

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MINNESOTA STATE REGULATIONS

Notice of filing by the Commissioner of Administration

We have received on this date, stamped and filed 2 copies of Rules and Regulations pertaining to the Livestock Sanitary Board
(Agency or Board)

Regulation No. LSB 63 (amended)

Subject: Movement of Livestock from Slaughtering Establishments to points in Minnesota

Department of Administration
Publication, Central Services Division
Documents Section
140 Centennial Office Building
St. Paul, Minnesota 55155
Telephone: (612) 296-2874

FILED
RICHARD L. BRUBACHER
Commissioner of Administration

MAR 12 1975 4:15 PM

BY Eda Staudenmaier EJ
AUTH. SIGNATURE

Stamped and filed with the Secretary of State 3-12-75

Rev. 9-72

MINNESOTA LIVESTOCK SANITARY BOARD

LSB-63 MOVEMENT OF LIVESTOCK FROM SLAUGHTERING ESTABLISHMENTS TO POINTS IN MINNESOTA

(a) No cattle, sheep, or swine shall be removed from slaughtering establishments or the yards immediately contiguous thereto and operated by such slaughtering establishment as holding, sorting, or weighing pens, to other points in Minnesota except ~~as provided in the following section unless such establishments and yards are located within public stockyards where the federal government maintains inspection.~~ that under extenuating circumstances and upon application by the owner of the livestock, the secretary and executive officer of the Board may issue permits to allow removal of livestock under quarantine.

~~(b) Apparently healthy sheep may be removed from slaughtering establishments under quarantine for feeding purposes under the following conditions:~~

~~(1) The person having custody of such sheep before removal shall employ a qualified veterinarian licensed to practice veterinary medicine in the State of Minnesota, such veterinarian to be approved by the Board. The approved veterinarian shall inspect the sheep before removal, supervise the dipping of such sheep as provided in these rules and regulations, establish the necessary quarantines, and perform such further duties and make such reports to the Board as the Board may from time to time require. The services of such veterinarian shall be paid for by the owner or custodian of the sheep and shall be free of expense to the Board.~~

~~(2) The premises to which the sheep are removed shall be so fenced as to be sheeptight, and if adjacent to other premises where sheep are or may be maintained shall be double fenced in such a manner that there can be no contact between sheep on the quarantined premises and those on adjacent premises, the two lines of fence constituting the double fence to be at least 16 feet apart.~~

(3) The premises on which these sheep are maintained shall be quarantined. The quarantine shall be established immediately upon the arrival of sheep which have been removed from slaughtering establishments and shall remain in effect until released in writing by the Board. The quarantine may be released when there are no longer any sheep which have been removed from a slaughtering establishment or other sheep exposed thereto on the premises and the premises have been thoroughly cleaned and disinfected and such cleaning and disinfection certified to the Board by the veterinarian in charge. While the quarantine is in effect no sheep shall be removed from the premises except on permit from the Board or the veterinarian in charge. Permits may be issued for the removal of sheep to public stockyards or slaughtering establishments only. When the permit is issued by the veterinarian in charge a copy shall be immediately mailed to the office of the Delaware Sanitary Board. The permit shall include the number of sheep to be removed from quarantine and the name and address of the slaughtering establishment or other point to which they will be consigned.

(4) The sheep shall be dipped in a permitted dip under the supervision of the veterinarian in charge immediately before leaving the slaughtering establishment and shall be loaded directly into cleaned and disinfected trucks or cars after such dipping and transported directly to the premises on which they are to be quarantined; provided that if there are no facilities for dipping at the slaughtering establishment and proper facilities are available on the premises on which the sheep are to be removed, and provided the facilities on such premises include an inclosed yard or yards so constructed that they may be thoroughly cleaned and disinfected and kept in a sanitary condition at all times, the sheep may be removed from the slaughtering establishment to such premises without dipping. But if any such sheep are so removed under this proviso without dipping, then such sheep shall be unloaded into the inclosure only

and held in such pens until properly dipped. No sheep on the quarantined premises shall be allowed in the isolation pens after being dipped. Sheep removed from slaughtering establishments without dipping as provided in this section shall be transported in trucks owned or controlled by the slaughtering establishment or the owner of the sheep. Such trucks shall be thoroughly cleaned and disinfected at least once each day while employed in transporting sheep from the slaughtering establishment to the quarantined premises, immediately after such transportation is accomplished and under any circumstance before such trucks are used for the transportation of other sheep for any other purpose whatsoever.

APPROVED AS TO FORM AND LEGALITY
MAR 12 1975 19
WARREN SPANNAUS, ATTORNEY GENERAL
BY Michael B Miller
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED - 4:00 pm
MAR 12 1975
Joan Anderson Growe
Secretary of State

FILED
RICHARD L. BRUBACHER
Commissioner of Administration
MAR 12 1975 4:15 PM
BY Eda Staudenmaier
AUTH. SIGNATURE EJ

#119 Livestock Sanitary Bd.
Movement of Livestock from Slaughtering Establishments to Points in Minnesota

Received 2/19/75
Doe 3/11/75

STATE OF MINNESOTA
LIVESTOCK SANITARY BOARD
555 WABASHA ST.
ST. PAUL 55102

February 12, 1975

The Honorable Warren Spannaus
Attorney General of Minnesota
State Capitol - Room 102
St Paul, Minnesota 55101

Attention: Mr Paul Strandberg, Special Assistant Attorney General

Dear Sir:

In accordance with the provisions of the Manual of Rule Making Procedures, we are hereby submitting for your approval five sets of rules, the original and two copies of the necessary documents pertaining to Regulation LSB-63, Movement of Livestock from Slaughtering Establishments to Points in Minnesota, and one copy of the transcript of the public hearing.

Sincerely

J. G. Flint, D.V.M.,
Secretary and Executive Officer

Encls

1) Regulation as Adopted
2) Regulation as Proposed
3) Certificate of Board's Authorizing Resolution
4) The Order of Hearing
5) Notice of Hearing
6) Certificate (list received from Secretary of State's Office)
7) Secretary of State's List
8) Supplemental to Above List
9) Affidavit of Mailing
10) Statement of Need
11) Findings of Fact
12) Certificate of Adoption
13) Order of Adoption
14) Copy of the Transcript

AN EQUAL OPPORTUNITY EMPLOYER

CERTIFICATE
OF
BOARD'S AUTHORIZING RESOLUTION

I, J. G. Flint, do hereby certify that I am Secretary and Executive Officer of the Livestock Sanitary Board, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Livestock Sanitary Board duly and properly called and held on the 9th day of August, 1974; that a quorum was present at said meeting; that a majority of those present voted for the resolution; that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that the Secretary and Executive Officer of the Livestock Sanitary Board be and he hereby is granted the authority and directed to call a hearing for the purpose of amending regulation LSB-63, Movement of Livestock from Slaughtering Establishments to Points in Minnesota, as well as perform any and all acts incidental thereto, including but without being limited thereto, signing an order for hearing, and that the Secretary and Executive Officer or a person whom he shall appoint act as presiding officer at all hearings."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 18 day of Sept., 1974.

J. G. Flint

J. G. Flint, D.V.M.
Secretary and Executive Officer
Minnesota Livestock Sanitary Board

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE DR. J. G. FLINT
SECRETARY AND EXECUTIVE OFFICER
STATE LIVESTOCK SANITARY BOARD

In the matter of the Proposed Adoption of Rules of the State Livestock Sanitary Board Governing LSB-63, Movement of Livestock from Slaughtering Establishments to Points in Minnesota.

ORDER FOR HEARING

To effectively implement and update the present regulation the Livestock Sanitary Board deems it necessary to consider adoption of the proposed rules captioned above pursuant to the authority vested in us by M.S. 1971.

NOW, THEREFORE, IT IS ORDERED this 18 day of Sept., 1974, that a public hearing on the proposed rules captioned above be held in Room A, of the Veterans Service Building, St. Paul, Minnesota, October 30, 1974, commencing at 11:00 A.M., and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard.

IT IS FURTHER ORDERED, that notice of said hearing be given to all representatives of associations or other interested groups or persons who have registered their names with the Secretary of State for that purpose and all persons who are presently members of the Minnesota Legislature.

STATE OF MINNESOTA
LIVESTOCK SANITARY BOARD

J. G. Flint

J. G. Flint, D.V.M.
Secretary and Executive Officer

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE DR. J. G. FLINT
SECRETARY AND EXECUTIVE OFFICER
STATE LIVESTOCK SANITARY BOARD

In the matter of Proposed Rules
Relating to LSB-63, Movement of Livestock
from Slaughtering Establishments to Points
in Minnesota.

NOTICE OF HEARING

Notice is hereby given that a public hearing will be held pursuant to M. S. 1971, Section 15.0412, Subd. 4, in the above-entitled matter, in Room A of the Veterans Service Building, St. Paul, Minnesota, on Wednesday, October 30, 1974, commencing at 11:00 a.m., and continuing until all representatives or other interested groups of persons have had an opportunity to be heard concerning adoption of the proposed rules captioned above by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing.

The Livestock Sanitary Board proposes to adopt rules relating to the following matters:

--Delete provisions relating to sheep scabies since Minnesota became a Sheep Scabies-Free State in June, 1963.

--Delete reference to federal inspection in public stockyards since such inspection no longer exists.

--Add a provision whereby under extenuating circumstances and upon application by the owner, the Secretary and Executive Officer of the Board may issue a permit for the removal of livestock under quarantine.

Copies of the proposed rules are now available and may be obtained by writing to the Minnesota Livestock Sanitary Board, 555 Wabasha Street, St Paul, Minnesota 55102. Additional copies will be available at the door on the date of the hearing.

STATE OF MINNESOTA
LIVESTOCK SANITARY BOARD

J. G. Flint

J. G. Flint, D.V.M.
Secretary and Executive Officer

Dated this 26 day of September, 1974

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the matter of the Proposed Adoption of Rules of the State Livestock Sanitary Board Governing LSB-63, Movement of Livestock from Slaughtering Establishments to Points in Minnesota.

. I hereby certify that the attached 385 labels & one sheet constitute the complete list of persons, associations, and other interested groups who as of 8:30 o'clock A. M., this 25th day of September, 1974, have requested pursuant to M.S. 1971, Section 15.0412, that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

Secretary of State

Arlen I. Erdahl

By Neil Dion

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Adoption of Rules of the State Livestock Sanitary Board Governing LSB-63, Movement of Livestock from Slaughtering Establishments to Points in Minnesota.

AFFIDAVIT OF MAILING

Donna Carlson, being first duly sworn, deposes and says:

That on the 27 day of September, 19 74, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Hearing by depositing in the United States mail at said City of St. Paul, a true and correct copy thereof, properly enveloped with postage prepaid, to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State as well as to all persons listed on the attached sheet as presently being members of the Minnesota Legislature.

Donna Carlson

Subscribed and sworn to before me

the 27 day of September, 19 74,

Marian S. Comford

MARIAN S. COMFORD
Notary Public, Ramsey County, Minnesota
My Commission Expires July 25, 1979

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE DR. J. G. FLINT
SECRETARY AND EXECUTIVE OFFICER
STATE LIVESTOCK SANITARY BOARD

In the matter of Proposed Rules
Relating to LSB-63, Movement of Livestock
from Slaughtering Establishments to Points
in Minnesota.

STATEMENT OF NEED

The above captioned rules are amendments to existing rules of the Livestock Sanitary Board. The last time the above captioned rules were amended was December, 1945.

The need to adopt these rules arises because of --

1. All of section (b) pertains to sheep scabies, and Minnesota became Sheep Scabies-Free in June, 1963.
2. The federal government no longer maintains inspection in public stockyards.
3. Under extenuating circumstances, a provision is needed whereby the Secretary and Executive Officer is authorized to issue permits for the removal of certain animals under quarantine.

Sept. 18, 1974

J. G. Flint

J. G. Flint, D.V.M.
Secretary and Executive Officer

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE DR. J. G. FLINT
SECRETARY AND EXECUTIVE OFFICER
STATE LIVESTOCK SANITARY BOARD

In the matter of Proposed Amendments of Rules of the State Livestock Sanitary Board Governing Movement of Livestock from Slaughtering Establishments to Points in Minnesota, LSB-63.

FINDINGS OF FACT

The above-entitled matter came on for hearing before the Livestock Sanitary Board of the State of Minnesota on the 30th day of October, 1974, at 11:00 a.m. in Room A of the Veterans Service Building, St. Paul, Minnesota, after proper notice required by M.S. 1971, Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files, and proceedings herein, I find the following:

1. Authority to promulgate the above-captioned rules is contained in Minnesota Statutes, Section 35.03 (1971). That Section directs the Livestock Sanitary Board to protect the health of the domestic animals of the State by such means as it deems expedient to that end, including the adoption of rules and regulations. These rules are hereby found to come within that authority and, further, are found to be reasonable.

2. No statements written or oral were presented either for or against these amendments.

3. This regulation assures that the policy of the State of Minnesota to protect the health of domestic animals of the State is continued in a reasonable manner.

STATE OF MINNESOTA
LIVESTOCK SANITARY BOARD

J. G. Flint

J. G. Flint, D.V.M.
Secretary and Executive Officer

CERTIFICATE OF BOARD'S
ADOPTION OF RULES RESOLUTION

I, Dr. J. G. Flint, do hereby certify that I am Secretary and Executive Officer of the Livestock Sanitary Board, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Livestock Sanitary Board duly and properly called and held on the 17th day of January, 1975; that a quorum was present at said meeting; that a majority of those present voted for the resolution; that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that the rules relating to LSB-63, Movement of Livestock from Slaughtering Establishments to Points in Minnesota, be and they hereby are approved and adopted, pursuant to authority vested in us by Minnesota Statutes 1971, Section 35.03, and that Mr. Alvin Offerman, one of the members of the Minnesota State Livestock Sanitary Board, be and hereby is authorized to sign an order adopting these rules."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 28 day of January, 1975.

J. G. Flint

J. G. Flint, D.V.M.
Secretary and Executive Officer
Livestock Sanitary Board

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE DR. J. G. FLINT
SECRETARY AND EXECUTIVE OFFICER
STATE LIVESTOCK SANITARY BOARD

In the matter of the Proposed Adoption of Rules of the State Livestock Sanitary Board Governing LSB-63, Movement of Livestock from Slaughtering Establishments to Points in Minnesota.

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before the Livestock Sanitary Board of the State of Minnesota on the 30th day of October, 1974, at 11:00 a.m. in Room A of the Veterans Service Building, St. Paul, Minnesota, after proper notice required by M.S. 1971, Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria, and having confirmed the need for the above-captioned rules.

NOW, THEREFORE, IT IS ORDERED that these rules identified as LSB-63, Movement of Livestock from Slaughtering Establishments to Points in Minnesota, are adopted this 17th day of January, 1975, pursuant to authority vested in me by M.S. 1971, Section 35.03.

STATE OF MINNESOTA
LIVESTOCK SANITARY BOARD

Alvin Offerman
Vice President

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General Paul Strandberg do hereby declare that I have examined the proposed rules and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed. Any exceptions are noted below.

Paul Strandberg

Special Assistant Attorney General

Dated: February 19, 1975

Rules as adopted are not captioned as such.

MINNESOTA LIVESTOCK SANITARY BOARD

PROPOSED REVISION TO:

LSB-63 MOVEMENT OF LIVESTOCK FROM SLAUGHTERING ESTABLISHMENTS TO POINTS IN MINNESOTA

(a) No cattle, sheep, or swine shall be removed from slaughtering establishments or the yards immediately contiguous thereto and operated by such slaughtering establishment as holding, sorting, or weighing pens, to other points in Minnesota except ~~as provided in the following section unless such establishments and yards are located within public stockyards where the federal government maintains inspection.~~ that under extenuating circumstances and upon application by the owner of the livestock, the secretary and executive officer of the Board may issue permits to allow removal of livestock under quarantine.

~~(b) Apparently healthy sheep may be removed from slaughtering establishments under quarantine for feeding purposes under the following conditions:~~

~~(1) The person having custody of such sheep before removal shall employ a qualified veterinarian licensed to practice veterinary medicine in the State of Minnesota, such veterinarian to be approved by the Board. The approved veterinarian shall inspect the sheep before removal, supervise the dipping of such sheep as provided in these rules and regulations, establish the necessary quarantines, and perform such further duties and make such reports to the Board as the Board may from time to time require. The services of such veterinarian shall be paid for by the owner or custodian of the sheep and shall be free of expense to the Board.~~

~~(2) The premises to which the sheep are removed shall be so fenced as to be sheeptight, and if adjacent to other premises where sheep are or may be maintained shall be double fenced in such a manner that there can be no contact between sheep on the quarantined premises and those on adjacent premises, the two lines of fence constituting the double fence to be at least 16 feet apart.~~

(3) The premises on which these sheep are maintained shall be quarantined. The quarantine shall be established immediately upon the arrival of sheep which have been removed from slaughtering establishments and shall remain in effect until released in writing by the Board. The quarantine may be released when there are no longer any sheep which have been removed from a slaughtering establishment or other sheep exposed thereto on the premises and the premises have been thoroughly cleaned and disinfected and such cleaning and disinfection certified to the Board by the veterinarian in charge. While the quarantine is in effect no sheep shall be removed from the premises except on permit from the Board or the veterinarian in charge. Permits may be issued for the removal of sheep to public stockyards or slaughtering establishments only. When the permit is issued by the veterinarian in charge a copy shall be immediately mailed to the office of the Livestock Sanitary Board. The permit shall include the number of sheep to be removed from quarantine and the name and address of the slaughtering establishment or other point to which they will be consigned.

(4) The sheep shall be dipped in a permitted dip under the supervision of the veterinarian in charge immediately before leaving the slaughtering establishment and shall be loaded directly into cleaned and disinfected trucks or cars after such dipping and transported directly to the premises on which they are to be quarantined; provided that if there are no facilities for dipping at the slaughtering establishment and proper facilities are available on the premises to which the sheep are to be removed, and provided the facilities on such premises include an isolation yard or yards so constructed that they may be thoroughly cleaned and disinfected and kept in a sanitary condition at all times, the sheep may be removed from the slaughtering establishment to such premises without dipping. But if any such sheep are so removed under this proviso without dipping, then such sheep shall be unloaded into the isolation pens only

~~and-held-in-such-pens-until-properly-dipped. No-sheep-on-the-quarantined-premises shall-be-allowed-in-the-isolation-pens-after-being-dipped. Sheep-removed-from slaughtering-establishments-without-dipping-as-provided-in-this-section-shall-be transported-in-trucks-owned-or-controlled-by-the-slaughtering-establishment-or the-owner-of-the-sheep. Such-trucks-shall-be-thoroughly-cleaned-and-disinfected at-least-once-each-day-while-employed-in-transporting-sheep-from-the-slaughtering establishment-to-the-quarantined-premises, immediately-after-such-transportation is-accomplished-and-under-any-circumstance-before-such-trucks-are-used-for-the transportation-of-other-sheep-for-any-other-purpose-whatsoever.~~