

CHAPTER 35

ANIMAL HEALTH

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35.0661 TEMPORARY EMERGENCY RESTRICTIONS ON MOVEMENT OF PEOPLE, LIVESTOCK, MACHINERY, AND OTHER PERSONAL PROPERTY.

[For text of subs 1 to 3, see M.S.2002]

Subd. 4. **Expiration.** This section expires July 31, 2005.

History: 2003 c 107 s 25

35.08 KILLING OF DISEASED ANIMALS.

If the board decides upon the killing of an animal affected with tuberculosis, paratuberculosis, or brucellosis, it shall notify the animal's owner or keeper of the decision. If the board, through its executive director, orders that an animal may be transported for immediate slaughter to any abattoir where the Meat Inspection Division of the United States Department of Agriculture maintains inspection, or where the Animal and Plant Health Inspection Service of the United States Department of Agriculture or the board establishes field postmortem inspection, the owner must 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 must agree with the owner in writing as to the value of the animal. In the absence of an agreement, three competent, disinterested persons, one appointed by the board, one by the owner, and a third by the first two, shall appraise the animal at its full replacement cost taking into consideration the purpose and use of the animal.

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

History: 2003 c 112 art 2 s 5

35.09 INSPECTION BEFORE KILLING; OWNER'S INDEMNITY.

[For text of subs 1 to 2a, see M.S.2002]

Subd. 3. **Emergencies.** 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 declared by resolution of the board or by the United States Department of Agriculture, the board may take reasonable and necessary steps to suppress and eradicate the disease. If the emergency is declared by the United States Department of Agriculture, the board may cooperate with the Animal and Plant Health Inspection Service of the United States Department of Agriculture in the suppression and eradication of the disease.

When an emergency has been declared, the board may appraise and destroy animals affected with, or which have been exposed to 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 the disease. The board may accept, on behalf of the state, the rules adopted by the Animal and Plant Health Inspection Service of the United States Department of Agriculture pertaining to the disease, authorized under an act of Congress, or the portion of the regulations deemed necessary, suitable, or applicable, and cooperate with the Animal and Plant Health Inspection Service of the United

States Department of Agriculture, in the enforcement of those rules. Alternatively, the board may follow the procedure only as to quarantine, inspection, condemnation, appraisal, destruction, burial of animals, disinfection, or other acts the board considers reasonably necessary for the suppression of the disease, as agreed upon and adopted by the board and representatives or authorized agents of the Animal and Plant Health Inspection Service of the United States Department of Agriculture. If the procedures have been followed under an emergency declared by the United States Department of Agriculture, the total expense must be shared equally between the state and federal governments.

Appraisals of animals affected with, or exposed to, or contact animals, or property destroyed in order to remove the infection and complete the cleaning and disinfection of premises where the animals are found, must be made by an appraisal board consisting of a representative of the board, a representative of the Animal and Plant Health Inspection Service of the United States Department of Agriculture, and the owner of the animals or the owner's representative. Appraisals must be in writing and signed by the appraisers, and must be made at the true market value of all animals and property appraised.

Upon destruction of animals or property, or both, and burial or other disposition of the carcasses of the animals in accordance with the law and rules of the board and the Animal and Plant Health Inspection Service of the United States Department of Agriculture, and the completion of the cleaning and disinfection of the premises, the board shall certify the appraisal to the commissioner of finance, who shall draw a warrant for the proper amount payable to the owner. If the appraisal is made in respect to animals or other property destroyed under an emergency declared by the United States Department of Agriculture, the commissioner of finance shall draw a warrant for one-half of the amount of the appraisal payable to the owner, and the remaining one-half of the appraisal must be paid by the federal government under the cooperative arrangement. If the disease is of a nature that any part of the carcasses of the diseased or exposed animals may be salvaged for human food or other purposes, the net amount of the salvage paid to the owner must be deducted from the appraisal, and the remainder must be paid to the owner by the state or by the state and federal government pursuant to this section.

History: 2003 c 112 art 2 s 6,50

35.155 CERVIDAE IMPORT RESTRICTIONS.

A person must not import cervidae into the state from a herd that is infected or exposed to chronic wasting disease or from a known chronic wasting disease endemic area, as determined by the board. A person may import cervidae into the state only from a herd that is not in a known chronic wasting disease endemic area, as determined by the board, and the herd has been subject to a state or provincial approved chronic wasting disease monitoring program for at least three years. Cervidae imported in violation of this section may be seized and destroyed by the commissioner of natural resources.

History: 2003 c 128 art 3 s 34

35.251 [Repealed, 2003 c 107 s 32]