

employment has been secured for such inmate, and his past conduct for a reasonable time has satisfied said board that he will be law abiding, temperate, honest and industrious.

Approved May 9, 1945.

No. 130, S.]

[Published May 11, 1945.]

### CHAPTER 131.

AN ACT to repeal 95.495 and to repeal and recreate 95.26, 95.30, 95.35 to 95.49 and 95.69 of the statutes, relating to bovine tuberculosis, Bang's disease, slaughter of and indemnity for diseased animals, bovine disease control, providing penalties and making an appropriation.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 95.26 of the statutes is repealed and recreated to read:

95.26 BRUCELLOSIS TESTED AREAS. (1) County areas for testing for the presence of Brucellosis shall be determined by the department in the same manner as provided in section 95.25 except that 75 per cent of the cattle owners in the county shall be required as signers upon such petition. All of the provisions of section 95.25 except subsection (8) shall apply to such work with like effect as though the words "Brucellosis" and "Bang's test" were substituted for the words "tuberculosis" and "tuberculin test".

(2) Area testing and retesting shall be discontinued any time after the expiration of one year from the final determination of the sufficiency of the original petition asking for such testing upon filing with the department a petition requesting such discontinuance signed by at least 65 per cent of the cattle owners (as disclosed by last assessment rolls) in such county.

(3) For each animal condemned and slaughtered, unless otherwise provided by law, the owner shall receive and, upon certificate of the department, the state shall pay one-third of the difference between the net salvage and the appraised or agreed value of the animal, but such payment shall not exceed \$50 for a registered animal and \$25 for an unregistered one.

(4) An owner of a herd outside of an area-tested county may qualify for such indemnity by entering into an agreement to

place such herd under the co-operative supervision of the state and federal governments. The terms and form of such agreement shall be prescribed by the department. To protect the work already done in area-tested counties and supervised herds, the department may refuse to accept additional herds for supervision and additional counties for area-testing at any time when such action appears necessary to limit its program within the appropriations provided for indemnity.

SECTION 2. 95.30 of the statutes is repealed and recreated to read:

95.30 OPTION TO QUARANTINE OR KILL DISEASED ANIMALS. The owner of animals tested and found to be afflicted with bovine tuberculosis or Johne's disease shall be granted the option of retaining the animals in quarantine under such restrictions as the department may prescribe, or of shipping them under the auspices and direction of the department to some place designated by it for immediate slaughter under United States government inspection, or under the inspection approved by the department.

SECTION 3. 95.35 to 95.49 of the statutes are repealed and recreated to read:

95.35 INDEMNITY FOR SLAUGHTERED ANIMALS; UNITED STATES AND COUNTY CO-OPERATION. (1) In all types of disease control work conducted by the state without participation by the federal government, for each animal condemned and slaughtered the owner shall receive, and upon certificate of the department, the state shall pay one-half of the difference between the net salvage, if any, and the appraised or agreed value of the animal, but such payment shall not exceed \$90 for a registered animal and \$40 for an unregistered one.

(2) The department may co-operate and arrange with county boards and the United States department of agriculture, or with either, in the eradication of communicable diseases among domestic animals, so that each may pay and contribute such part of the cost of eradication or indemnity as shall be agreed upon. The county boards are authorized to appropriate funds for that purpose, and when appropriated shall be paid into the state treasury, added to the state appropriation and expended under the direction of the department.

(3) If registration papers or birth reports properly acknowledged by the breed organization are not presented at the time

of the filing of any claim, the animal slaughtered shall be regarded as an unregistered bovine; but this shall not apply to an animal under the age of one year.

95.36 COMPENSATION TO OWNERS. The owners of animals condemned and slaughtered under the provisions of this chapter shall receive no indemnity therefor in the following cases:

(1) Animals owned by the United States, this state or any county, city, town or village.

(2) Animals brought into this state contrary to any provisions of law.

(3) Animals which the owner at the time of coming into possession of them knew or had reason to believe to be afflicted with contagious or infectious disease.

(4) Animals diseased at the time of arrival in this state.

(5) Animals which the owner has negligently or wilfully exposed to contagious or infectious disease.

(6) Animals brought into this state that fail to pass successfully the retests subsequent to importation as required by regulation of the department.

(7) When the infected premises have not been disinfected, to the satisfaction of the department in such manner as to prevent the further spread of the disease.

(8) Unless the animal condemned and slaughtered was owned by the claimant at least 30 days prior to the test which discloses the reaction.

(9) Where the owner has received indemnity as a result of a former inspection or test, and has thereafter introduced into his herd any bovine contrary to law or the regulations of the department.

95.37 CLAIMS FOR INDEMNITY. (1) Claims against the state arising from the condemnation of animals shall be made by delivering to the department, to be forwarded to the secretary of state, a copy of the condemnation notice, and of the notice to the justice of the peace and return of the appraisers to the justice, which return shall be certified by such justice, giving the name and place of residence of the owner, the date on which such animals were condemned and the tag number of each animal, and also a statement of the salvage received and of the sum due from the state and such additional information as the department shall require. In case the value was fixed by agreement the claim shall be made by delivering to the department to be forwarded to the

secretary of state the agreement or a sworn copy thereof and a statement of the salvage received and of the amount due from the state and any additional information demanded. The department shall promptly transmit all claims to the secretary of state and accompany the same with a report of the sum due from the state and thereupon the claims may be audited and paid.

(2) Before any such claim is paid the owner shall agree in writing to test his entire herd sufficiently often to protect the same against the spread of communicable diseases therein. The frequency of such tests shall be determined by the department.

(3) Every claim for indemnity based on Brucellosis must be accompanied by an affidavit of the owner certifying that none of the animals on such claim have been treated with any biological product containing Brucella organisms except only official vaccines and animals which, subsequent to vaccination, returned to a negative status, which fact shall be established by a negative test conducted not less than 30 days prior to the test on which the claim for indemnity is based.

95.38 ALTERING RECORD; TAMPERING WITH EAR TAGS. (1) It shall be unlawful for any person to in any manner change any test record, falsely record any test, misrepresent the identification of any animal or any other material fact on any test record, interstate health certificate, vaccination record, claim for indemnity, or any disease control report or application to the department. It shall be unlawful for any person to induce or to conspire with another, either directly or indirectly, to do any of the said prohibited acts.

(2) No person is permitted to in any way tamper with, insert or remove from the ear of any animal any ear tag or registration mark which is or may be used for identification in disease control work except upon authorization from the department.

95.39 BIOLOGICAL PRODUCTS. (1) It shall be unlawful for any person to sell, furnish, give away or supply any tuberculin or any biological product containing Brucella organisms for use in this state unless (a) the label on the container thereof states the name and address of the manufacturer and the date of expiration and (b) the vendor, within 15 days, report to the department the name of the recipient, the date and amount delivered.

(2) It shall be unlawful for any person to use or dispose of any tuberculin until assured in writing by the person from whom

received that its sale or delivery to said person has been reported to the department.

95.40 NEUTRALIZING CATTLE TEST. (1) No person shall use or cause to be used tuberculin or any other agent upon cattle, by injection or otherwise, for the purpose of preventing a proper reaction when a tuberculin test is made.

(2) No person shall at any time or in any manner apply tuberculin to any animal except for the purpose of applying a tuberculin test. The result of every such test shall be reported to the department.

95.41 TUBERCULIN; EAR TAGS SUPPLIED. (1) The department shall furnish and distribute tuberculin and circulars containing the rules and regulations for applying the tuberculin test upon application to all persons authorized to make such test.

(2) The department shall provide ear tags to be used for identifying cattle tested for purposes of disease control, and shall distribute the same to persons authorized by the department to test cattle. Such distribution shall be made at a price sufficient to cover the cost of the tags and their distribution.

(3) The department shall furnish and distribute Brucellosis or vaccine to approved veterinarians at cost. It shall require each veterinarian to report the identification of each animal treated with the product so furnished. It may refuse further distribution to any veterinarian who fails to so report or who has violated or failed to obey any law or regulation relating to disease control.

95.42 REVOCATION OF PERMIT TO TEST. The tuberculin test shall be applied to cattle only by veterinarians approved by the department. The veterinarian applying such test shall tag and brand all reactors in conformity with the rules and regulations of the department. Any veterinarian who fails to comply with this section and the rules, regulations and instructions furnished by the department, shall forfeit all right to apply the tuberculin test.

95.43 APPLICATION OF BANG'S TEST. (1) The Bang's test shall be applied to cattle only by approved veterinarians. Any veterinarian who fails to comply with the laws or regulations of the department relating to disease control may be denied such approval.

(2) Every veterinarian who applies the Bang's test shall promptly reactor tag and permanently mark all reactors in con-

formity with the law and the regulations of the department, and shall promptly report the result of each test to the department.

95.44 INSPECTION OF LIVESTOCK FOR SHIPMENTS. (1) Inspection, examination or testing of livestock for interstate shipment shall be made in this state only by inspectors of the United States bureau of animal industry and inspectors authorized by the department.

(2) The department shall upon request for inspection and the testing of cattle for interstate shipment from this state cause such inspection and test to be made.

(3) Whenever such inspection and test shall be made by a veterinarian in the employ of the department, the person requesting the same shall pay therefor such fees as shall be determined by the department, which fees shall be substantially equivalent to the cost of such inspection and test. Such fees shall be paid to the inspectors before the certificate of inspection is delivered. All such fees shall be paid, within one week after receipt, into the state treasury. The department may require its inspectors to give such bonds as it may determine.

95.45 INTERSTATE CERTIFICATES; TESTS. (1) Tests to determine the health status of animals for the purpose of interstate shipment shall be made only by licensed graduate veterinarians approved by the department. Such veterinarians shall report the results of every such test to the department in triplicate.

(2) The department may refuse to approve any interstate health certificate requested by any person who is not a resident vendor, shipper or assembler.

(3) The department may refuse to approve any interstate health certificate requested by any applicant who has violated or failed to obey any law or regulation relating to disease control or has misrepresented or failed to disclose any material fact in relation to such certificate.

95.46 BRUCELLOSIS VACCINATION. (1) Any or all animals in the herd of any owner may be vaccinated against Brucellosis when in the judgment of the attending veterinarian and the herd owner such treatment is necessary to prevent the spread of infection therein.

(2) Animals between the age of 4 months and 8 months may be vaccinated against Brucellosis in every type of herd.

(3) All animals between the age of 4 months and 8 months vaccinated by approved veterinarians shall be identified by a

tattoo on the inner surface of the right ear of each such animal, using such symbols as the department may by regulation prescribe. All other animals vaccinated by any veterinarian shall be identified by punching in the right ear of each such animal a triangular shaped hole measuring at least one-half inch on each side, and a pass tag with serial number.

(4) All veterinarians shall use only vaccine produced under federal regulations, shall identify the vaccinates as required in subsection (3) and shall record in triplicate on forms prepared by the department such information as it may require. The veterinarian shall transmit one copy of such record to the department within 5 days, one copy to the owner of the animals, and he shall preserve one copy for his own file.

(5) It shall be unlawful for any person other than an approved veterinarian to treat any bovine animal other than those owned by himself with any biological product containing *Brucella* organisms.

95.47 OFFICIAL VACCINATES. (1) The term "official vaccinate" as used in this chapter shall mean any animal which has been officially reported to the department as having been vaccinated when not less than 4 months nor more than 8 months of age by an approved veterinarian with a vaccine approved by the department and which was properly tattooed at the time of vaccination in the manner required by law or regulation of the department.

(2) Official vaccinates need not be identified as reactors during the period of 18 months following vaccination.

95.48 BRUCELLOSIS INDEMNITY RESTRICTIONS. (1) No indemnity for Brucellosis shall be paid:

(a) On steers.

(b) On any animal unless reactor tagged and permanently marked as required by department regulation and unless the claim is accompanied by such proof, as the department may require, of (1) slaughter within the time limited, (2) actual salvage and (3) cleaning and disinfection of the premises.

(c) Except as provided in paragraph (d), on any animal vaccinated against Brucellosis, unless it can be established that such animal, subsequent to vaccination, returned to a negative status as established by a negative test conducted not less than 30 days prior to the test on which the claim is based.

(d) On animals officially vaccinated, until 18 months after

vaccination. Unless any such animal was vaccinated and tattooed by an approved veterinarian and unless such vaccination was reported to the department, proof as required by paragraph (c) shall be required by the department before the claim is certified for payment.

(e) Except as provided in subsection (2), on any animal which was a member of a herd into which was introduced any animal which failed to first pass a completely negative Bang's test, except only official vaccinates not more than 24 months of age.

(f) Except as provided in subsection (2), on any animal other than official vaccinates which was a part of a herd any member of which, when more than 8 months of age, was treated with any biological product containing Brucella organisms.

(g) To any owner unless all heifer calves in his herd born after July 1, 1945, while between the age of 4 months and 8 months, shall have been vaccinated against Brucellosis by an approved veterinarian.

(2) Notwithstanding the provisions of subsection (1) (e) and (f), indemnity shall be paid on such animals if the reaction is disclosed on any test conducted subsequent to the elimination without claim of all reactors disclosed on a complete herd test conducted after the time of making any addition or treating any animal as therein described.

95.49 MOVEMENT; SALE. (1) Except as provided in subsections (2), (3) and (4), it shall be unlawful for any person to sell, transfer to other herds or to place on exhibition with other animals any bovine animal unless it is accompanied by a report of complete negative Bang's test conducted within 30 days.

(2) To preserve animals valuable because of blood lines or production records the department shall permit the sale and movement of animals which react to the Bang's test into herds containing reactors. Such permits shall be granted only upon the written application of the buyer and seller which shall include the identification of the animals to be moved and proof that the herd of the buyer does contain reacting animals. It shall be unlawful for any person to sell or transfer into other herds any animal which reacts in any degree to the Bang's test unless such animal is accompanied by such written permit from the department.

(3) An official vaccinate may be sold, transferred to other



herds and placed on exhibition with other animals during a period of 12 months after vaccination if it is accompanied by a record of negative Bang's test conducted prior to vaccination or proof that such animal originates from a Bang's free herd.

(4) The department shall issue regulations relating to the movement of animals from Bang's negative herds and the movement of animals for immediate slaughter.

(5) Animals which have been vaccinated, and are negative to the Bang's test, may be advertised and sold as "Vaccinated—Bang's Negative."

(6) The department is authorized to issue regulations governing the importation of cattle from other states, the movement of cattle in area-tested counties, and the introduction of cattle into supervised herds.

SECTION 4. 95.495 of the statutes is repealed.

SECTION 5. 95.69 of the statutes is repealed and recreated to read:

95.69 PENALTIES. Any person who shall violate any of the provisions of this chapter shall upon conviction for the first offense be punished by a fine of not less than \$25 nor more than \$100, or by imprisonment in the county jail not less than 10 days nor more than 60 days, or by both such fine and imprisonment; and upon conviction for any subsequent offense by a fine of not less than \$100 nor more than \$500, or by imprisonment in the county jail not less than 30 days nor more than 6 months, or by both such fine and imprisonment.

Approved May 9, 1945.

No. 24, S.]

[Published May 14, 1945.

### CHAPTER 132.

AN ACT to repeal and recreate 75.20 of the statutes, relating to limitations on the lien of tax certificates.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

75.20 of the statutes is repealed and recreated to read:

75.20 LIMITATIONS ON CERTIFICATES AND ISSUE OF DEEDS; LIFE OF TAX CERTIFICATE LIENS. (1) DEFINITIONS. Wherever used in this section: