

(c) **CLASSIFIED SERVICE.** (1) The classified service includes all other offices or employments in the county and county agencies, and all officers and employees not expressly placed in the unclassified service.

(2) Each employee in the classified service is placed in a graded division except an employee whose position is in a certified bargaining unit as defined under the public employment labor relations act and an employee in an ungraded division established by the county board. The ungraded division, if one is established, includes each employee in a construction trade who is engaged in the work of repair, alteration or construction of buildings for which trade there is a generally established and recognized scale of wages inside the county.

(3) (A) The superintendent and assistant superintendent of the Ramsey County nursing home are in the classified service.

(B) The provisions of Minnesota Statutes, Section 393.07, Subdivision 5, are hereby superseded insofar as they may be inconsistent with this section.

Sec. 2. EFFECTIVE DATE.

This act is effective the day after the filing of a certificate of local approval by the governing body of Ramsey County pursuant to Minnesota Statutes, Section 645.021, Subdivision 3.

Approved April 23, 1981

CHAPTER 53 — S.F.No. 917

An act relating to the statutes; removing archaic language from certain laws related to animals; amending Minnesota Statutes 1980, Sections 346.20; 346.21; 346.215; 346.216; 346.22; 346.23; 346.24; 346.25; 346.26; 346.27; 346.28; 346.31; 346.32; 346.33; 346.34; and 347.23.

REVISOR'S BILL

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

Section 1. Minnesota Statutes 1980, Section 346.20, is amended to read:

346.20 DEFINITIONS.

Subdivision 1. APPLICATION. Except as otherwise indicated by the context, for purposes of sections 346.20 to 346.34, the terms defined in this section have the meanings given them.

Subd. 2. ANIMAL. The word "Animal" includes means every living creature except members of the human race.

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

Subd. 3. TORTURE; CRUELTY. ~~the word "Torture" or "cruelty;"~~ means every act, omission, or neglect whereby which causes or permits unnecessary or unjustifiable pain, suffering, or death shall be caused or permitted.

Subd. 4. IMPURE MILK. ~~The term "Impure and unwholesome milk" includes means~~ all milk obtained from animals in a diseased or unhealthy condition animals, or from animals fed on distillery waste, usually called "swill," or upon any substance in a state of putrefaction or fermentation which is putrefied or fermented.

Sec. 2. Minnesota Statutes 1980, Section 346.21, is amended to read:

346.21 OVERWORKING OR MISTREATING ANIMALS; PENALTY.

Subdivision 1. TORTURE. No person shall overdrive, overload, torture, cruelly beat, neglect, or unjustifiably injure, maim, mutilate, or kill any animal, or cruelly work any animal when it is unfit for labor, whether belonging it belongs to himself or to another person.

Subd. 2. NOURISHMENT; SHELTER. No person shall deprive any animal of over which he has charge or control of necessary food, water, or shelter.

Subd. 3. ENCLOSURE. No person shall keep any cow or other animal in any enclosure without providing wholesome exercise and change of air.

Subd. 4. LOW FEED. No person shall feed any cow on food which produces impure or unwholesome milk.

Subd. 5. ABANDONMENT. No person shall abandon any animal.

Subd. 6. TEMPORARY ABANDONMENT. No person shall allow any maimed, sick, infirm, or disabled animal to lie in any street, road, or other public place for more than three hours after receiving notice of the animal's condition.

Subd. 7. CRUELTY. No person shall wilfully ~~set on foot,~~ instigate; or in any way further any act of cruelty to any animal or animals, or any act tending to produce ~~such~~ cruelty to animals.

Subd. 8. CAGING. No person shall cage any animal for public display purposes unless ~~said~~ the display cage is constructed of solid material on three sides to protect the caged animal from the elements and unless the horizontal dimension of each side of ~~said~~ the cage is at least four times the length of the caged animal. The provisions of this subdivision ~~shall do not~~ apply to the Minnesota state agricultural society (the Minnesota state fair) ~~and, or to the county agricultural societies (, county fairs) nor, to any~~ agricultural display of caged animals by any political subdivision of the state of

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Minnesota, ~~not~~ ^{or} to district, regional or national educational livestock or poultry exhibitions. The provisions of this subdivision do not apply to captive wildlife, the exhibition of which is regulated by section 97.611.

Subd. 9. **PENALTY.** A ~~violation of~~ ~~or failure~~ person who fails to comply with any provision of this section is guilty of a misdemeanor.

Sec. 3. Minnesota Statutes 1980, Section 346.215, is amended to read:
346.215 INVESTIGATION OF CRUELTY COMPLAINTS.

Subdivision 1. **REPORTING.** Any person who has reason to believe that a violation of section 346.21 has taken place or is taking place may apply to any court having jurisdiction over actions alleging violation of such that section for a warrant and for investigation. The court shall examine under oath the person so applying and any witnesses he ~~may produce~~ produces and ~~must the court shall~~ take his affidavit or their affidavits in writing, ~~and cause same to be subscribed by the party or parties making same.~~ The affidavit or affidavits must set forth ~~the~~ facts tending to establish the grounds for believing a violation of section 346.21 has occurred or is occurring, or probable cause to believe that ~~they exist~~ a violation exists. If the court is ~~thereupon~~ satisfied of the existence of the grounds of the application, or that there is probable cause to believe ~~their existence~~ a violation exists, it shall issue a signed search warrant and order for investigation, ~~signed by the judge of such court with his name of office,~~ to a peace officer in ~~such the~~ county, ~~commanding.~~ The order shall command him to forthwith proceed promptly to the location of the alleged violation, taking with him a doctor of veterinary medicine ~~and commanding such.~~

Subd. 2. **POLICE INVESTIGATION.** ~~The peace officer to shall~~ search the place designated in ~~such the~~ warrant and, together with ~~such the~~ veterinary doctor, shall conduct an investigation of the facts surrounding the alleged violation, ~~retaining.~~ The peace officer may retain in his custody, subject to the order of the court ~~such,~~ any property or things which are specified in ~~such the~~ warrant, including any animal if ~~such the~~ warrant so specifies. The warrant shall contain the names of the persons presenting affidavits in support of the application, and the grounds for its issuance. Service shall be made in accordance with the provisions of sections 626.13, 626.14, and 626.16. The warrant must be executed and returned to the court which issued ~~such the~~ warrant within ten days after its date; after the expiration of ~~such that~~ time the warrant, unless executed, is void. The officer executing ~~such the~~ warrant ~~must forthwith~~ shall promptly return the warrant to the court, and deliver to it a written inventory of the property or things taken, verified by the certificate of the officer ~~at the foot of the inventory.~~ The warrant and order for investigation issued pursuant to this section and section 346.216 shall have the same force ~~and effect~~ as a warrant issued pursuant to chapter 626.

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Subd. 2 3. DISPOSAL OF CERTAIN ANIMALS. Upon a proper determination by a licensed doctor of veterinary medicine, any animal taken into custody pursuant to ~~subdivision 1~~ this section may be immediately disposed of when ~~such~~ the animal is suffering and is beyond cure through reasonable care and treatment.

Sec. 4. Minnesota Statutes 1980, Section 346.216, is amended to read:

346.216 EXPENSES OF INVESTIGATION.

The expenses of the investigation authorized by section 346.215, including the fee of the doctor of veterinary medicine, the expenses of keeping or disposing of any animal taken into custody pursuant to ~~such an~~ an investigation, and all other expenses reasonably incident to ~~such the~~ the investigation shall be paid by the county treasurer from the general fund of the county. If the person alleged to have violated section 346.21 is found guilty of the violation, the county shall have judgment against the guilty person for the amount of the expenses.

Sec. 5. Minnesota Statutes 1980, Section 346.22, is amended to read:

346.22 CRUELTY IN TRANSPORTATION.

Every person who shall carry, or cause **Subdivision 1. PENALTY.** Any person who does any of the following is guilty of a misdemeanor: (a) Carries or causes to be carried, any live animals upon any vehicle or otherwise, without providing suitable racks, cars, crates, or cages in which ~~such the~~ the animals can both stand and lie down during transportation; and while awaiting slaughter; ~~every person who shall carry, or cause~~ (b) Carries or causes to be carried, upon a vehicle or otherwise, any live animal having feet or legs tied together, or in any other cruel or inhuman manner; and every person or corporation engaged in transporting (c) Transports or detains livestock who shall detain the same in cars or compartments for more than 28 consecutive hours without unloading the same livestock in a humane manner; into properly equipped pens for rest, water, and feeding for a period of at least five consecutive hours, unless requested to do so as hereinafter provided in subdivision 2, or unless prevented by storm or unavoidable causes which cannot be anticipated or avoided by the exercise of due diligence and foresight; or shall permit the same (d) Permits livestock to be crowded together without sufficient space to stand, or so as to overlie, crush, wound, or kill each other; shall be guilty of a misdemeanor; provided, that upon the written request of the owner or person in custody of that particular shipment, which written request shall be separate and apart from any printed bill of lading, or other railroad form, the time and confinement may be extended to 36 consecutive hours.

Subd. 2. EXCEPTION. A person or corporation engaged in transporting livestock may confine livestock for 36 consecutive hours if the owner or person with custody of that particular shipment of livestock requests in writing

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that an extension be allowed. That written request shall be separate from any printed bill of lading or other railroad form.

Sec. 6. Minnesota Statutes 1980, Section 346.23, is amended to read:
346.23 DOCKING HORSES; PENALTY.

~~Every~~ A person who ~~cut~~ cuts the bony part of a horse's tail for the purpose of docking it, or ~~cause who causes~~ or knowingly ~~permit permits~~ the same to be done upon premises of which he is owner, lessee, or user, or who ~~shall assist~~ assists in ~~such the~~ cutting, ~~shall be punished by imprisonment in the county jail for not less than 30 nor more than 90 days, or by a fine of not less than \$25 nor more than \$100 is guilty of a misdemeanor.~~ When a horse shall be ~~is~~ found so cut, ~~and the wound resulting unhealed,~~ upon the premises or in the custody of any person, ~~such and the wound resulting is unhealed,~~ that fact shall constitute prima facie evidence that the offense was committed by him. All fines resulting from complaint made by an officer or agent of any society of this state for the prevention of cruelty to animals, for any offense specified in this section, shall be paid to the society whose officer or agent made the complaint.

Sec. 7. Minnesota Statutes 1980, Section 346.24, is amended to read:
346.24 CLIPPED HORSES ANIMALS; PENALTY.

~~Every~~ No person ~~having the who has~~ custody of any animal which shall ~~have~~ has had its hair removed by clipping or shearing, ~~who, within 60 days after such clipping or shearing, and between November 1 and May 1, shall cause or permit such the~~ animal to stand on a road, street, or other unsheltered place, ~~without being between November 1 and May 1 within 60 days after the clipping or shearing, unless the animal is blanketed, shall be guilty of. Violation of this section is a misdemeanor.~~

Sec. 8. Minnesota Statutes 1980, Section 346.25, is amended to read:
346.25 POISONING ANIMALS.

Any person who unjustifiably administers any poisonous, or noxious drug or substance to any animal, or procures or permits ~~the same~~ it to be done, or unjustifiably exposes ~~any such that~~ drug or substance with intent that the ~~same shall drug~~ be taken by any animal, whether ~~such the~~ animal ~~be is~~ the property of himself or another, is ~~punishable by imprisonment in the Minnesota correctional facility Stillwater for not exceeding two years or in a county jail for not exceeding six months or by a fine of not exceeding \$500 or by both such fine and imprisonment guilty of a gross misdemeanor.~~

Sec. 9. Minnesota Statutes 1980, Section 346.26, is amended to read:
346.26 ANIMAL WITH INFECTIOUS DISEASE.

~~Every~~ An owner or person having charge of, any animal, ~~knowing the same to have who knows the animal has~~ any infectious or contagious disease, or ~~to have~~ ~~knows the animal has~~ recently been exposed ~~thereto to an infectious~~

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or contagious disease, who shall ~~sell~~ sells or ~~barter~~ barters the ~~same~~ animal, or knowingly permit permits the animal to run at large or come into contact with any other animal, or with another person without that person's knowledge and permission shall be guilty of a misdemeanor.

Sec. 10. Minnesota Statutes 1980, Section 346.27, is amended to read:

346.27 EXPOSURE OF ANIMALS; DUTY OF OFFICERS.

Subdivision 1. **DELIVERY TO SHELTER.** Any sheriff, constable, statutory city marshal, police officer, or any agent of the Minnesota society or other societies for the prevention of cruelty, may remove, shelter, and care for any horse or other animal found exposed to the weather and not properly blanketed, or any animal remaining more than one hour without attention in cold or inclement weather, or any animal not properly fed and watered, or provided with suitable food and drink; ~~and~~. When necessary, a sheriff, constable, marshal, police officer, or agent may deliver such the animal to another person to be ~~so~~ sheltered and cared for, and furnished with suitable food and drink; ~~but~~. In all cases, the owner, if known, shall be immediately notified, and such the officer, or the person having possession of the animal, shall have a lien thereon for its care and keeping ~~and~~, the reasonable value of the food and drink furnished, and the expenses of such the notice. If the owner or custodian ~~be~~ is unknown, and cannot by reasonable effort be ascertained, or ~~shall~~ does not, within five days after notice, redeem such the animal by paying the expenses incurred ~~as aforesaid~~; it pursuant to this subdivision, the animal may be treated as an estray, and be dealt with as such.

Subd. 2. **DISPOSAL OF ANIMALS.** Upon a proper determination by a licensed doctor of veterinary medicine, any animal taken into custody pursuant to subdivision 1 may be immediately disposed of when such the animal is suffering and is beyond cure through reasonable care and treatment. The expenses of such disposal shall be subject to the provisions of section 346.216.

Sec. 11. Minnesota Statutes 1980, Section 346.28, is amended to read:

346.28 INJURY TO BIRDS.

Every A person who shall in any manner ~~wantonly maim, kill, or destroy~~ maliciously maims, kills, or destroys any ~~brown thrush, bluebird, martin, swallow, wren, catbird, robin, peewee, meadowlark, or other insect-devouring~~ bird of any kind or name designated as unprotected by section 100.26, subdivision 2, or who shall ~~wantonly destroy, maliciously destroys~~ the nests or eggs of any such bird shall be guilty of a petty misdemeanor ~~and punished by a fine of not less than \$1 nor more than \$15.~~

Sec. 12. Minnesota Statutes 1980, Section 346.31, is amended to read:

346.31 USE AS ADVERTISING DEVICES.

Chicks, ducklings, and goslings younger than four weeks of age ~~may~~ shall not be sold or offered for sale; raffled; or offered or given as a prize,

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premium, or advertising device, in quantity of ~~less~~ fewer than twelve birds to an individual person unless sold by a person, firm, partnership or corporation engaged in the business of selling ~~such~~ chicks, ducklings, and goslings for agricultural or wildlife purposes.

Sec. 13. Minnesota Statutes 1980, Section 346.32, is amended to read:

346.32 CARE OF ANIMALS USED AS ADVERTISING DEVICES.

Stores, shops, vendors, and others offering chicks, ducklings, or goslings for sale; ~~;~~ raffle; ~~;~~ or as a prize, premium, or advertising device; ~~;~~ or displaying chicks, ducklings, or goslings to the public; ~~;~~ shall provide and operate brooders or other heating devices that may be necessary to maintain the chicks, ducklings, or goslings in good health, and shall keep adequate food and water available to the birds at all times.

Sec. 14. Minnesota Statutes 1980, Section 346.33, is amended to read:

346.33 VIOLATIONS.

A violation of sections 346.30 to ~~346.33~~ shall be punished by a fine of ~~not less than \$10 nor more than \$25~~ 346.32 is a petty misdemeanor; provided that, after any violation has been called to the attention of the violator by any law enforcement officer, each day on which ~~such~~ the violation ~~continued~~ continues or is repeated shall ~~constitute~~ constitutes a separate offense.

Sec. 15. Minnesota Statutes 1980, Section 346.34, is amended to read:

346.34 GREASED PIG CONTESTS AND TURKEY SCRAMBLES.

No person shall operate, run or participate in a contest, game, or other like activity, in which a pig, greased, oiled or otherwise, is released and wherein the object is the capture of ~~such~~ the pig, or in which a chicken or turkey is released or thrown into the air and wherein the object is the capture of ~~such~~ the chicken or turkey. Any violation of this section ~~shall be~~ is a misdemeanor.

Sec. 16. Minnesota Statutes 1980, Section 347.23, is amended to read:

347.23 DOG HOUSES.

Subdivision 1. **IN GENERAL.** ~~Every~~ A person in charge or control of any dog which is kept outdoors or in an unheated enclosure shall provide ~~such~~ the dog with shelter and bedding as prescribed in this section as a minimum.

Subd. 2. **BUILDING SPECIFICATIONS.** ~~Such~~ The shelter shall include a moistureproof and windproof structure of suitable size to accommodate the dog and allow retention of body heat. It shall be made of durable material, with a solid floor raised at least two inches from the ground and with the entrance covered by a flexible windproof material or a self-closing swinging door. ~~Such~~ The structure shall be provided with a sufficient quantity of suitable bedding material, consisting of hay, straw, cedar shavings, blankets, or

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the equivalent, to provide insulation and protection against cold and dampness and promote retention of body heat.

Subd. 3. **SHADE.** Shade from the direct rays of the sun, during the months of June to September, ~~inclusive~~, shall be provided.

Subd. 4. **FARM DOGS.** In lieu of the requirements of subdivisions 2 and 3, a dog kept on a farm may be provided with access to a barn with a sufficient quantity of loose hay or bedding ~~and protection to protect~~ against cold and dampness.

Subd. 5. **ZONING.** All shelters required by this ~~act~~ section shall be subject to all building or zoning regulations of any city, township, county, or state.

Subd. 6. **PENALTY.** Whoever violates the provisions of this section ~~may be subject to a fine not to exceed \$10~~ is guilty of a petty misdemeanor.

Approved April 23, 1981

CHAPTER 54 — H.F.No. 349

An act relating to agriculture; regulating livestock marketing; providing a penalty; amending Minnesota Statutes 1980, Sections 17A.02; 17A.03, Subdivision 7; 17A.14; proposing new law coded in Minnesota Statutes, Chapter 17A.

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

Section 1. Minnesota Statutes 1980, Section 17A.02, is amended to read:

17A.02 PURPOSE.

~~The purpose of Laws 1974, Chapter 347 is to establish~~ This chapter establishes jurisdiction and authority with the Minnesota commissioner of agriculture over livestock marketing practices by requiring financial responsibility and fair trade practices for the benefit and protection of farmers, livestock producers, and the public, requiring financial responsibility and fair trade practices in livestock dealing and marketing marketing agencies, dealers, any business entity engaged in the marketing process, and the public.

Sec. 2. Minnesota Statutes 1980, Section 17A.03, Subdivision 7, is amended to read:

Subd. 7. **LIVESTOCK DEALER.** "Livestock dealer" means any person, including a packing company, ~~who buys or sells~~ engaged in the business of buying or selling livestock for his or her own account or for the account of

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