

ate from the general revenue funds of the county the amounts necessary to operate the Central Mobile Equipment Division and to purchase new and replace obsolete and outworn construction and maintenance equipment.

Sec. 9. All contracts and purchases made under the authority of this act shall be made subject to and in compliance with existing laws regulating the manner of purchases and contracts applicable to such county.

Approved April 26, 1957.

CHAPTER 672—H. F. No. 1526

An act relating to poultry breeding and inspection; amending Minnesota Statutes 1953, Sections 36.01, 36.03, 36.04, 36.05, 36.06, 36.07, 36.08, 36.09, 36.095, Subdivisions 1, 2, 4, 5; 36.14, 36.15, 36.16, 36.17, 36.18, 36.19, 36.21.

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

Section 1. Minnesota Statutes 1953, Section 36.01, is amended to read:

36.01 Poultry improvement board. For the purpose of fostering the development of the poultry industry of the state, particularly through the improvement of breed type and productiveness of poultry flocks and through the control and eradication of infectious and communicable diseases, and for the further purpose of *improving the marketing of poultry and poultry products, and of affording protection to buyers of poultry breeding stock by providing and indicating dependable sources from which poultry may be purchased*, there is hereby created a body to be known as the Minnesota poultry improvement board, which shall be constituted as follows: the chief of the poultry division of the college of agriculture, University of Minnesota, the secretary and executive officer of the state live stock sanitary board, and *six other members, who shall be competent and experienced poultrymen, one of whom shall be an owner and operator of a commercial poultry hatchery, one of whom shall be a turkey breeder, one of whom shall be a broiler producer, one of whom shall be a market egg producer, one of whom shall be a packer-processor of poultry and eggs, and one of whom shall be a poultry breeder, all of the latter six board members to be appointed by the governor, each for a term of three years and until his successor qualified.* *This Minnesota Poultry Improvement Board shall act in*

an advisory capacity with the Commissioner of Agriculture, Dairy and Food in carrying out the provisions of this act.

Sec. 2. Minnesota Statutes 1953, Section 36.03, is amended to read:

36.03 Powers and duties. The *Commissioner of Agriculture, Dairy and Food* shall have the power to employ such persons as are necessary to carry out the provisions of sections 36.03 to 36.24, and to fix all salaries and provide for expenses generally not inconsistent with law. The *commissioner* is authorized and directed to formulate and adopt plans whereby owners of poultry breeding flocks may, upon application, have their flocks culled, inspected, and supervised, to the end that these flocks may be accredited and certified for standard type and egg production; and likewise, poultry hatcheries may be accredited and certified as hatching and selling stock produced only from accredited and certified flocks. The *commissioner* is authorized to make, publish, and enforce rules and regulations to these ends, not inconsistent with law, and to define, prescribe, and authorize the use of uniform terminology to apply to varying degrees of accreditation and certification. The *commissioner* is authorized to adopt the "standard breeding plan" of accreditation and certification sponsored by the United States department of agriculture, or any other plan sponsored by that department, and to cooperate with that department in matters of poultry improvement. The *commissioner* is authorized to prescribe and collect fees for inspection and supervision, and to prescribe and furnish labels, leg bands, and certificates of accreditation and certification and such other supplies as may be necessary, and to prescribe and collect fees for the same. The *commissioner* is authorized to do such other things as *he* may deem needful and expedient to improve poultry breeding and practices and to give effect to sections 36.03 to 36.24.

Sec. 3. Minnesota Statutes 1953, Section 36.04, is amended to read:

36.04 Advertising. Owners of accredited and certified poultry breeding flocks and hatcheries shall have the right to use the terminology prescribed by the *Commissioner of Agriculture, Dairy and Food* in their literature and advertising and on shipping labels. The *commissioner* may, by regulation, require the submission of all or any part of such literature and advertising matter to *him* for review and approval before publication or issuance.

Sec. 4. Minnesota Statutes 1953, Section 36.05, is amended to read:

36.05 Disposal of fees. All fees collected under sections 36.03 to 36.24 shall be deposited in the state treasury and shall be placed in the "poultry improvement fund," available for and from which expense of the *commissioner* in carrying out the provisions of sections 36.03 to 36.24 shall be paid.

Sec. 5. Minnesota Statutes 1953, Section 36.06, is amended to read:

36.06 Poultry disease eradication. The state live stock sanitary board shall cooperate with the *Commissioner of Agriculture, Dairy and Food* in all ways consistent with law. The live stock sanitary board shall have exclusive jurisdiction and control over all matters pertaining to poultry diseases and the control and eradication thereof. The live stock 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 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 tests and inspections.

Sec. 6. Minnesota Statutes 1953, Section 36.07, is amended to read:

36.07 Products to be labeled. All poultry and poultry products shipped under the authority of sections 36.03 to 36.24 shall be uniformly labeled with designs prescribed and furnished by the *Commissioner of Agriculture, Dairy and Food*; provided that all labeling *pertaining to disease or freedom therefrom* shall first be approved by the state live stock sanitary board.

Sec. 7. Minnesota Statutes 1953, Section 36.08, is amended to read:

36.08 Certain advertising forbidden. No person, firm, association, partnership, or corporation shall use in literature, advertising material or on shipping labels, or otherwise, *any language, words or phrases implying or indicating a breeding or a disease eradication or control status* in conjunction with either the word "state" or the word "Minnesota," or both, as related to a poultry hatchery or a poultry breeding flock, except under the authority of sections 36.03 to 36.24.

Sec. 8. Minnesota Statutes 1953, Section 36.09, is amended to read:

36.09 May cancel certificates. In his discretion, the *Commissioner of Agriculture, Dairy and Food* may cancel any certificate of accreditation or certification issued under *his* authority, and likewise the secretary and executive officer of the state live stock sanitary board may cancel any certificate of testing, approval, or accreditation issued under the authority of his board, for violation of sections 36.03 to 36.24, or any rule or regulation adopted thereunder; and any person, firm, association, partnership, or corporation who shall violate any provision of sections 36.03 to 36.24, or any regulation adopted thereunder, shall be guilty of a misdemeanor.

Sec. 9. Minnesota Statutes 1953, Section 36.095, Subdivision 1, is amended to read:

36.095 Licensing of baby chick auctions. Subdivision 1. **Permit required for sale of baby chicks.** Before any baby chicks are offered for sale at any auction or auction barn or community sale, except public sales conducted by farmers selling baby chicks hatched on their own farms, a permit shall be obtained for the conduct of such auction from the *Commissioner of Agriculture, Dairy and Food*.

Sec. 10. Minnesota Statutes 1953, Section 36.095, Subdivision 2, is amended to read:

Subd. 2. **Application for permit.** Any person who desires to offer baby chicks for sale at auction, as defined in subdivision 1, shall apply for a permit so to do to the *Commissioner of Agriculture, Dairy and Food*, on a form which shall be prescribed by *him*. The application shall be signed by the person who proposes to conduct such sale, together with the person who owns the property in or on which such sale is to be conducted, if the person who proposes to conduct such sale does not own such property. The application shall designate the date of the proposed sale, the number and breeds of chicks which are to be offered for sale and the name and post office address of the person or persons by whom such chicks were hatched. The application shall be accompanied by a fee in the sum of \$15 for each and every day or fraction thereof during which or on which it is proposed to sell such baby chicks. The *Commissioner of Agriculture, Dairy and Food* is hereby authorized in *his* discretion to grant or deny the permit requested in such application; and, as a prerequisite to the granting of such permit, may require the applicant to submit information or evidence, in such form as the *commissioner* may specify, as to the condition of health of the baby chicks so to be offered for sale, including information or evidence as to the health of the parent flocks that produced the eggs from which such chicks were hatched.

Sec. 11. Minnesota Statutes 1953, Section 36.095, Subdivision 4, is amended to read:

Subd. 4. **List of number and kind of chicks sold.** Within three days after the sale shall have been held, as herein provided, the person who conducted the sale shall send a statement to the *Commissioner of Agriculture, Dairy and Food* giving a complete list of the number and kinds of baby chicks sold at such sale, together with a copy of the representations and guaranties made in relation thereto, if any such were made by the person who conducted such sale; and the person conducting such sale shall be held to have had full knowledge of such representations and guaranties and shall be as fully responsible and liable for any such representations and guaranties as is the person who set forth such representations and guaranties, as provided in subdivision 2.

Sec. 12. Minnesota Statutes 1953, Section 36.095, Subdivision 5, is amended to read:

Subd. 5. **Rules and regulations.** The *Commissioner of Agriculture, Dairy and Food* is hereby authorized to make such rules and regulations, not inconsistent with law, as may be necessary to administer the provisions of this section.

Sec. 13. Minnesota Statutes 1953, Section 36.14, is amended to read:

36.14 **Must be licensed.** No person shall act or hold himself out as a poultry flock inspector, as defined and limited in sections 36.13 to 36.22, unless he shall be licensed to act as such by the *Commissioner of Agriculture, Dairy and Food*.

Sec. 14. Minnesota Statutes 1953, Section 36.15, is amended to read:

36.15 **Qualifications.** Licenses to act as a poultry flock inspector shall be issued by the *Commissioner of Agriculture, Dairy and Food* to such reputable persons as shall apply therefor, pay the prescribed fee, and comply with the conditions herein specified:

- (1) 21 years or more of age;
- (2) a citizen of the United States;
- (3) of good moral character;
- (4) shall have passed an examination given by the *commissioner*;
- (5) shall have paid a fee of \$5.

Sec. 15. Minnesota Statutes 1953, Section 36.16, is amended to read:

36.16 Applications; licenses; fees. Any person desiring a license as a poultry flock inspector shall file his application to take an examination therefor, together with his license fee of \$5, with the *Commissioner of Agriculture, Dairy and Food*, on such application form as the *commissioner* shall prescribe.

Sec. 16. Minnesota Statutes 1953, Section 36.17, is amended to read:

36.17 Examinations. The *Commissioner of Agriculture, Dairy and Food* shall conduct examinations for poultry flock inspectors at least twice a year, and at such other times as *he* deems necessary and advisable. These examinations shall be in such form as the *commissioner* shall determine.

Sec. 17. Minnesota Statutes 1953, Section 36.18, is amended to read:

36.18 Licenses revoked. The *Commissioner of Agriculture, Dairy and Food* shall have the authority to revoke a license, after hearing and for cause and upon ten days' written notice of hearing, served, either personally or by registered mail, upon the licensee.

Sec. 18. Minnesota Statutes 1953, Section 36.19, is amended to read:

36.19 Renewals. Every such license shall be renewed on or before December 31 of each year, and such renewal shall cost \$5. If such license is not renewed on or before such date, a penalty of \$2 shall attach, and if not renewed within three months from such date, the holder of such license may be compelled by the *Commissioner of Agriculture, Dairy and Food* to take another examination before his license is renewed.

Sec. 19. Minnesota Statutes 1953, Section 36.21, is amended to read:

36.21 Rules. The *Commissioner of Agriculture, Dairy and Food* shall have the authority to make reasonable rules and regulations to enforce the provisions of sections 36.13 to 36.22.

Sec. 20. Except as otherwise provided by this act, all persons employed by the Poultry Improvement Board in the classified service of the state are hereby transferred to the Division of Poultry Industries created by this act in the Department of Agriculture, Dairy and Food. Any unclassified

employee of the Poultry Improvement Board with more than 25 years service with said Board shall also be transferred, with permanent Civil Service status, to a position of Director of the Division of Poultry Industries to be established by the Commissioner of Agriculture.

Approved April 26, 1957.

CHAPTER 673—H. F. No. 1563

[Not Coded]

An act relating to the compensation of judges of the municipal court for the Village of Hibbing, St. Louis County; amending Laws 1929, Chapter 253, Section 5, as amended.

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

Section 1. Laws 1929, Chapter 253, Section 5, as amended by Laws 1951, Chapter 485, Section 1, is amended to read:

Sec. 5. **Municipal judge, salary.** The salary of the judge of the municipal court shall be \$5,000 per annum, to be paid from the village treasury in semi-monthly installments, and the judge shall receive no other fees or compensation for his official services under this act. The municipal judge shall have thirty days' vacation each year on full pay and it shall be taken at such time or times as he may arrange with the special municipal judge. The salary of the special municipal judge shall be \$20 per day for each day necessarily spent in presiding as such special judge in said court, and when he spends less than a day, he shall be paid only in proportion to the time so spent; but for services in any one day he shall be allowed for at least one-half of a day's salary, though the time necessarily spent may have been less than one-half of a day, which salary of the special judge shall be payable monthly, upon statement to be by him filed with the village recorder. Where the special judge presides in said court and is allowed and paid for the time spent the amount so allowed shall be deducted from the salary of the municipal judge as herein-after named, except where the special municipal judge presides along with the municipal judge, at his request, or any time when the said municipal judge is on his vacation or is necessarily engaged in the trial of other cases in said court, or is attending other official duties of his said office, or where the said municipal judge is disqualified by law from presiding in such matter, or is interested, biased or prejudiced, or is sick,