSATION. Employees hired to assist in making tests under the area plan are employees of the state, not the county, so far as workmen's compensation is concerned. *Huseth v State*, 179 M 425, 229 NW 560.

35.20 BOARD TO MAKE TEST.

HISTORY. 1923 c. 269 s. 2; G.S. 1923 s. 5417; M.S. 1927 s. 5417; 1931 c. 360 s. 2.

COST. A county accepting the area plan is liable for the cost of testing cattle not owned by county residents but pastured therein. 1930 OAG 120.

35.21 SUBSEQUENT TEST MADE WITHOUT EXPENSE.

HISTORY. 1923 c. 269 s. 3; G.S. 1923 s. 5418; M.S. 1927 s. 5418; 1931 c. 360 s. 3.

35.22 FEDERAL AID.

HISTORY. 1923 c. 269 s. 4; G.S. 1923 s. 5419; M.S. 1927 s. 5419.

35.23 COUNTIES AS MODIFIED ACCREDITED AREA.

HISTORY. 1923 c. 269 s. 5; G.S. 1923 s. 5420; M.S. 1927 s. 5420.

35.24 OWNERS OF CATTLE TO SUBMIT THEM FOR TESTS.

HISTORY. 1923 c. 269 s. 6; G.S. 1923 s. 5421; M.S. 1927 s. 5421.

35.245 LIMITATION ON SALE OF CATTLE.

HISTORY. 1945 c. 234 ss. 1 to 4.

35.25 CATTLE TESTED FOR BANGS DISEASE.

HISTORY. 1939 c. 217 s. 1; M. Supp. s. 5460-21.

35.26 PETITION AND HEARING.

HISTORY. 1939 c. 217 s. 2; M. Supp. s. 5460-22; 1945 c. 328 s. 3.

35.27 REHEARING; INVESTIGATION.

HISTORY. 1939 c. 217 s. 3; M. Supp. s. 5460-23.

35.28 BOARD TO FIX TIME FOR TESTING.

HISTORY. 1939 c. 217 s. 4; M. Supp. s. 5460-24.

35.29 RETESTS.

HISTORY. 1939 c. 217 s. 5; M. Supp. s. 5460-25.

35.30 CATTLE OWNERS TO ASSIST IN MAKING TESTS.

HISTORY. 1939 c. 217 s. 6; M. Supp. s. 5460-26; 1941 c. 95 s. 1; 1945 c. 328 s. 4.

35.31 BOARD TO MAKE AND ENFORCE RULES.

HISTORY. 1939 c. 217 s. 7; M. Supp. s. 5460-27.

Laws 1939, Chapter 217, Section 7, provides that the board shall have power to make and enforce rules and regulations necessary to carry out the provisions intended to control and eradicate Bang's disease. This supplements the provisions of Section 35.03, and supplies the procedure. 1942 OAG 29, May 14, 1941.

35.32 COUNTY BOARDS TO PROVIDE FUNDS.

HISTORY. 1939 c. 217 s. 8; M. Supp. s. 5460-28.

35.33 TUBERCULIN AND MALLEIN DEALERS TO REPORT SALES.

HISTORY. 1909 c. 272 s. 1; G.S. 1913 s. 4710; G.S. 1923 s. 5422; M.S. 1927 s. 5422.

35.34 TUBERCULIN AND MALLEIN, HOW USED.

HISTORY. 1911 c. 79 s. 1; G.S. 1913 s. 4712; G.S. 1923 s. 5424; M.S. 1927 s. 5424.

35.35 TEMPERATURES OF ANIMALS, HOW REPORTED.

HISTORY. 1911 c. 79 s. 2; G.S. 1913 s. 4713; G.S. 1923 s. 5425; M.S. 1927 s. 5425.

35.36 PRICE OF HOG CHOLERA SERUM TO BE STATED ON EACH PACKAGE.

HISTORY. 1915 c. 87 s. 3; G.S. 1923 s. 5427; M.S. 1927 s. 5427.

35.37 SURPLUS SERUM MAY BE SOLD OUTSIDE THE STATE; PRECAUTIONS.

HISTORY. 1915 c. 87 s. 4; G.S. 1923 s. 5428; M.S. 1927 s. 5428.

35.38 VETERINARY DIVISION TO ESTABLISH STATIONS IN EACH COUNTY.

HISTORY. 1915 c. 87 s. 5; G.S. 1923 s. 5429; M.S. 1927 s. 5429.

OWNER OF HOGS can administer serum to his own animals but he cannot administer virus to them unless he is authorized to do so by the State Live Stock Sanitary Board. 1916 OAG 1.

35.39 MONEYS COLLECTED PAID INTO OPERATION FUND.

HISTORY. 1915 c. 87 s. 7; G.S. 1923 s. 5430; M.S. 1927 s. 5430.

35.40 DUTIES OF BOARD.

HISTORY. 1923 c. 112 s. 1; G.S. 1923 s. 5432; M.S. 1927 s. 5432.

35.41 PERMIT REQUIRED.

HISTORY. 1923 c. 112 s. 3; 1923 s. 5434; M.S. 1927 s. 5434.

35.42 APPLICATIONS.

HISTORY. 1923 c. 112 ss. 4, 5; G.S. 1923 ss. 5435, 5436; M.S. 1927 ss. 5435, 5436.

35.43 BONDS.

HISTORY. 1923 c. 112 s. 6; 1923 s. 5437; M.S. 1927 s. 5437.

35.44 DAMAGES RECOVERABLE FROM DEALERS.

HISTORY. 1923 c. 112 s. 7; G.S. 1923 s. 5438; M.S. 1927 s. 5438.

35.45 DAMAGES RECOVERABLE FROM MANUFACTURERS.

HISTORY. 1923 c. 112 s. 8; G.S. 1923 s. 5439; M.S. 1927 s. 5439.

35.46 PREMISES INSPECTED.

HISTORY. 1923 c. 112 s. 9; G.S. 1923 s. 5440; M.S. 1927 s. 5440.

35.47 FEE TO ACCOMPANY APPLICATIONS; REPORTS.

HISTORY. 1923 s. 112 ss. 10, 11; G.S. 1923 ss. 5441, 5442; M.S. 1927 ss. 5441, 5442.

35.48 BOARD MAY REVOKE LICENSES.

HISTORY. 1923 c. 112 s. 12; G.S. 1923 s. 5443; M.S. 1927 s. 5443.

35.49 GOVERNMENT LICENSE REQUIRED.

HISTORY. 1923 c. 112 s. 13; G.S. 1923 s. 5444; M.S. 1927 s. 5444.

35.50 WHO MAY SELL VIRUS.

HISTORY. 1923 c. 112 s. 14; G.S. 1923 s. 5445; M.S. 1927 s. 5445.

35.51 PERMITS TO ADMINISTER VIRUS.

HISTORY. 1923 c. 112 s. 15; G.S. 1923 s. 5446; M.S. 1927 s. 5446; 1929 c. 36. See 1916 OAG 1, under Section 35.38.

35.52 SCHOOLS OF INSTRUCTION.

HISTORY. 1923 c. 112 s. 16; G.S. 1923 s. 5447; M.S. 1927 s. 5447.

35.53 APPLICATIONS FOR INSTRUCTION.

HISTORY. 1923 c. 112 s. 17; G.S. 1923 s. 5448; M.S. 1927 s. 5448.

35.54 SCHOOLS HELD AT UNIVERSITY FARM.

HISTORY. 1923 c. 112 s. 18; G.S. 1923 s. 5449; M.S. 1927 s. 5449.

35.55 SAMPLES MAY BE SEIZED.

HISTORY. 1923 c. 112 s. 19; G.S. 1923 s. 5450; M.S. 1927 s. 5450.

35.56 POWERS OF BOARD.

HISTORY. 1923 c. 112 s. 20; G.S. 1923 s. 5451; M.S. 1927 s. 5451.

35.57 LABELS NOT DEFACED.

HISTORY. 1923 c. 112 s. 21; G.S. 1923 s. 5452; M.S. 1927 s. 5452.

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35.58 DISCRIMINATION FORBIDDEN.

HISTORY. 1923 c. 112, s. 22; 1923 s. 5453; M.S. 1927 s. 5453.

35.59 REBATES PROHIBITED.

HISTORY. 1923 c. 112 s. 24; G.S. 1923 s. 5455; M.S. 1927 s. 5455.

35.60 SOLICITING APPLICATIONS PROHIBITED.

HISTORY. 1923 c. 112 s. 25; G.S. 1923 s. 5456; M.S. 1927 s. 5456.

35.61 PURCHASE, SALE, AND DISTRIBUTION OF HOG CHOLERA SERUM AND VIRUS.

HISTORY. 1927 c. 250 s. 1; M.S. 1927 s. 5458-1.

35.62 PERSONS TO WHOM SERUM AND VIRUS SOLD OR DISTRIBUTED.

HISTORY. 1927 c. 250 s. 2; M.S. 1927 s. 5458-2.

35.63 PAYMENT.

HISTORY. 1927 c. 250 s. 3; M.S. 1927 s. 5458-3.

35.64 COLD STORAGE FACILITIES.

HISTORY. 1927 c. 250 s. 4; M.S. 1927 s. 5458-4.

35.65 REVOLVING FUND.

HISTORY. 1927 c. 250 s. 5; M.S. 1927 s. 5458-5.

35.66 TESTING CATTLE FOR EXHIBITION AT FAIRS.

HISTORY. 1925 c. 340 ss. 1, 2; M.S. 1927 ss. 5460-4, 5460-5.

35.67 RABIES; DUTIES OF LIVE STOCK SANITARY BOARD AND HEALTH OFFICERS.

HISTORY. 1913 c. 541 s. 1; G.S. 1913 s. 4684; G.S. 1923 s. 5389; M.S. 1927 s. 5389.

35.68 RABIES; PROCLAMATION; PUBLICATION.

HISTORY. 1913 c. 541 s. 2; G.S. 1913 s. 4685; G.S. 1923 s. 5390; M.S. 1927 s. 5390; 1929 c. 34.

35.69 UNMUZZLED DOGS NOT PERMITTED AT LARGE.

HISTORY. 1913 c. 541 s. 3; G.S. 1913 s. 4686; G.S. 1923 s. 5391; M.S. 1927 s. 5391.

35.70 VIOLATIONS; PENALTIES.

HISTORY. 1903 c. 352 s. 22; R.L. 1905 s. 2164; 1907 c. 355 s. 3; 1909 c. 272 s. 2; 1909 c. 445 s. 3; 1911 c. 79 s. 3; 1913 c. 541 s. 3; G.S. 1913 ss. 4686, 4700, 4701, 4705, 4709, 4711, 4714; 1923 c. 112 ss. 23, 26; G.S. 1923 ss. 5391, 5406, 5407, 5411, 5415, 5423, 5426, 5454, 5457; 1925 c. 340 s. 3; M.S. 1927 ss. 5391, 5406, 5407, 5411, 5415, 5423, 5426, 5454, 5457, 5460-6; 1935 c. 31 s. 3; M. Supp. s. 5403-4; 1939 c. 171 s. 3.

SUBD. 4. The statute gives a cause of action not simply to those for whose protection it was intended, but to any person injured: *Evans v. Chic. & N. W. Ry.* Co. 109 M 64, 122 NW 876, 26 LRA (N.S.) 278.

The rules and regulations adopted for the testing of cattle for Bang's disease may be deemed to have been made under the general power of the board, and hence subject to the same penal provisions. 1934 OAG 29, May 14, 1941.