

missioner of aeronautics as set forth in the documents perfecting the aforesaid conveyances.

Sec. 3. **Other conditions and restrictions of record.** The aforesaid conveyances shall be subject to all conditions, reservations, easements, and restrictions of record, if any, prior to the date of the aforesaid conveyances.

Sec. 4. **Leases.** The aforesaid conveyances shall be subject to the terms of any leases, permits, and licenses, if any, in force prior to the date of the aforesaid conveyances.

Approved April 28, 1965.

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CHAPTER 291—S. F. No. 76

[Coded]

*An act relating to marks and brands for animals; providing for the registration of such marks and brands with the state livestock sanitary board; prescribing powers and duties of public officers; providing penalties; appropriating money; repealing Minnesota Statutes 1961, Section 386.35.*

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

Section 1. **[35.821] Animals; marks and brands; definitions.**  
Subdivision 1. Unless the context clearly indicates otherwise, for the purposes of this act the terms defined in this section have the meanings given them.

Subd. 2. "Board" means the state livestock sanitary board.

Subd. 3. "Brand," except as otherwise provided in this section, means a permanent identification mark of which the letters, numbers, and figures used are each four inches or more in length or diameter and are burned into the hide of a live animal with a hot iron, and is to be considered in relation to its location on such animal; and such term relates to both the mark burned into the hide and the location of this mark. In the case of sheep, the term includes, but is not limited to, a painted mark which is renewed after each shearing.

Subd. 4. "Mark" means a permanent identification cut from the ear or ears of a live animal.

**Changes or additions indicated by *italics*, deletions by ~~strikeout~~.**

Subd. 5. The term "animal" means any cattle, horse, sheep, or mule.

Sec. 2. **[35.822] Registration of marks or brands with livestock sanitary board.** The board shall approve marks or brands for registration, issue certificates of approval, and administer the provisions of this act. The board shall publish a state brand book which shall contain a facsimile of each and every mark or brand that is registered with it, showing the owner's name and address together with the pertinent laws, rules, and regulations pertaining to brand registrations and reregistrations.

Sec. 3. **[35.823] County records.** After the final enactment of this act, but before the effective date of this act, the register of deeds of each county shall submit to the board such information as the board may require relating to marks or brands recorded in the county pursuant to Minnesota Statutes, Section 386.35, including but not limited to a description of each mark or brand so recorded and the name and address of the person who recorded the mark or brand. After the effective date of this act, it shall be unlawful for a register of deeds to record a mark or brand.

Sec. 4. **[35.824] Notice to mark and brand holders; application for registration; penalties, duplicate brands.** Immediately upon receipt of the information required by section 3 of this act, the board shall notify each holder of a mark or brand that marks or brands are registered pursuant to this act and that the board will, on or before January 1, 1966, and every ten years thereafter, cause to be published a state brand book showing all marks or brands recorded with the board prior to September 1, 1965, and every ten years thereafter. The board shall prepare a standard form which shall be mailed to all holders of registered county marks or brands. The board also shall supply these forms to county auditors for distribution to those who desire to apply for a brand. The application shall show a left and right side view of the animals upon which a mark or brand will be eligible for registry. The mark or brand location shall be designated to the following body regions: Head, bregma, and right and left jaw, neck, shoulder, rib, hip, and breech. The applicant shall select not less than three distinct marks or brands and list them in preferred order and he shall likewise select three locations on the animal and list them in preferred order. The application shall be properly signed and notarized and accompanied by a fee of \$10. The mark or brand, if approved and accepted by the board, shall be of good standing during the ten year period in which it is recorded. Any person who knowingly places upon any animal a mark or brand which has not been registered with the board and which is in duplication of a mark or brand that is registered with the board is guilty

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of a felony. "Duplication" constitutes the use of a similar mark or brand, used in any position on the animal designated for the use of a registered mark or brand, such as the head, bregma, jaw, neck, shoulder, rib, hip, or breech. Any person who alters or defaces a brand or mark on any animal to prevent its identification by its owner, is guilty of a felony.

Sec. 5. [35.825] **Checking of applications; conflicts.** After final enactment of this act all marks or brands received by the board shall be held and listed by the board, which shall immediately proceed to check the mark or brand applications for conflicts; and should any be found the fee so advanced along with the conflicting application shall be returned to the person making the application.

Sec. 6. [35.826] **State brand books; reregistration of marks, brands.** All mark or brand applications passed upon and approved shall be sorted in a systematic manner and published in the first edition of the state brand book, which shall be published on or before January 1, 1966. Thereafter, supplements shall be published every year, and every ten years a revised brand book shall be published. At least six months before publication of any revised state brand book, all registered mark or brand owners and assignees in the previous book or supplements thereto shall be notified in writing that their mark or brand will terminate in six months and that the mark or brand must be renewed. A reregistration fee of \$5 shall be charged for the ensuing ten year period or fraction thereof. Failure to renew a mark or brand on or before the time specified, in accordance with the provisions of this act, is considered an absolute abandonment to the state of the mark or brand. The board may not reissue a mark or brand so abandoned except to the original owner upon proper application.

Sec. 7. [35.827] **Sale of brand books.** The state brand book, and all supplements thereto for the ten year period, shall be sold to the public for \$5. The state brand book alone shall sell for \$3, and any supplement to any brand book shall be sold at \$.50 each. The board shall distribute to each county auditor and the sheriff of each county all brand books and supplements thereto without cost to their respective county.

Sec. 8. [35.828] **Evidence.** Marks or brands appearing in the current edition of the state brand book, or supplements thereto, shall be prima facie evidence of ownership and take precedence over marks or brands of like kind, should the question of ownership arise. The owner whose mark or brand does not appear in the state brand book, or supplement thereto, shall produce evidence to establish his title to the property in the event of controversy.

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Sec. 9. [35.829] **Transfer of brands.** From and after the effective date of this act only brands registered with the board or appearing in the current edition of the state brand book or a supplement thereto shall be subject to sale, assignment, transfer, devise, or bequest, the same as other personal property. The board shall prescribe forms for the sale or assignment of a brand. The board shall supply such forms to county auditors for distribution to persons desiring to transfer brands. A transferred brand shall be recorded with the board and the fee for recording the same shall be \$1.

Sec. 10. [35.830] **Sale of branded livestock; written bill of sale.** All persons selling animals marked or branded with their mark or brand recorded in a current state brand book or supplement thereto shall execute to the purchaser a written bill of sale bearing the signature and residence of the seller, the name and address of the purchaser, the total number of animals sold, a description of each animal sold as to sex and kind, and all registered brands. The bill of sale shall be kept by the purchaser for two years and for as long thereafter as he owns any of the animals described in the bill of sale. A copy of the bill of sale shall be given to each hauler of such animals, other than railroads, and shall accompany the shipment of animals while in transit. The bill of sale or a copy shall be shown by the possessor on demand to any peace officer or inspector of the state livestock sanitary board. The bill of sale is prima facie evidence of the sale of the animals described by the bill of sale. A person who violates this section is guilty of a misdemeanor.

Sec. 11. [35.831] **Rules and regulations.** The board may promulgate, in the manner provided by law, such rules and regulations as it considers necessary to carry out the purposes of this act.

Sec. 12. **Repealer.** Minnesota Statutes 1961, Section 386.35, is repealed.

Sec. 13. **Appropriation.** There is appropriated to the board from the general revenue fund the sum of \$5,000 for the fiscal year ending June 30, 1966, and \$3,000 for the fiscal year ending June 30, 1967, to carry out the provisions of this act.

Sec. 14. [35.832] **Effective date.** Except where otherwise provided, this act takes effect on July 1, 1965. Before the effective date of this act the board may prepare forms and accept applications for registration of marks or brands, which marks or brands may not be registered before the effective date of this act.

Approved April 30, 1965.

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**Changes or additions indicated by *italics*, deletions by ~~strikeout~~.**