

Minnesota Attorney General: Administrative Rules Proceedings

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334

Peder Hong
Special Assistant
Attorney General

October 26, 1977

- LSB 41 - Sale of Livestock at Auction Markets, Consignment, Community and Other Sales

3 MCAR § 2.041 Sale of Livestock at Auction Markets, Consignment, Community and Other Sales.

Pursuant to Minnesota Statutes 1974, Section 35.03, the Livestock Sanitary Board hereby adopts the following rules and regulations:

A. Definitions. Where used in these rules and regulations the following words and terms shall be defined as follows:

1. "Board" shall mean the Minnesota State Livestock Sanitary Board acting by and through the Secretary and Executive Officer.

2. "Community Sales" shall mean the public sale of livestock for purposes other than immediate slaughter, from any location in Minnesota where such livestock owned by two or more persons is assembled for sale, and the term "Community Sales" as used herein shall include but not be limited to regularly organized livestock auction markets and consignment sales of livestock.

3. "Sales Management" shall mean the person or persons organizing and conducting a community sale.

4. "Sales Premises" shall mean the premises where a community sale is conducted and shall include but not be limited to temporary or permanent sales rings, pens and alleys for confining livestock prior to and after sale and any land or building contiguous to such rings where livestock may be brought to, unloaded or confined prior to sale, or after sale before delivery to the purchaser.

5. "Official Veterinarian" shall mean an individual licensed to practice veterinary medicine in Minnesota, accredited by the United States Department of Agriculture, approved by the Board to perform the brucellosis plate agglutination test or brucellosis card test, and authorized by the Board to act as its representative at a community sale.

6. "Brucellosis Reactor" shall mean any non-vaccinated bovine animal showing complete agglutination in a 1:100 dilution or higher, or is positive to the brucellosis card test; or a vaccinated female bovine animal of dairy breed 20 months of age or over or any female bovine animal of beef breed 24 months of age and over, that is an official vaccinate which shows complete agglutination in a 1:200 dilution or higher, or that is positive to the Brucellosis card test.

7. "Brucellosis Suspect" shall mean a non-vaccinated bovine animal showing any agglutination in the 1:50 dilution or higher which is not classed as a brucellosis reactor; or an officially vaccinated female bovine animal over 20 months of age if of dairy breed, or over 24 months of age if of beef breed that shows any agglutination in the 1:100 dilution that is not classed as a brucellosis reactor.

8. "Health Certificate" shall mean a certificate issued by an accredited veterinarian certifying that, after a physical examination, the cattle described are free from visible signs of contagious, infectious, or communicable disease and shall include a statement of the origin of the cattle and the name and address of the consignee.

B. Permits.

1. No person shall operate or conduct a community sale of livestock in Minnesota, except at a public stockyard or at a state-federal approved market for cattle or swine, unless he has obtained an annual or special permit from the Board as hereafter provided. Applications by the sales management for permits shall be made upon forms furnished by the Board.

2. Annual Permits.

a. An annual permit valid until June 30 following date of issue, unless previously revoked, may be issued for community sales at a specified location provided:

(1) The veterinarian named in the application is accepted by the Board to act as the official veterinarian of the sale and is authorized by the Board to act as its representative as provided in section C.

(2) Prior to issuance of annual permit, the sales premises named in the application shall be inspected by a representative of the Board and certified as being in compliance with the provisions of section D., paragraphs 1. and 2. of this Rule.

3. Special Permits.

a. Special permits may be issued for single community sales which shall specify the date and location for such sales, upon receipt of an application therefor, executed on a form furnished by the Board.

b. Not more than one special permit shall be issued to the same person or organization to conduct a sale at any one location in any three-month period except that cooperative livestock marketing associations selling only livestock owned by association members may hold six sales in any calendar year.

4. The Board may refuse to grant or may revoke an annual or special permit when the applicant or permit holder has violated the laws of this state or the rules of the Board pertaining to the control and eradication of infectious, contagious, or communicable disease of livestock.

C. Official Veterinarian.

1. The sales management shall employ an official veterinarian for each community sale for the purpose of inspection and examining all livestock offered for sale.

2. The official veterinarian shall prohibit the sale of any animal or animals that, in his reasonable opinion, are affected with or show symptoms of infectious, contagious, or communicable disease except as specifically provided in these rules.

3. The official veterinarian shall examine the health certificates for all animals for which a health certificate is required and prohibit the sale of such animals if the health certificates do not meet the requirements of the Board.

4. Where required by the rules the official veterinarian shall test cattle for tuberculosis and brucellosis.

5. Where required to identify cattle and swine by ear tag the official veterinarian shall use only official identification tags bearing the Minnesota prefix.

6. The official veterinarian shall report immediately to the Board any failure by the sales management to properly clean and disinfect the sales premises and vehicles used for transporting animals when required.

7. The official veterinarian shall furnish the Board within five days of completion of the sale:

a. Copies of all quarantines issued by him at the sale,

b. Report of tuberculin and brucellosis tests performed by him,

c. Such other reports as the Board requires.

D. Sale Premises.

1. The veterinarian's office and laboratory, the pavilions, sales rings, alleys, loading and testing chutes, and all livestock pens, and all the other buildings and structures located on any sales premises shall be so constructed that they can be maintained in a sanitary condition. Heating facilities shall be provided so that the veterinarian's laboratory may be maintained at a temperature of not less than 70° F.

2. Sales rings, alleys, testing chutes used for all livestock, and pens used for swine and sheep shall be paved with cement or other impervious materials. Annual permits shall not be issued after July 1, 1971 unless all pens, including cattle pens located on the sales premises, are paved with cement or other impervious materials except that sales premises authorized in accordance with section B., 2., a., (1) of this Rule prior to July 1, 1971 shall be re-authorized provided:

a. Twenty (20) percent by area of existing unpaved pens have been paved prior to July 1, 1972.

b. Forty (40) percent by area of existing unpaved pens have been paved prior to July 1, 1973.

c. Sixty (60) percent by area of existing unpaved pens have been paved prior to July 1, 1974.

d. Eighty (80) percent by area of existing unpaved pens have been paved prior to July 1, 1975.

3. No sales premises shall be authorized after June 30, 1976 unless all pens have been paved.

E. Sales Management.

1. The sales management shall not permit the sale of livestock until such livestock has been examined and found free of symptoms of infectious, contagious, or communicable disease by the official veterinarian. The sales management shall refuse to accept livestock for sale when so ordered by the official veterinarian acting as an agent of the Board, and shall refuse to deliver livestock sold until such livestock has been released by the official veterinarian.

2. The sales management shall, within five (5) days after each sale day, mail to the Board a report of all quarantined livestock sold through such sale, furnishing the name and address of the consignor of such livestock and the name and address of the purchaser. This report shall correspond with the quarantine issued by the official veterinarian at such sale. If no quarantined livestock is sold during the sale, the management shall so notify the Board within five (5) days following such sale.

F. Consignment of Livestock.

1. No livestock originating in other states shall be consigned for sale unless they have been imported into Minnesota in compliance with the Minnesota law and all Rules of the Board governing the importation of such livestock, and are accompanied by proper health certificates as provided in such Rules.

2. Livestock originating in Minnesota shall not be consigned for sale unless accompanied by a statement signed by the owner, that to his best knowledge and belief no animals in the consignment have originated from premises where animals of the same species are under quarantine and that they have not been exposed, within thirty days prior to date of sale, to other animals affected with any infectious, contagious, or communicable disease. The statement shall include the owner's post office address, township and county in which the premises are located, from which the livestock was removed immediately prior to sale.

3. Persons delivering livestock to the sale shall furnish the sales management statements signed by owners of all animals in the consignment originating at points in Minnesota as provided inparagraph 2. of this section and proper health certificates for all such animals originating in other states. Such statements and health certificates shall be submitted to the official veterinarians by the sales management for the veterinarian's approval before the animals are sold. If said livestock is imported under quarantine, the official veterinarian shall either conduct the necessary tests or examinations to release the quarantine, or shall re-quarantine the livestock on the premises of the purchaser.

G. Sale of Cattle.

1. No cattle shall be sold at any community sales unless tested for brucellosis at the sales premises when consigned for sale with the exception of:

a. Steers and spayed heifers.

b. Dairy calves under six months of age, or beef calves under eight months of age.

c. Cattle accompanied by a record of a brucellosis test signed by a veterinarian showing the cattle have been tested for brucellosis and found negative less than thirty days before the date of the sale while owned by the consignor.

d. Cattle consigned directly from a certified brucellosis-free herd.

e. Dairy cattle under twenty (20) months of age and beef cattle under twenty-four (24) months of age when accompanied by an official brucellosis vaccination certificate or having a legible official vaccination tattoo.

f. Female cattle of beef breed under eighteen (18) months of age consigned for sale under quarantine for feeding or grazing purposes only, in accordance with Minnesota Statutes 1976, section 35.245, subdivision 3; and Rules of the Board.

g. Cattle sold for immediate slaughter or for immediate consignment to a public stockyard identified with a tag applied under the Market Cattle Identification Program before leaving the market premises.

h. Female feeding cattle imported on special permit or purchased on affidavit may be consigned to a community sale to be sold for slaughter purposes. The owner of such cattle shall have in his possession a permit issued by the Board before such cattle are removed to the community sale from the premises on which quarantined. The permit shall be presented to the official veterinarian at the time the cattle are consigned.

i. Cattle sold for movement to approved dry lot feeding premises provided such cattle are branded with the letter "F" three inches high on the right jaw with a hot iron, in such manner that the brand shall be permanent and provided that a health certificate is issued listing the identification numbers of each animal.

2. The official veterinarian shall furnish to the sales management a record of test for all cattle tested. Such test record shall be available for examination by any purchaser before the cattle are offered for sale. The test records of all cattle giving a positive reaction shall show names and addresses of all owners during the immediately preceding 30 days. Copies of all test records shall be mailed to the Board within five (5) days of completion of each sale. All cattle passing through a sale on valid health certificate or valid official record of test shall be reported.

3. The sales management shall not allow the removal of cattle, sold without a test for brucellosis for immediate slaughter or consignment to a public stockyard unless the cattle are identified with a tag as applied under the Market Cattle Identification Program.

4. The sales management shall not allow the removal of female cattle of beef breed under eighteen (18) months of age, sold without a test for brucellosis under affidavit and quarantine for feeding or grazing purposes only, until the purchaser furnishes an affidavit to the sales management as required by Minnesota Statutes 1976, section 35.245, subdivision 3. The original and second copy of the affidavit shall be mailed to the Board within five (5) days following the sale.

5. Brucellosis reactors and suspects.

a. Brucellosis reactors shall be placed in isolation pens and not allowed to move from the market until the official veterinarian has identified them as reactors and a permit has been issued for their removal to a designated place of slaughter where the federal government maintains inspection service or to a public stockyards.

b. Brucellosis suspects and all bovine animals that have been in contact with reactors more than 24 hours are to be placed in isolation pens that permit no contact with other livestock separate from reactors and not allowed to move from the market until the official veterinarian has issued a permit for their removal. Such brucellosis suspects and contact animals shall be:

(1) Returned to the farm of origin under quarantine issued by the official veterinarian or

(2) Identified with the letter "S" on the left jaw and sold for immediate slaughter only to a slaughtering establishment where the Federal government maintains inspection service or shipped to a public stockyards under permit issued by the official veterinarian.

6. A report of the origin of all reactors and suspects disclosed when cattle are tested on the sales premises shall be made within five (5) days of the test to the Board by the official veterinarian.

7. Any cattle imported subject to quarantine, and consigned to a community sale, shall be requarantined on the premises of the buyer by the official veterinarian when released from the sales premises. The quarantine issued by the official veterinarian shall include the provisions required for imported cattle.

8. Records of vaccination submitted to the Board by the official veterinarian pertaining to cattle brucellosis vaccinated at a community sale, shall include the name and address of the new owner.

9. Cattle bearing identification tags when consigned to a community sale, shall be identified by such tags on all official sale records submitted to the Board. Such tags shall not be removed without permission from the Board.

10. The official veterinarian may issue a permit for the sale of cattle affected with actinomycosis (lumpy jaw) for the purpose of slaughter only.

H. Sale of Sheep.

1. Sheep found by the official veterinarian to be infected with or exposed to scabies shall be immediately branded with a red letter "S" not less than four inches in height using branding paint and shall be immediately quarantined and held separate and apart from all sheep on the sales premises until a permit is obtained from the Board permitting their shipment, for immediate slaughter only, to points within Minnesota where the United States Department of Agriculture maintains inspection. All pens, loading chutes, and alleys used in the handling of these sheep must be cleaned and then properly disinfected with an approved disinfectant under the supervision of the official veterinarian. All trucks and vehicles used in transporting such sheep to community sales shall be cleaned and disinfected under the supervision of the official veterinarian before leaving the sales premises. All railroad cars used in transporting such sheep shall be cleaned and disinfected as provided by the state law and the rules of the Board.

I. Sales of Swine.

1. All swine except swine sold for slaughter under affidavit, must be individually identified by ear tag or other suitable identification.

2. All swine sold at the community sales shall be removed within twenty-four (24) hours to the premises of the purchaser and shall be held in quarantine separate and apart from all other swine on the premises for a period of not less than thirty (30) days. The official veterinarian shall furnish the purchaser an order of quarantine.

3. Apparently healthy swine of one hundred fifty (150) pounds or more may be sold without identification provided the buyer, before removing the swine from the sales premises, furnishes an affidavit to the official veterinarian stating that all such swine will be consigned to a public stockyards or slaughtering establishment within five (5) days after date of purchase. The sales management shall not allow such swine to be removed from the sales premises until such affidavit is furnished.

J. Sale of Horses.

1. The official veterinarian shall report the consignors' names and addresses, the buyers' names and addresses, description of horses, and the results of the AGID (agar gel immunodiffusion) test for EIA (equine infectious anemia) if a test is required.

2. Horses received from out-of-state shall be retained on the sale premises until found negative to the AGID test for EIA performed at a laboratory approved by the United States Department of Agriculture with the exception of:

a. Horses entering the sale with a valid health certificate indicating a negative AGID test for EIA within the past six months at an approved laboratory.

b. Suckling foals accompanying dams negative to AGID test for EIA.

c. Horses sold for slaughter purposes provided:

(1) The buyer is a licensed livestock dealer.

(2) The official veterinarian applies a paint brand letter "S" at least six inches high on the hip.

(3) The buyer completes and signs a declaration of intent to slaughter.

d. Horses sold to be transported immediately to a state which does not require a negative AGID test for EIA and accompanied by a health certificate issued by the official veterinarian for shipment to such state.

3. Reactors to the AGID test for EIA shall be destroyed, consigned for slaughter under permit, or returned to the premises of origin under permit and in compliance with the provisions of the Code of Federal Regulations - Part 75 and the rules of the Board.

APPROVED AS TO FORM AND LEGALITY

OCT 11 1977 19

WARREN SPANNAUS, ATTORNEY GENERAL

BY /s/ Michael B. Miller

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 11 1977
Joan Anderson Growe
Secretary of State

2:00 P.M.

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General Peder Hong, 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.

Peder Hong

Special Assistant Attorney General

Dated: Oct 3, 1977

ADMIN. 1000
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STATE OF MINNESOTA

Office Memorandum

DEPARTMENT ATTORNEY GENERAL

TO : MIKE MILLER
G19K Administration Bldg.

DATE: August 30, 1977

FROM : PEDER B. HONG
Special Assistant
Attorney General

SUBJECT: LSB 41

These should have been directed to you for your approval.

PBH:km
Enclosure

RECEIVED
AUG 31 1977
Dept. of Administration

LSB-77-002-PE

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE LIVESTOCK SANITARY BOARD

IN THE MATTER OF PROPOSED)
AMENDMENT TO RULES RELATING)
TO LSB 41, SALE OF LIVESTOCK)
AT AUCTION MARKETS, CONSIGN-)
MENT, COMMUNITY AND OTHER)
SALES.)

REPORT OF THE
CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on June 2, 1977, before Peter C. Erickson, a Hearing Examiner of the State Office of Hearing Examiners, on the above-entitled matter in compliance with Minn. Stat. §15.0412, Subd. 4; and

WHEREAS, the Report of Hearing Examiner made pursuant to Minn. Stat. §15.052, Subd. 3, was issued to the Livestock Sanitary Board on June 27, 1977; and

WHEREAS, the Livestock Sanitary Board has now determined to adopt rules pursuant to Minn. Stat. §15.0412, Subd. 4; and

WHEREAS, the Livestock Sanitary Board has submitted said rules to the Chief Hearing Examiner for review pursuant to Minn. Stat. §15.052, Subd. 4, and Rule HE 107; and

WHEREAS, the Chief Hearing Examiner finds that the final proposed rules are not substantially different from those proposed at the public hearing and that the Livestock Sanitary Board has met all requirements of Minn. Stat. §15.0412, Subd. 4.

NOW, THEREFORE, upon receipt of this Report, the Livestock Sanitary Board has the responsibility of submitting the complete hearing record and the rules as adopted by the Agency to the Attorney General and to publish in the State Register, all pursuant to Minn. Stat. §15.0412, Subd. 4.

Dated this 16th day
of August, 1977.

Duane R. Harves

DUANE R. HARVES
Chief Hearing Examiner

LSB-77-002-PE

ATTORNEY GENERAL
SOLICITOR GENERAL
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STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE LIVESTOCK SANITARY BOARD

In the Matter of Proposed)
Amendment to Rules Relating to)
LSB 41, Sale of Livestock at) REPORT OF HEARING EXAMINER
Auction Markets, Consignment,)
Community and Other Sales.)

The above-entitled matter came on for hearing before Hearing Examiner Peter C. Erickson of the Minnesota Office of Hearing Examiners at 10:30 a.m. on Thursday, June 2, 1977, in Room A of the Veterans Service Building, St. Paul, Minnesota.

Paul A. Strandberg, Special Assistant Attorney General, 420 State Office Building, appeared as counsel for the Livestock Sanitary Board. Dr. Robert G. Pyle, D.V.M., Imports and Markets Section, testified on behalf of the Board in support of the proposed rule amendments. The hearing continued until all interested droups or persons had an opportunity to be heard concerning the adoption of the proposed rules.

Pursuant to Minn. Stat. § 15.0412, subd. 4 (Supp. 1977), this Report shall be available for review to all affected individuals upon request for at least five days.

The Board shall, if it proposes to adopt the rules as originally proposed or amended, submit the complete hearing record, including its Findings and Order, to the Chief Hearing Examiner no earlier than five days subsequent to the receipt of this Report. This submission shall also clearly indicate any changes made to the rules as originally proposed, preferably in the format that will be submitted to the State Register for publication. The Chief Hearing Examiner shall complete his review and submit his report to the Board on the issues of substantial changes in the rule and compliance with Minn. Stat. § 15.0412 within ten calendar days. Thereafter, the Board shall be responsible for filing the rules with the Attorney General.

Based upon all the records and proceedings herein, the Examiner makes the following:

FINDINGS OF FACT

1. On April 1, 1977, the Board filed the following documents with the Chief Hearing Examiner:

(a) A copy of the proposed rules;
(b) A proposed Order for Hearing;
(c) A proposed Notice of Hearing; and
(d) A Statement of the estimated length and number of people attending the hearing.

2. On May 2, 1977, a Notice of Hearing and a copy of the proposed rules were published at 1 State Register 1562.

3. On April 29, 1977, the Board mailed the Notice of Hearing to all persons and associations who had registered their names with the Secretary of State for the purpose of receiving such notice.

4. On May 9, 1977, the Board filed the following documents:

(a) The Order for Hearing;
(b) The Notice of Hearing as mailed;
(c) The Affidavit of Receipt of the Secretary of State's list;
(d) The Affidavit of Mailing;
(e) The Secretary of State's Certificate and list;
(f) The Statement of Need;
(g) The Statement of Evidence, including the names of witnesses to be called; and
(h) The names of Board personnel who will represent the agency.

The documents were available for inspection at the Office of Hearing Examiners from the date of filing to the date of the hearing.

5. The record remained open through June 22, 1977 for the receipt of written comments and statements.

6. Statutory authority to promulgate the proposed rules is found in Minn. Stat. § 35.03 (1976).

7. The proposed amendments to LSB 41 fall into two main categories. First, a change in Section (3), subsection (bb) is proposed to allow more frequent consignment, community and other sales at the same location by the same organization. Second, a new section (J) is added to control the sale of horses.

8. The change in Section (3), subsection (bb) is primarily in response to requests from cattlemen's associations, particularly from northern Minnesota. These associations have been formed by beef cattle producers in Minnesota for the purpose of selling the yearly production of feeders. Since most feeders are sold in the

fall, it is necessary to hold a number of sales during a short period of time.

9. Therefore, it is necessary to restructure LSB 41 to accommodate marketing schedules for certain classes of livestock. The 1972 version of LSB 41 allows for the issuance of only one special permit to the same person or organization to conduct a sale at any one location in any three-month period. The original purpose for the restriction was to prevent an individual from using a single sale permit to avoid the more stringent requirements for regularly scheduled auction markets.

10. Section (3), subsection (bb) is therefore amended by adding an exception for cooperative livestock marketing associations. Those associations selling only livestock owned by association members may hold six sales in any calendar year. The intent of the revision is to stimulate the agricultural economy of northern Minnesota without significantly affecting disease control programs in the entire State.

11. The second proposed amendment to LSB 41 pertains to the sale of horses. Prior to 1974, the Livestock Sanitary Board had no requirements for horse sales. In September, 1974, LSB 4, the Rule for Importation of Horses, was amended to require a negative agar gel immunodiffusion (AGID) test for equine infectious anemia (EIA) for imported horses.

12. There is a need, however, to establish specific requirements for handling horses offered for sale at Minnesota Auction Markets, Consignment and other sales. The objective of the requirements is to reduce the probability of out-of-state horses introducing EIA into Minnesota. The requirements assure that horses from other states will be tested for EIA, and if found positive, will be properly disposed of or returned to the premises of origin.

13. Section J, subsection 1 requires a veterinarian to report the names and addresses of consignors and buyers, a description of the horse, and the results of the AGID test for EIA. The purpose of this subsection is to provide the means to monitor the movements of horses and thus comply with the EIA test requirements.

14. Section J, subsection 2 reiterates some provisions of

Rule LSB 4, and requires out-of-state horses to remain on the sale premises until found negative to the AGID test for EIA. Exceptions to this requirement include the following:

a. Horses with certification of a negative AGID test for EIA within the past six months.

b. Suckling foals accompanying dams negative to AGID test for EIA. Foals are exempt because test results, positive or negative, are generally not indicative of infection.

c. Horses sold for slaughter purposes provided:

(1) The buyer is a licensed livestock dealer. This is reasonable, because only licensed dealers buy slaughter horses.

(2) The official veterinarian applies a paint brand letter "S" at least six inches high on the hip. This provision will limit the movement of untested horses to slaughter.

(3) The buyer completes and signs a declaration of intent to slaughter. The objective of this requirement is to allow LSB personnel to determine whether horses were actually slaughtered by checking with the slaughter plant.

d. Horses sold to buyers in other states which do not require an EIA test.

15. Section J, subsection 3 requires that horses which react to the AGID test for EIA shall be destroyed, consigned for slaughter, or returned to the premises of origin. This requirement is consistent with LSB 4, present Board policy, and the United States Department of Agriculture Animal and Plant Inspection Service Rules.

Based upon the foregoing Findings of Fact, the Examiner makes the following:

CONCLUSIONS

1. Due, timely and adequate legal notice of the hearing was properly served and filed by the Livestock Sanitary Board. All other substantive and procedural requirements of statute or rule have been complied with.

2. Pursuant to Minn. Stat. § 15.052, subd. 3 (1976), it is the duty of the Hearing Examiner to: "...(4) make a report on each proposed agency action...taking notice of the degree to which

the agency has (i) documented its statutory authority to take the proposed action, (ii) fulfilled all relevant, substantive and procedural requirements of law or rule, and (iii) demonstrated the need for and reasonableness of its proposed action with an affirmative presentation of facts."

3. The Examiner concludes that the Livestock Sanitary Board has documented its statutory authority to promulgate the proposed amendments to LSB 41 and that the need for and reasonableness of the proposed amendments have been demonstrated by an affirmative presentation of facts.

Based upon the foregoing Conclusions, the Examiner makes the following:

RECOMMENDATION

That the Livestock Sanitary Board adopt the proposed amendments to LSB 41.

Dated: June 27, 1977.

Peter C. Erickson

PETER C. ERICKSON
Hearing Examiner

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 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 15th day of April, 1977, that a quorum was present at said meeting; that a m 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 Dr. J. G. Flint, 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 Rule LSB 41 Sale of Livestock at Auction Markets, Consignment, Community and Other Sales, as well as perform any and all acts incidental thereto, including but without being limited thereto, signing an order of hearing and notice of hearing.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 28 day of April, 1977.

J. G. Flint

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

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE PETER C. ERICKSON
HEARING EXAMINER

In the Matter of Proposed Amendment to
Rules Relating to LSB 41, Sale of Livestock
at Auction Markets, Consignment, Community
and Other Sales.

NOTICE OF HEARING

Notice is hereby given that a public hearing in the above entitled matter will be held pursuant to M.S. § 15.0412, Subdivision 4 (1976), in Conference Room A, Veterans Service Building, 20 West 12th Street or Columbus Avenue, June 2, 1977 commencing at 10:30 A.M., and continuing until all interested or affected persons have had an opportunity to be heard.

Relevant Statements or written material may be submitted for the record at the hearing or to Peter C. Erickson, Room 300, 1745 University Avenue, St. Paul, Minnesota 55104 phone 612-296-8118 before the hearing or within 20 days after the close of the hearing.

Statutory authority to promulgate the proposed rules is vested in the Livestock Sanitary Board by Minnesota Statutes § 35.03 (1976).

The LSB proposes to amend these rules to:

1. Allow cooperative livestock marketing associations selling only livestock owned by association members to hold 6 special sales each year rather than only one each 3 months.

2. Require that horses, with certain exceptions, from other states be tested for EIA (equine infectious anemia) prior to or at the sale.

3. Allows sale of horses from other states to licensed livestock dealers without an EIA test if a certificate of intent to slaughter is signed and the horse paint branded.

4. Provide for disposition of horses reacting to the EIA test conducted at the sale premises.

A free copy of the proposed rule is available and can be obtained from the Minnesota Livestock Sanitary Board, 555 Wabasha, St. Paul, Minnesota 55102. Additional copies will be available at the hearing.

A "statement of need" explaining why the Board feels the proposed rules are necessary and a "statement of evidence" outlining the testimony they will introduce will be filed with the Hearing Examiner at least 25 days prior to the hearing and will be available for public inspection.

Please be advised that Minnesota Statute Chapter 10A requires each lobbyist to register with the Ethical Practices Board within 5 days after he commences lobbying. Lobbying includes attempting to influence rule making by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than $250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than $250 per year or five hours per month at lobbying. The statute provides certain exemptions. Questions should be directed to the Ethical Practices Board 41 State Office Building, St. Paul, Minnesota 55155. phone 612-296-5615

STATE OF MINNESOTA
LIVESTOCK SANITARY BOARD

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

Dated this 18 day of April, 1977.

LSB 6

STATE OF MINNESOTA

COUNTY OF RAMSEY

RECEIVED
AUG 12 1977
OFFICE OF HEARING
EXAMINERS

In the Matter of the Proposed Amendment to Rules of the State Livestock Sanitary Board, Governing LSB-41, Sale of Livestock at Auction Markets, Consignment, Community and Other Sales.

CERTIFICATE

I hereby certify that the enclosed 307 labels with the list for the Livestock Sanitary Board constitute the complete list of persons, associations, and other interested groups who as of 8:00 o'clock, A.M., this 28th day of April, 1977, have requested pursuant to M.S. 1976, 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

Joan Anderson Growe

By Ceil Dorin

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE PETER C. ERICKSON
HEARING EXAMINER

In the Matter of the Proposed Amendment to
Rules of the State Livestock Sanitary Board,
3 MCAR 2.041, Sale of Livestock at Auction
Markets, Consignment, Community and Other Sales.

FINDINGS OF FACT

The above-entitled matter came on for hearing before Peter C Erickson, Hearing Examiner, on the 2nd day of June, 1977, at 10:30 a.m. in Conference Room A, Veterans Service Building, 20 West 12th Street, or Columbus Avenue, St Paul, Minnesota, after proper notice required by M.S. 1976, Section 15.0412, subdivision 4, was served upon all persons, association, and other interested groups registered with the Secretary of State for that purpose. Notice of Hearing was duly published in Volume I, Number 43, dated May 2, 1977, State Register, State of Minnesota.

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

1. Authority to promulgate and amend the above-captioned rule is contained in M.S. 1976, Section 35.03. That section directs the State 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. These rules are hereby found to come within that authority and are found to be necessary and reasonable.

2. Amendment of this rule will allow for more frequent sales of livestock owned by cooperative livestock marketing association members and relieve the present restrictive limit to the number of such sales permitted.

3. Amendment of this rule will provide for the orderly marketing of horses sold at sales in Minnesota that have originated from other States and further will allow the sale of horses for slaughter purposes without a test for Equine Infectious Anemia provided they are identified with a distinctive mark.

4. The hearing examiner has concluded that the need for and reasonableness of the proposed amendments have been demonstrated by an affirmative presentation of fact and has recommended adoption of the amendments.

Dated August 12, 1977

J. G. Flint

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

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE PETER C. ERICKSON
HEARING EXAMINER

In the Matter of the Proposed Amendment to Rules of the State Livestock Sanitary Board, Governing LSB-41, Sale of Livestock at Auction Markets, Consignment, Community and Other Sales.

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before Hearing Examiner Peter C. Erickson of the Minnesota Office of Hearing Examiners at 10:30 A.M. on Thursday, June 2, 1977 in Room A, Veterans Service Building, St. Paul, Minnesota, after proper notice required by Minn. Stat. Section 15.0412 (1976) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose and was published in the State Register.

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-41, Sale of Livestock at Auction Markets, Consignment, Community and Other Sales, as presented to the Minnesota Livestock Sanitary Board for consideration, are adopted this 22nd day of July, 1977 pursuant to authority vested in me by the Livestock Sanitary Board.

STATE OF MINNESOTA
LIVESTOCK SANITARY BOARD

A. B. Magnuson

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 22nd day of July, 1977; 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-41, Sale of Livestock at Auction Markets, Consignment, Community and Other Sales, be and they hereby are approved and adopted, pursuant to authority vested in us by Minnesota Statutes 1976, Section 35.03 and that Dr. A. B. Magnusson, 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 subscribe my name this 27th day of July, 1977.

J. G. Flint

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

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE PETER C. ERICKSON
HEARING EXAMINER

In the Matter of the Proposed Amendment to Rules of the State Livestock Sanitary Board, Governing LSB-41, Sale of Livestock at Auction Markets, Consignment, Community and Other Sales.

ORDER OF HEARING

To effectively implement and make more specific the Livestock Sanitary Board deems it necessary to consider amending the above-captioned rules pursuant to the authority vested in it by M.S. 1976, Sec. 35.03.

NOW, THEREFORE, IT IS ORDERED this 15th day of April, 1977, that a public hearing on the proposed amendment to the above-captioned rules be held in Room A, Veterans Service Building, State of Minnesota, St. Paul, Minnesota, on Thursday the 2nd day of June, 1977, commencing at 10:30 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 and be published in the State Register.

J. G. Flint

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

AFFIDAVIT

L. T. Christensen, D.V.M., being duly sworn on oath deposes and says:

1) That he is an employee of the Livestock Sanitary Board of the State of Minnesota.

2) That on the 21st day of April, 1977 he called the Secretary of State's office for the State of Minnesota and requested a current list of all representatives of associations or other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules pursuant to M.S. 15.0412 (1976).

3) That on the 28th day of April, 1977, in response to the above request, the Secretary of State provided him with such a list, a copy of which is attached hereto and incorporated by reference.

Further affiant sayeth not.

L. T. Christensen

Subscribed and sworn to before me
this 28 day of April, 1977

Marian S. Comford

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

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE PETER C. ERICKSON
HEARING EXAMINER

RECEIVED
MAY 9 1977
OFFICE OF HEARING
EXAMINERS

In the Matter of the Proposed Amendments to the Rules of the State Livestock Sanitary Board Relating to LSB-41, Sale of Livestock at Auction Markets, Consignment, Community and Other Sales.

STATEMENT OF NEED

The above captioned rule is an existing rule of the State Livestock Sanitary Board. This rule was last amended in September, 1975.

Proposed amendments are:

1. There is a need for an increase in the number of special sales of livestock for which some organizations will be issued special permits. The marketing schedules for some classes of livestock make the present rule too restrictive.

2. There is a need to establish specific requirements on the handling of horses which are offered for sale at Minnesota Auction Markets, Consignment and other sales. These requirements assure that horses from other states remaining in Minnesota are tested for equine infectious anemia (EIA) and if found positive will be properly disposed of or returned to the premises of origin. This will reduce the probability of introduction of the disease into Minnesota by these out-of-state horses. Requiring reporting of origin and destination of all horses offered for sale will serve as a means of monitoring movements of horses and of compliance with the EIA test requirement.

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

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Amendment to Rules of the State Livestock Sanitary Board, Governing LSB-41, Sale of Livestock at Auction Markets, Consignment, Community and Other Sales.

AFFIDAVIT OF MAILING

Robert Pyle, being first duly sworn, deposes and says:

That on the 29th day of April, 1977, at the City of St. Paul, County of Ramsey, State of Minnesota, he 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, or by interoffice mail or directly to the addressee 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.

Robert D Pyle

Subscribed and sworn to before me
the 29th day of April, 1977,

Judith D. Kretzmann

JUDITH D. KRETZMANN
Notary Public, Ramsey Co., Ma.
My Commission Expires
August 6, 1981

(Delete pages 91 thru 96 and insert new LSB 41)

LSB 41 Sale of Livestock at Auction Markets, Consignment, Community and Other Sales

Filed with the Secretary of State and Commissioner of Administration September, 1975.

Pursuant to Minnesota Statutes 1974, Section 35.03, the Livestock Sanitary Board hereby adopts the following rules and regulations:

(a) Definitions. Where used in these rules and regulations the following words and terms shall be defined as follows:

(1) "Board" shall mean the Minnesota State Livestock Sanitary Board acting by and through the Secretary and Executive Officer.

(2) "Community Sales" shall mean the public sale of livestock for purposes other than immediate slaughter, from any location in Minnesota where such livestock owned by two or more persons is assembled for sale, and the term "Community Sales" as used herein shall include but not be limited to regularly organized livestock auction markets and consignment sales of livestock.

(3) "Sales Management" shall mean the person or persons organizing and conducting a community sale.

(4) "Sales Premises" shall mean the premises where a community sale is conducted and shall include but not be limited to temporary or permanent sales rings, pens and alleys for confining livestock prior to and after sale and any land or building contiguous to such rings where livestock may be brought to, unloaded or confined prior to sale, or after sale before delivery to the purchaser.

(5) "Official Veterinarian" shall mean an individual licensed to practice veterinary medicine in Minnesota, accredited by the United States Department of Agriculture, approved by the Board to perform the brucellosis plate agglutination test or brucellosis card test, and authorized by the Board to act as its representative at a community sale.

(6) "Brucellosis Reactor" shall mean any non-vaccinated bovine animal showing complete agglutination in a 1:100 dilution or higher, or is positive to the brucellosis card test; or a vaccinated female bovine animal of dairy breed 20 months of age or over or any female bovine animal of beef breed 24 months of age and over, that is an official vaccinate which shows complete agglutination in a 1:200 dilution or higher, or that is positive to the brucellosis card test.

(7) "Brucellosis Suspect" shall mean a non-vaccinated bovine animal showing any agglutination in the 1:50 dilution or higher which is not classed as a brucellosis reactor; or an officially vaccinated female bovine animal over 20 months of age if of dairy breed, or over 24 months of age if of beef breed that shows any agglutination in the 1:100 dilution that is not classed as a brucellosis reactor.

(8) "Health Certificate" shall mean a certificate issued by an accredited veterinarian certifying that, after a physical examination, the cattle described are free from visible signs of contagious, infectious, or communicable disease and shall include a statement of the origin of the cattle and the name and address of the consignee.

(b) Permits.

(1) No person shall operate or conduct a community sale of livestock in Minnesota, except at a public stockyard or at a state-federal approved market for cattle or swine, unless he has obtained an annual or special permit from the Board as hereafter provided. Applications by the sales management for permits shall be made upon forms furnished by the Board.

(2) Annual permits.

(aa) An annual permit valid until June 30 following date of issue, unless previously revoked, may be issued for community sales at a specified location provided:

(i) The veterinarian named in the application is accepted by the Board to act as the official veterinarian of the sale and is authorized by the Board to act as its representative as provided in section (c).

(ii) Prior to issuance of annual permit, the sales premises named in the application shall be inspected by a representative of the Board and certified as being in compliance with the provisions of section (d), paragraphs (1) and (2) of this regulation.

(3) Special permits.

(aa) Special permits may be issued for single community sales which shall specify the date and location for such sales, upon receipt of an application therefor, executed on a form furnished by the Board.

(bb) Not more than one special permit shall be issued to the same person or organization to conduct a sale at any one location in any three-month period with the exception of regularly scheduled livestock auction markets.

(4) The Board may refuse to grant or may revoke an annual or special permit when the applicant or permit holder has violated the laws of this state or the rules and regulations of the Board pertaining to the control and eradication of infectious, contagious, or communicable disease of livestock.

(c) Official veterinarian.

(1) The sales management shall employ an official veterinarian for each community sale for the purpose of inspection and examining all livestock offered for sale.

(2) The official veterinarian shall prohibit the sale of any animal or animals that, in his reasonable opinion, are affected with or show symptoms of infectious, contagious, or communicable disease except as specifically provided in these rules and regulations.

(3) The official veterinarian shall examine the health certificates for all animals for which a health certificate is required and prohibit the sale of such animals if the health certificates do not meet the requirements of the Board.

(4) Where required by the rules and regulations the official veterinarian shall test cattle for tuberculosis and brucellosis.

(5) Where required to identify cattle and swine by ear tag the official veterinarian shall use only official identification tags bearing the Minnesota prefix.

(6) The official veterinarian shall report immediately to the Board any failure by the sales management to properly clean and disinfect the sales premises and vehicles used for transporting animals when required.

(7) The official veterinarian shall furnish the Board within five days of completion of the sale:

(aa) Copies of all quarantines issued by him at the sale,

(bb) Report of tuberculin and brucellosis tests performed by him,

(cc) Such other reports as the Board requires.

(d) Sales premises.

(1) The veterinarian's office and laboratory, the pavilions, sales rings, alleys, loading and testing chutes, and all livestock pens, and all the other buildings and structures located on any sales premises shall be so constructed that they can be maintained in a sanitary condition. Heating facilities shall be provided so that the veterinarian's laboratory may be maintained at a temperature of not less than 70° F.

(2) Sales rings, alleys, testing chutes used for all livestock, and pens used for swine and sheep shall be paved with cement or other impervious materials. Annual permits shall not be issued after July 1, 1971 unless all pens, including cattle pens located on the sales premises, are paved with cement or other impervious materials except that sales premises authorized in accordance with section (b)(2)(aa)(ii) of this regulation prior to July 1, 1971 shall be re-authorized provided:

(aa) Twenty (20) percent by area of existing unpaved pens have been paved prior to July 1, 1972.

(bb) Forty (40) percent by area of existing unpaved pens have been paved prior to July 1, 1973.

(cc) Sixty (60) percent by area of existing unpaved pens have been paved prior to July 1, 1974.

(dd) Eighty (80) percent by area of existing unpaved pens have been paved prior to July 1, 1975.

(3) No sales premises shall be authorized after June 30, 1976 unless all pens have been paved.

(e) Sales management.

(1) The sales management shall not permit the sale of livestock until such livestock has been examined and found free of symptoms of infectious, contagious, or communicable disease by the official veterinarian. The sales management shall refuse to accept livestock for sale when so ordered by the official veterinarian acting as an agent of the Board, and shall refuse to deliver livestock sold until such livestock has been released by the official veterinarian.

(2) The sales management shall, within five (5) days after each sale day, mail to the Board a report of all quarantined livestock sold through such sale, furnishing the name and address of the consignor of such livestock and the name and address of the purchaser. This report shall correspond with the quarantine issued by the official veterinarian at such sale. If no quarantined

livestock is sold during the sale, the management shall so notify the Board within five (5) days following such sale.

(f) Consignment of livestock.

(1) No livestock originating in other states shall be consigned for sale unless they have been imported into Minnesota in compliance with the Minnesota law and all rules and regulations of the Board governing the importation of such livestock, and are accompanied by proper health certificates as provided in such regulations.

(2) Livestock originating in Minnesota shall not be consigned for sale unless accompanied by a statement signed by the owner, that to his best knowledge and belief no animals in the consignment have originated from premises where animals of the same species are under quarantine and that they have not been exposed, within thirty days prior to date of sale, to other animals affected with any infectious, contagious, or communicable disease. The statement shall include the owner's post office address, township and county in which the premises are located, from which the livestock was removed immediately prior to sale.

(3) Persons delivering livestock to the sale shall furnish the sales management statements signed by owners of all animals in the consignment originating at points in Minnesota as provided in paragraph (2) of this section and proper health certificates for all such animals originating in other states. Such statements and health certificates shall be submitted to the official veterinarians by the sales management for the veterinarian's approval before the animals are sold. If said livestock is imported under quarantine, the official veterinarian shall either conduct the necessary tests or examinations to release the quarantine, or shall re-quarantine the livestock on the premises of the purchaser.

(g) Sale of cattle.

(1) No cattle shall be sold at any community sales unless tested for brucellosis at the sales premises when consigned for sale with the exception of:

(aa) Steers and spayed heifers.

(bb) Dairy calves under six months of age, or beef calves under eight months of age.

(cc) Cattle accompanied by a record of a brucellosis test signed by a veterinarian showing the cattle have been tested for brucellosis and found negative less than thirty days before the date of the sale while owned by the consignor.

(dd) Cattle consigned directly from a certified brucellosis-free herd.

(ee) Dairy cattle under twenty (20) months of age and beef cattle under twenty-four (24) months of age when accompanied by an official brucellosis vaccination certificate or having a legible official vaccination tattoo.

(ff) Female cattle of beef breed under eighteen (18) months of age consigned for sale under quarantine for feeding or grazing purposes only, in accordance with Minnesota Statutes 1971, section 35.245, subdivision 3; and rules and regulations of the Board.

(gg) Cattle sold for immediate slaughter or for immediate consignment to a public stockyard identified with a tag applied under the Market Cattle Identification Program before leaving the market premises.

(hh) Female feeding cattle imported on special permit or purchased on affidavit may be consigned to a community sale to be sold for slaughter purposes. The owner of such cattle shall have in his possession a permit issued by the Board before such cattle are removed to the community sale from the premises on which quarantined. The permit shall be presented to the official veterinarian at the time the cattle are consigned.

(ii) Cattle sold for movement to approved dry lot feeding premises provided such cattle are branded with the letter "F" three inches high on the right jaw with a hot iron, in such manner that the brand shall be permanent and provided that a health certificate is issued listing the identification numbers of each animal.

(2) The official veterinarian shall furnish to the sales management a record of test for all cattle tested. Such test record shall be available for examination by any purchaser before the cattle are offered for sale. The test records of all cattle giving a positive reaction shall show names and addresses of all owners during the immediately preceding 30 days. Copies of all test records shall be mailed to the Board within five (5) days of completion of each sale. All cattle passing through a sale on valid health certificate or valid official record of test shall be reported.

(3) The sales management shall not allow the removal of cattle, sold without a test for brucellosis for immediate slaughter or consignment to a public stockyard unless the cattle are identified with a tag as applied under the Market Cattle Identification Program.

(4) The sales management shall not allow the removal of female cattle of beef breed under eighteen (18) months of age, sold without a test for brucellosis under affidavit and quarantine for feeding or grazing purposes only, until the purchaser furnishes an affidavit to the sales management as required by Minnesota Statutes 1971, section 35.245, subdivision 3. The original and second copy of the affidavit shall be mailed to the Board within five (5) days following the sale.

(5) Brucellosis reactors and suspects.

(aa) Brucellosis reactors shall be placed in isolation pens and not allowed to move from the market until the official veterinarian has identified them as reactors and a permit has been issued for their removal to a designated place of slaughter where the federal government maintains inspection service or to a public stockyards.

(bb) Brucellosis suspects and all bovine animals that have been in contact with reactors more than 24 hours are to be placed in isolation pens that permit no contact with other livestock separate from reactors and not allowed to move from the market until the official veterinarian has issued a permit for their removal. Such brucellosis suspects and contact animals shall be:

(i) Returned to the farm of origin under quarantine issued by the official veterinarian or

(ii) Identified with the letter "S" on the left jaw and sold for im-

mediate slaughter only to a slaughtering establishment where the Federal government maintains inspection service or shipped to a public stockyards under permit issued by the official veterinarian.

(6) A report of the origin of all reactors and suspects disclosed when cattle are tested on the sales premises shall be made within five (5) days of the test to the Board by the official veterinarian.

(7) Any cattle imported subject to quarantine, and consigned to a community sale, shall be requarantined on the premises of the buyer by the official veterinarian when released from the sales premises. The quarantine issued by the official veterinarian shall include the provisions required for imported cattle.

(8) Records of vaccination submitted to the Board by the official veterinarian pertaining to cattle brucellosis vaccinated at a community sale, shall include the name and address of the new owner.

(9) Cattle bearing identification tags when consigned to a community sale, shall be identified by such tags on all official sale records submitted to the Board. Such tags shall not be removed without permission from the Board.

(10) The official veterinarian may issue a permit for the sale of cattle affected with actinomycosis (lumpy jaw) for the purpose of slaughter only.

(h) Sale of sheep.

(1) Sheep found by the official veterinarian to be infected with or exposed to scabies shall be immediately branded with a red letter "S" not less than four inches in height using branding paint and shall be immediately quarantined and held separate and apart from all sheep on the sales premises until a permit is obtained from the Board permitting their shipment, for immediate slaughter only, to points within Minnesota where the United States Department of Agriculture maintains inspection. All pens, loading chutes, and alleys used in the handling of these sheep must be cleaned and then properly disinfected with an approved disinfectant under the supervision of the official veterinarian. All trucks and vehicles used in transporting such sheep to community sales shall be cleaned and disinfected under the supervision of the official veterinarian before leaving the sales premises. All railroad cars used in transporting such sheep shall be cleaned and disinfected as provided by the state law and the rules and regulations of the Board.

(i) Sales of swine.

(1) All swine except swine sold for slaughter under affidavit, must be individually identified by ear tag or other suitable identification.

(2) All swine sold at the community sales shall be removed within twenty-four (24) hours to the premises of the purchaser and shall be held in quarantine separate and apart from all other swine on the premises for a period of not less than thirty (30) days. The official veterinarian shall furnish the purchaser an order of quarantine.

(3) Apparently healthy swine of one hundred fifty (150) pounds or more may be sold without identification provided the buyer, before removing the swine from the sales premises, furnishes an affidavit to the official veterinarian stating that all such swine will be consigned to a public stockyards or slaughtering establishment within five (5) days after date of purchase. The sales management shall not allow such swine to be removed from the sales premises until such affidavit is furnished.

KEY: Material proposed to be added to an existing rule is printed in **boldface.** Material proposed to be deleted from an existing rule is printed in [single brackets].

Rules as Proposed

LSB 41 Sale of Livestock at Auction Markets, Consignment, Community and Other Sales.

This rule, adopted in 1975 and published in Volume 7 of the *Minnesota Code of Agency Rules*, will be amended by a change in section (b)(3)(bb) and addition of section (j) as follows:

b. [(bb)] Not more than one special permit shall be issued to the same person or organization to conduct a sale at any one location in any three-month period [with the exception of regularly scheduled livestock auction markets] **except that cooperative livestock marketing associations selling only livestock owned by association members may hold six sales in any calendar year.**

J. Sale of Horses.

1. The official veterinarian shall report the consignors' names and addresses, the buyers' names and addresses, description of horses, and the results of the AGID (agar gel immunodiffusion) test for EIA (equine infectious anemia) if a test is required.

2. Horses received from out-of-state shall be retained on the sale premises until found negative to the AGID test for EIA performed at a laboratory approved by the United States Department of Agriculture with the exception of:

a. Horses entering the sale with a valid health certificate indicating a negative AGID test for EIA within the past six months at an approved laboratory.

b. Suckling foals accompanying dams negative to AGID test for EIA.

c. Horses sold for slaughter purposes provided:

(1) The buyer is a licensed livestock dealer.

(2) The official veterinarian applies a paint brand letter "S" at least six inches high on the hip.

(3) The buyer completes and signs a declaration of intent to slaughter.

d. Horses sold to be transported immediately to a state which does not require a negative AGID test for EIA and accompanied by a health certificate issued by the official veterinarian for shipment to such state.

3. Reactors to the AGID test for EIA shall be destroyed, consigned for slaughter under permit, or returned to the premises of origin under permit and in compliance with the provisions of the *Code of Federal Regulations* — Part 75 and the rules of the Board.