

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

356

Peder Hong
Special Assistant
Attorney General

January 3, 1978

- State Livestock Sanitary Board Relating to
LSB-5, Importation of Swine

RECEIVED
OCT 27 1977
OFFICE OF HEARING
EXAMINERS

3 MCAR § 2.005 Importation of Swine into Minnesota.

A. Swine shall not be imported into the State of Minnesota from herds or areas under quarantine for infectious diseases of swine except swine accompanied by a shipping permit sent directly to slaughtering establishments under federal inspection, or to a public stockyard for sale to a slaughtering establishment.

B. All swine imported into the State of Minnesota shall be accompanied by a health certificate issued by an accredited veterinarian, except:

1. Feeding and slaughter swine consigned to a public stockyard.

2. Feeding and slaughter swine consigned to a market operating under a permit from the Board.

3. Swine going directly to slaughter at a slaughtering establishment having federal inspection.

C. Health Certificates:

1. Shall show the individual identification numbers of the swine. Acceptable individual identification shall be:

a. Eartag

b. Tattoo

c. Registration number

d. Approved ear notch system

2. Shall show the date, name of the laboratory, and results of tests required in Section D1., and 2.

3. Shall show the validated brucellosis-free herd number or other disease-free herd status if originating from such herds.

4. One copy of the health certificate approved by the animal health department of the state of origin shall be forwarded to the Minnesota Livestock Sanitary Board.

D. Breeding swine six months of age and over shall be:

1. Negative to the Brucellosis Buffered Antigen Test conducted at a state or federal laboratory within 30 days prior to importation, or originate from a Validated Brucellosis-free swine herd.

2. Negative to the Serum Neutralization Test for pseudorabies within 30 days prior to importation.

E. Quarantine and isolation. All swine except swine for exhibition, slaughter, or entering a market or a public stockyards shall be quarantined and held in isolation on the farm of destination for a period of 30 days.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 20 1977
Joan Anderson Growe
Secretary of State
4:20 p.m.

APPROVED AS TO FORM AND LEGALITY
DEC 2 0 1977 19
MARIAN D. [illegible] ATTORNEY GENERAL
BY Michael B Miller
SPECIAL ASSISTANT ATTORNEY GENERAL

3 MCAR § 2.042 State-Federal Approved Markets for Swine.

RECEIVED
OCT 27 1977
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EXAMINERS

A. Definitions. The following words and terms shall be defined as follows where used in these rules:

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

2. "Owner" shall mean the legal owner, of the swine referred to, or his agent.

3. "State-Federal approved market" shall mean any point where swine have been assembled for sale that has been approved by State and Federal agencies under Part 76.18, Title 9 of Federal Regulations.

4. "Sales management" shall mean the person or persons organizing and conducting such a market.

5. "Sales premises" shall mean the premises where a market is conducted and shall include but not be limited to sales rings, pens, alleys, land or building contiguous to sales rings where swine may be brought to, unloaded, and confined, prior to and after sales, before delivery to the purchaser.

6. "PRV" shall mean pseudorabies virus.

7. "Official veterinarian" shall mean a graduate veterinarian licensed to practice veterinary medicine in Minnesota, accredited by the United States Department of Agriculture, and authorized by the Board to act as its representative at the market.

8. "Health certificate" shall mean a document issued by an accredited veterinarian, on the official form of the State of origin, after a physical examination, certifying that the swine described show no visible symptoms of contagious, infectious, or communicable disease and shall include the name and address of the consignee.

9. "Recognized slaughtering establishment" shall mean any point where slaughtering facilities are provided and to which animals are regularly shipped and slaughtered.

B. Hog cholera. In the event hog cholera is diagnosed or is suspected all swine shall be detained on the premises of the market pending instructions from the Board.

C. Approval.

1. No livestock market shall be approved without the joint endorsement of the Board and the Veterinarian-in-Charge, Veterinary Services, APHIS, USDA in Minnesota.

2. Approval may be suspended by either the Secretary and Executive Officer of the Board or the Deputy Administrator Veterinary Services, APHIS, USDA for just cause pending a hearing to show cause why the approval should not be revoked.

3. A market may be removed from the approved list by the Deputy Administrator Veterinary Services, APHIS, USDA when it is determined by the Secretary and Executive Officer of the Livestock Sanitary Board or the Federal Veterinarian-in-Charge of the Animal Health Programs in Minnesota that the operators of the market fail to meet the standards mutually agreed upon by the cooperating state and federal officials; upon written request of the market management; or if no swine have been sold for three consecutive months.

D. Permits.

1. No person or persons shall purport to operate or conduct a state-federal approved market for swine in Minnesota, unless he has obtained a permit from the Board. State-federal approved markets shall be approved by state and federal agencies cooperatively. Application for permit shall be made on forms furnished by the Board.

2. Permits shall be valid until June 30 following the date of issue.

3. The Board may refuse to grant or may revoke the permit when the applicant or permit holder has violated any of the provisions of Minn. Stat. Ch. 35, or the rules promulgated thereunder by the Board.

E. Premises.

1. All markets shall comply with the following:

a. All pens, alleys, sales rings, loading and unloading chutes shall be well constructed and maintained in good repair.

b. All floors shall be surfaced with cement or other impervious material.

c. Facilities for inspection shall be well lighted.

d. Premises shall be maintained in a reasonably clean and sanitary condition at all times and shall be cleaned and disinfected, with a permitted disinfectant, as often as necessary to guard against the spread of disease.

e. Water supply shall be clean, adequate and operate under pressure.

f. Facilities shall be provided and maintained in good operating condition at all times for the cleaning and disinfection of premises and vehicles.

g. Feed and water containers shall be metal, concrete, plastic or other impervious material that can be readily cleaned and disinfected.

h. Proper and adequate office space shall be provided for official veterinarian.

i. Isolation pen(s) shall be provided for the temporary holding of swine found by the official veterinarian to have any symptoms of a contagious, infectious, or communicable disease.

The isolation pen(s) shall be constructed and operated as follows:

(1) Located so that diseased animals therein shall have no direct contact with non-diseased animals.

(2) Drainage shall not be into other pens.

(3) Proper equipment shall be available for cleaning and disinfecting.

(4) Feeding and watering facilities shall be separate from those used by healthy animals.

(5) Conspicuously posted as "ISOLATION PEN(S)" on the entrance gate(s).

(6) Used for diseased or disease exposed swine only.

(7) The market operators shall use proper procedures in cleaning and disinfecting the isolation pen(s). The cleaning and disinfecting shall be done immediately after the removal of diseased or disease exposed animals. Refuse from this pen shall not be placed in any other holding pen in the market, but shall be removed directly to an area inaccessible to livestock. Disinfectant used shall be only a permitted disinfectant.

F. Official veterinarian.

1. The management of each market shall employ a veterinarian as defined in section A., paragraph 7. to inspect and examine all swine offered for sale. No permit will be issued until a veterinarian acceptable to the Board has been employed by said management and authorized by the Board to act as its representative.

2. The veterinarian shall prohibit the sale of any swine that in his opinion, are affected with or show symptoms of contagious, infectious or communicable diseases. He shall order the movement of such swine to the isolation pen(s).

3. The veterinarian shall, when required, conduct the brucellosis card test and submit samples for the serum neutralization test for PRV on breeding swine originating from out of state.

4. The veterinarian shall report to the Board any failure by the sale management to properly clean and disinfect the sale premises and isolation pen(s) as necessary to maintain them in a sanitary condition.

5. The veterinarian shall furnish to the Board, within five days, duplicate copies of all quarantines and slaughter statements issued by him at the market, and such other reports as the Board may require.

6. The veterinarian shall issue shipping permits for slaughter only on all swine sold from the isolation pen(s).

G. Management. The management of markets shall comply with the following:

1. No swine shall be sold at the market until such swine have been examined and found free of symptoms of contagious, infectious or communicable diseases by the official veterinarian. The management shall refuse to accept swine for sale when so ordered by the official veterinarian. The management shall place in the isolation pen(s) such swine as the official veterinarian shall designate as infected with or exposed to a contagious, infectious or communicable disease. The management shall refuse to deliver swine sold until such swine have been released by the official veterinarian.

2. The management shall maintain records of origin and destination of swine handled at the market. Such records shall be maintained for a period of one year and shall be accessible to authorized federal and state inspectors when reasonable demand is made therefor.

3. The management shall within five days following the completion of each week's business, mail to the Board a report of all swine sold through the market, furnishing the name and address of the consignor and the name and address of the purchaser. Other reports are to be made as required by the Board.

H. Consignments.

1. Swine when consigned for sale must be accompanied by a statement signed by the owner or his agent that the swine are not under quarantine. The statement shall include the post office, township and county of the premises from which the swine were removed immediately prior to entry to the market. The owner resident address shall also be included if it differs from the above.

2. Persons delivering swine to the market shall furnish statements signed by the owners or agents as stated above.

I. Movements into Markets.

1. Swine under quarantine shall not be allowed entry, except under permit from the Board.

2. Swine from markets in Minnesota may enter provided they are accompanied by a health certificate issued by an accredited veterinarian.

3. Swine from markets in other states may enter provided they are accompanied by a health certificate issued by an accredited veterinarian.

4. All swine entering from markets in other states shall be identified by eartag number. All breeding swine six months of age and over from such markets shall have the results of the brucellosis card test and serum neutralization test for PRV listed on the health certificate.

5. Breeding swine six months of age and over originating from a farm of origin in another state shall enter only with a health certificate issued by an accredited veterinarian. The health certificate shall show:

a. The identity numbers.

b. The results of the brucellosis card test and the serum neutralization test for PRV.

6. Slaughter swine may enter for sale for slaughter purposes only.

J. Movements from markets.

1. All swine on market premises shall be inspected by the official veterinarian prior to sale.

2. Swine when found by the official veterinarian to be infected with or show symptoms of a contagious, infectious or communicable disease shall be placed in the isolation pen(s). All swine from isolation pen(s) shall be shipped for slaughter only to some point where the federal government maintains inspection. Shipment shall be made in accordance with federal regulations governing the interstate shipments of swine.

3. Swine may be sold for slaughter purposes provided the purchaser signs a statement of intent to slaughter and provided such swine are tattooed in accordance with Rule 3 MCAR § 2.066.

4. All swine except swine sold for slaughter must be individually identified by eartag or other acceptable identification.

5. All swine except those sold for slaughter or movement to another market shall be quarantined for 30 days to the premises of the purchaser. Swine sold to persons in other states must leave the market with a health certificate and meet the state of destination requirements.

6. All breeding swine six months of age and over that originate in other states, removed to destinations in Minnesota, must be accompanied by a health certificate showing individual identification, date of tests, name of laboratory, and results of test for:

a. Brucellosis by the card test.

b. PRV by the serum neutralization test.

ADM'N 1000

STATE OF MINNESOTA

DEPARTMENT Livestock Sanitary Board

Office Memorandum

TO : Mr. Peder Hong
Special Assistant Attorney General
Room 515 DOT

DATE: October 31, 1977

FROM : Dr. L. T. Christensen
Assistant Secretary

PHONE: 296-3592

SUBJECT: 3 MCAR 2.005 and 2.042

We enclose documents for these rules for forwarding to the Attorney General's Office for approval and for filing with the Secretary of State:

1. Rule as adopted
2. Rule as proposed
3. Order of hearing
4. Board's Authorizing Resolution
5. Notice of hearing
6. Secretary of State's list
7. Affidavit of receipt of list
8. Affidavit of mailing
9. Statement of Need
10. Hearing Examiner Findings and Recommendations
11. Agency's Finding of Fact
12. Order adopting rule
13. Certificate of Board's Authorizing Resolution

RECEIVED
NOV 03 1977
Dept. of Administration

The tape recordings of the hearing on these rules are in our possession. Tapes 708 and 710.

LTC:dg

Enc.

PROPOSED RULE

RECEIVED
OCT 27 1977
OFFICE OF HEARING EXAMINERS

[LSB 5] **3 MCAR § 2.005** Importation of swine into Minnesota.

[(a) Importation permits required.

(1) A permit shall be obtained from the Minnesota State Livestock Sanitary Board for all swine imported into Minnesota except:

(aa) Swine consigned to a public stockyard or slaughtering establishment where the Federal government maintains inspection.

(bb) Slaughter swine consigned to an approved state-federal market.

(cc) Swine for exhibition which must comply with Regulation LSB-40 (Exhibition of Poultry and Livestock in Minnesota).

(2) Permits will be issued only in the name of bona fide resident of the State of Minnesota, or a market approved under Part 76.16 Code of Federal Regulations, who is named as the consignee on the health certificate.

(3) Permit numbers shall be indicated on the health certificate.]

[(b) Health certificate. No swine shall be imported into the State of Minnesota, except slaughter swine consigned to public stockyards or slaughtering establishments under Federal inspection or state-federal approved markets, unless accompanied by a health certificate issued by an accredited veterinarian. A copy of the certificate, approved by the Livestock Sanitary Official of the state of origin, shall be promptly forwarded to the Minnesota State Livestock Sanitary Board. The health certificate shall indicate the date of the issuing veterinarian's inspection and that the swine inspected show no visible symptoms of infectious, contagious, or communicable disease. The certificate shall include the individual identification of all swine included in the shipment.]

[(c) Identification of swine. Individual identification is required on all swine except slaughter swine consigned to public stockyards or slaughtering establishments under Federal inspection or state-federal approved market. Identification shall be by ear tag, tattoo, registration number, or other suitable identification. Such identification shall be indicated on all health certificates.]

[(d) Swine may be imported only from the following points.

(1) Swine from a farm of origin provided the farm has not been used as a concentration point for swine within the past six months, or

(2) From markets approved under Part 76.16, Code of Federal Regulations, provided such swine enter Minnesota within 48 hours after removal from farm of origin. Swine that have moved through more than one market are not allowed entry into Minnesota.]

[(e) Breeding swine. Breeding swine six (6) months of age and over may be imported only if found negative to the brucellosis card test within thirty days prior to date of importation, unless they originate in a validated brucellosis-free herd. Tests to be conducted at a state-federal laboratory. The health certificate shall include the record of the brucellosis tests, or if from a validated brucellosis-free herd, shall include the validated certificate number and date of last qualifying test.]

[(f) Quarantine. All swine shall be quarantined at the farm of destination to be held separate and apart from all other swine on the premises for a period of 30 days.]

[(g) Transportation. All swine imported shall be shipped in cleaned and disinfected vehicles. Swine shall not be unloaded enroute. The health certificate and permit shall be attached to the waybill if shipped by rail, or in the possession of the truck driver if shipped by truck. All swine in the shipment shall be delivered only to the destination shown on the health certificate.]

A. Swine shall not be imported into the State of Minnesota from herds or areas under quarantine for infectious diseases of swine except swine accompanied by a shipping permit sent directly to slaughtering establishments under federal inspection.

B. All swine imported into the State of Minnesota shall be accompanied by a health certificate issued by an accredited veterinarian, except:

1. Feeding and slaughter swine consigned to a public stockyard.

2. Feeding and slaughter swine consigned to a market operating under a permit from the Board.

3. Swine going directly to slaughter at a slaughtering establishment having federal inspection.

C. Health certificates:

1. Shall show the individual identification numbers of the swine. Acceptable individual identification shall be:

a. Eartag.
b. Tattoo.

c. Registration number.

d. Approved ear notch system.

2. Shall show the date, name of the laboratory, and results of tests required in Section D. 1., and 2.

3. Shall show the validated brucellosis-free herd number or other disease-free herd status if originating from such herds.

4. One copy of the health certificate approved by the animal health department of the state of origin shall be forwarded to the Minnesota Livestock Sanitary Board.

D. Breeding swine six months of age and over shall be:

1. Negative to the Brucellosis Buffered Antigen Test conducted at a state or federal laboratory within 30 days prior to importation, or originate from a Validated Brucellosis-free swine herd.

2. Negative to the Serum Neutralization Test for pseudorabies at a state or federal laboratory within 30 days prior to importation or originate from a herd of swine recognized as qualified pseudorabies-free under a national plan approved by the United States Animal Health Association.

E. Quarantine and isolation. All swine except swine for exhibition, slaughter, or entering a market or a public stockyards shall be quarantined and held in isolation on the farm of destination for a period of 30 days.

KEY: Existing rules are printed in standard type face. Proposed additions to existing rules are printed in **boldface**, while proposed deletions from existing rules are printed within [single brackets].

RECEIVED
OCT 27 1977
OFFICE OF HEARING EXAMINERS

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-5, Importation of Swine into Minnesota.

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 me by Minn. Stat. 1976, Section 35.03.

NOW, THEREFORE, IT IS ORDERED this 22nd day of July, 1977, that a public hearing on the proposed amendment to the above-captioned rules be held in Room D, Veterans Service Building, State of Minnesota, St. Paul, Minnesota, on Thursday the 8th day of September, 1977, commencing at 10:00 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 and be published in the State Register.

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

RECEIVED
OCT 27 1977
OFFICE OF HEARING
EXAMINERS

CERTIFICATE

OF

BOARD'S AUTHORIZING RESOLUTION

I, J. G. Flint, do hereby certify that I am Secretary 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 22nd 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 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-5, Importation of Swine into Minnesota, as well as perform any and all acts incidental thereto, including but without being limited thereto, signing an order for hearing.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 25th day of July, 1977.

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

RECEIVED
OCT 27 1977
OFFICE OF HEARING EXAMINERS

In the Matter of Proposed Amendment to Rules Relating to LSB-2, Importation of Dogs; LSB-5, Importation of Swine into Minnesota; LSB-42, Governing State-Federal Approved Markets for Swine.

NOTICE OF HEARING

Notice is hereby given that a public hearing in the above entitled matter will be held pursuant to Minn. Stat. § 15.0412, Subdivision 4 (1976), in Conference Room D, Veterans Service Building, 20 West 12th Street or Columbus Avenue, Thursday, September 8, 1977 commencing at 10:00 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 5 working days after the close of the hearing.

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

The LSB proposes to amend LSB-2:

1. To allow certain dogs to be imported without a health certificate and in some circumstances without rabies vaccination.
2. To adopt duration of immunity intervals for vaccines as recommended by the Association of State Public Health Veterinarians, Inc.

The LSB proposes to amend LSB-5:

1. To eliminate the requirement for prior permits to import swine into Minnesota.
2. To eliminate the need for a health certificate for swine going from farms in other states to Minnesota markets.
3. To require a negative test for pseudorabies on all breeding swine 6 months of age and over imported into Minnesota.

The LSB proposes to amend LSB-42:

1. To define PRV as pseudorabies virus.
2. To delete references to hog cholera, to types of markets and to prior permits for imports.
3. To clarify requirements for movement of swine into State-Federal approved markets for swine.
4. To substitute a slaughter statement for the affidavit for swine sold for slaughter only.
5. To require that all slaughter swine be tattooed.
6. To require a negative PRV test on all breeding swine 6 months of age and over originating from other states.
7. To require a health certificate with negative brucellosis and PRV test results be issued on breeding swine from other states sold at the market.

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 25th day of July, 1977.

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Amendment to Rules of the State Livestock Sanitary Board, Governing LSB-2, Importation of Dogs; LSB-5, Importation of Swine into Minnesota; LSB-42, Governing State-Federal Approved Markets for Swine.

CERTIFICATE

I hereby certify that the enclosed 502. labels with the list for the Livestock Sanitary Board constitute the complete list of persons, associations, and other interested groups who as of 8:15 o'clock, A.M., this fourth day of August, 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 Randall W. Sayers

L5B5

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AUG 12 1977
OFFICE OF HEARING EXAMINERS

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 21 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

In the Matter of the Proposed Amendments to Rules of the State Livestock Sanitary Board, Governing 3MCARS 2.002, Importation of Dogs; 3MCARS 2.005, Importation of Swine into Minnesota; and 3MCARS 2.042, State-Federal Approved Markets for Swine.

AFFIDAVIT OF MAILING

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

That on the 5th day of August, 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 G Pyle

Subscribed and sworn to before me

the 5 day of August, 1977

Judith D. Kretzmann

JUDITH D. KRETZMANN
Notary Public, Ramsey County, Minn.
My Commission Expires
August 6, 1981

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE PETER C. ERICKSON
HEARING EXAMINER

RECEIVED
OCT 27 1977
OFFICE OF HEARING
EXAMINERS

In the Matter of the Proposed Amendments to Rules of the State Livestock Sanitary Board Relating to LSB-5, Importation of Swine.

STATEMENT OF NEED

The above captioned rule is an existing rule of the State Livestock Sanitary Board. This rule was last amended in May of 1973. Proposed amendments are:

1. The need for a prior permit to import swine into Minnesota has been eliminated with the apparent eradication of hog cholera in the United States. Eliminating this permit requirement will reduce the cost of importations for swine producers and will reduce the workload of one Livestock Sanitary Board employee by twenty-five percent.

2. The need for a negative serum neutralization test for pseudorabies on breeding swine prior to importation is to prevent introduction of this disease into Minnesota by imported swine. The requirement was requested by the Governor's Advisory Committee on Swine Disease Prevention because of the increased incidence of pseudorabies in many of the major swine producing States.

Based on the foregoing information it is my opinion this rule amendment should be promulgated.

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

August 12, 1977

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE LIVESTOCK SANITARY BOARD

In the Matter of Proposed Amendment to Rules Relating to LSB-2, Importation of Dogs; LSB-5, Importation of Swine into Minnesota; LSB-42, Governing State-Federal Approved Markets for Swine.	REPORT OF THE CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on September 8, 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 September 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 28th day
of October, 1977.

Duane R. Harves

DUANE R. HARVES
Chief Hearing Examiner

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OFFICE OF HEARING
EXAMINERS

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE LIVESTOCK SANITARY BOARD

In the Matter of Proposed Amendment to Rules Relating to LSB-2, Importation of Dogs; LSB-5, Importation of Swine into Minnesota; LSB-42, Governing State-Federal Approved Markets for Swine.

REPORT OF HEARING EXAMINER

The above-entitled matter came on for hearing before Hearing Examiner Peter C. Erickson of the State Office of Hearing Examiners at 10:00 a.m. on Thursday, September 8, 1977, in the Veterans Service Building, Saint Paul, Minnesota.

Peder Hong, Special Assistant Attorney General, 515 Department of Transportation Building, appeared as counsel on behalf of the Livestock Sanitary Board. Dr. Robert Pyle, D.V.M., Room 300, 555 Wabasha Street, Saint Paul, Minnesota 55102, testified in support of the rules on behalf of the Board. The hearing continued until all interested groups or persons had an opportunity to be heard concerning the adoption of the proposed rules.

Pursuant to Minn. Stat. § 15.0412, subd. 4, 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 Livestock Sanitary 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 July 7, 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 August 8, 1977, a Notice of Hearing and a copy of the proposed rules were published at 2 State Register 193.

3. On August 5, 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 August 12, 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; and
(g) The Statement of Evidence, including the names of witnesses to be called;
(h) The names of agency 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 September 18, 1977, for the receipt of written comments and statements.

6. Statutory authority to promulgate the proposed rules is contained in Minn. Stat. § 35.03.

7. Proposed new LSB 2, 3 MCAR § 2.002, Importation of Dogs, allows certain dogs to be imported into the state without a health certificate and in some instances, without a rabies vaccination. It also adopts the immunity intervals for vaccines as

recommended by the Association of State Public Health Veterinarians, Inc. These new provisions are needed to replace obsolete language and allow for certain exceptions for the importation of dogs.

a. The rule incorporates the immunity period listed in the "most recently published" Compendium. Consequently, the rule unconstitutionally delegates authority to the Public Health Veterinarians to set the standard embodied in the rule. To correct this defect, the Board must amend the rule by citing a specific volume or issue in which the standard is currently set out. However, if the specific standard is less than 3,000 words or five pages in length, it should have been published when the proposed rule was published in the State Register. see Chapter 443, Sec. 2, Subd. 4, 1977 Laws. Note also that any incorporation by reference must have prior approval from the Chief Hearing Examiner. ibid

b. Mr. Richard E. Shinofield commented that the rule "in its existing form is unreasonable in that it does not except dogs which are family pets which reside with their owners in Minnesota and are returning with their owners from brief vacations or other trips outside the State." The Board commented that the proposed rule is not applicable to dogs which are family pets and are taken to another state for a short period of time and then returned with the owners. However, if dogs are taken out of the country and then returned, federal regulations control and must be complied with.

8. Proposed new LSB 5, 3 MCAR § 2.005, Importation of Swine into Minnesota, eliminates unneeded requirements in the present rule. It also makes mandatory a negative test for pseudorabies on all breeding swine six months of age and over which are imported into the state. The test is needed to prevent the introduction of pseudorabies into Minnesota because several states are noticing an increased incidence of the disease.

a. To avoid an undue hardship for stockyards, the Saint Paul Union Stockyards proposed to amend LSB 5 A. by adding

the language, "...federal inspection, or to a public stockyard for sale to a slaughtering establishment." The Board concurred with this amendment.

b. In response to comments on LSB 5 D. 2., the Board proposed to amend that paragraph by deleting the words, "at a state or federal laboratory." This would allow for private laboratories to do the testing and avoid unnecessary delays.

9. The proposed amendments to LSB 42, 3 MCAR § 2.042, delete obsolete language and require certain necessary tests for slaughter and breeding swine.

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, with the possible exception of the publication of proposed LSB 2.

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 proposed rules be amended as set out in Findings 7a., and 8a. and b. for the reasons stated therein. If the Compendium standard, see Finding 7a., should have been published initially in the State Register, then proposed LSB 2 will have to be republished and reheard in accordance with Chapter 15. (The Examiner has been made aware that the standard in question is only a one-page document.)

4. The Examiner concludes that the Livestock Sanitary Board has documented its statutory authority to promulgate the

proposed rules and that the need for and reasonableness of the proposed rules have been demonstrated by an affirmative presentation of facts.

5. The Examiner concludes that the amendments he is suggesting to the proposed rules make the rules more reasonable and none constitute a substantial change.

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

RECOMMENDATION

That the Livestock Sanitary Board adopt proposed LSB 5 and 42 as recommended to be amended in this Report; and that proposed LSB 2 be adopted unless a republication and rehearing are required in accordance with Finding 7a. and Conclusion 3.

Dated: September 27, 1977.

Peter C. Erickson

PETER C. ERICKSON
Hearing Examiner

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE PETER C. ERICKSON
HEARING EXAMINER

RECEIVED
OCT 27 1977
OFFICE OF HEARING
EXAMINERS

In the Matter of the Proposed Amendment to Rules of the State Livestock Sanitary Board, 3 MCAR § 2.005, Importation of Swine into Minnesota.

FINDING OF FACT

The above-entitled matter came on for hearing before Peter C. Erickson, Hearing Examiner at 10:00 a.m. on Thursday, September 8, 1977, in Conference Room A, Veterans Service Building, St Paul, Minnesota, after proper notice required by M.S. 1976, Section 15.0412, Subdivision 4, was served upon all persons, associations, and other interested groups registered with the Secretary of State for that purpose. Notice of the Hearing was published in Volume II, Number 5, dated August 8, 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 found to come within that authority and are found to be necessary and reasonable.

2. The amendment removes some of the restrictions and constraints previously imposed by the National Hog Cholera Eradication Program. The United States has been declared Hog Cholera-Free. Present requirements adopted for the eradication program no longer serve a useful purpose.

3. Removal of the permit requirement and allowing movement into any market where there is veterinary inspection service appears to not decrease effective disease control procedures, but does allow free movement at less cost to swine producers. This change should benefit the industry economically.

4. The amendment requiring a negative pseudorabies test should slow the rate of introduction into Minnesota of this potentially disastrous disease. The Governor's Advisory Committee on Swine Disease and Industry leaders have requested this amendment.

5. A change in the Rule as proposed and adopted by the Board allows a public stockyard to receive swine from quarantined herds or areas for sale to slaughtering establishments. This has the effect of not changing the existing Rule with regard to that matter.

6. As adopted the Rule removes the restriction that was originally proposed to limit the place of the pseudorabies test to State or Federal Laboratories. The Board considers this to not reduce the effectiveness of the amendment. The adopted amendment removes from the amendment as originally proposed the exception to the test for qualified pseudorabies-free herds. This is deleted for the reason that this would delegate authority to the United States Animal Health Association. Standards for pseudorabies-free herds have not been established.

7. 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 that all substantive and procedural requirements of Statute have been met.

8. The Rule was adopted by vote at the regular quarterly meeting of the Minnesota State Livestock Sanitary Board held Friday, October 14, 1977.

Dated Oct. 27, 1977

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 3 MCAR § 2.005, Importation
of Swine into Minnesota.

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 10:00 A.M. on Thursday, September 8, 1977 in Conference Room D, Veterans Service Building, St. Paul, Minnesota, after proper notice required by M. S. 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 3 MCAR § 2.005, Importation of Swine into Minnesota, as presented to the Minnesota Livestock Sanitary Board for consideration, are adopted this 14th day of October, 1977 pursuant to authority vested in me by the Livestock Sanitary Board.

STATE OF MINNESOTA
LIVESTOCK SANITARY BOARD

R. L. Mersch, D.V.M.

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 14th day of October, 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 3 MCAR Section 2.005, Importation of Swine into Minnesota, be and they hereby are approved and adopted pursuant to authority vested in us by Minnesota Statutes 1976, Section 35.03 and that Dr. R. L. Mersch, 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 25th day of October, 1977.

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

PROPOSED RULE

[LSB 42] **3 MCAR § 2.042** [Governing] State-Federal approved markets for swine.

A. [(a)] Definitions. The following words and terms shall be defined as follows where used in these rules [and regulations]:

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

2. [(2)] "Owner" shall mean the legal owner, of the swine referred to, or his agent.

3. [(3)] "State-Federal approved market" shall mean any point where swine have been assembled for sale that has been approved by State and Federal agencies under Part [76.16] **76.18**, Title 9 of Federal Regulations.

4. [(4)] "Sales management" shall mean the person or persons organizing and conducting such a market.

5. [(5)] "Sales premises" shall mean the premises where a market is conducted and shall include but not be limited to sales rings, pens, alleys, land or building contiguous to sales rings where swine may be brought to, unloaded, and confined, prior to and after sales, before delivery to the purchaser.

[(6) "Veterinarian" shall mean a graduate of a recognized veterinary college, licensed in Minnesota, who has been accredited by the United States Department of Agriculture.]

6. "PRV" shall mean pseudorabies virus.

7. [(7)] "Official veterinarian" shall mean [an individual] **a graduate veterinarian** licensed to practice veterinary medicine in Minnesota, accredited by the United States Department of Agriculture, [approved by the Board to conduct the brucellosis agglutination tests] and authorized by the Board to act as its representative at the [approved] market.

8. [(8)] "Health certificate" shall mean a document issued by an accredited veterinarian, on the official form of the State of origin, after a physical examination, certifying that the swine described show no visible symptoms of contagious, infectious, or communicable disease and shall include [a statement of the hog cholera status of the state of origin of the swine, and] the name and address of the consignee.

9. [(9)] "Recognized slaughtering establishment" shall mean any point where slaughtering facilities are provided and to which animals are regularly shipped and slaughtered.

B. [(b)] Hog cholera. In the event hog cholera is diagnosed or is suspected all swine shall be detained on the premises of the market pending instructions from the Board.

C. [(c)] Approval.

1. [(1)] No livestock market shall be approved without the joint endorsement of the Board and the Veterinarian-in-Charge [of the Animal Health Programs], **Veterinary Services,** APHIS, USDA in Minnesota.

2. [(2) The] Approval may be suspended by either the Secretary and Executive Officer of the Board or the Deputy Administrator Veterinary Services, APHIS, USDA for just cause pending a hearing to show cause why the approval should not be revoked.

3. [(3)] A market may be removed from the approved list by the Deputy Administrator Veterinary Services, APHIS, USDA when it is determined by the Secretary and Executive Officer of the Livestock Sanitary Board or the Federal Veterinarian-in-Charge of the Animal Health Programs in Minnesota that the operators of the market fail to meet the standards mutually agreed upon by the cooperating state and federal officials; upon written request of the market management; or if no swine have been sold for three [(3)] consecutive months.

[(d) Types of Markets. Approval will be for one of the following purposes:

(1) To receive and consign interstate shipments restricted to slaughter swine only, under the applicable provisions of Part 76, Title 9, CFR and this regulation, and to receive and consign intrastate shipments restricted to slaughter swine only.

The management of livestock markets who apply for state-federal approval to handle slaughter swine only under this regulation shall:

(aa) Receive swine for slaughter only; permit no swine to be removed from the market unless they are consigned for immediate slaughter to a recognized slaughtering establishment.

(bb) Maintain records of origin and destination of swine handled at the market, and grant authorized state and federal inspectors access to such records. Records are to be maintained for a period of six months.

(cc) Isolate all swine suspected of being affected with or exposed to hog cholera; immediately notify the state or federal agency and hold all swine on the premises pending instructions on disposition.

KEY: Existing rules are printed in standard type face. Proposed additions to existing rules are printed in **boldface**, while proposed deletions from existing rules are printed within [single brackets].

(dd) Clean and disinfect swine handling facilities as deemed necessary by state and federal agencies to guard against spread of disease.

(ee) Cooperate in compliance with Part 76, Title 9, CFR and this regulation.

(2) To receive and consign interstate shipments of all classes of swine under the applicable provisions of Part 76, Title 9, CFR and this regulation, and to receive and consign intrastate shipments of all classes of swine.]

[(e) The management of markets who apply for state-federal approval to handle all classes of swine shall agree to cooperate in compliance with Part 76, Title 9, CFR and all sections of this regulation.]

D. [(f)] Permits.

1. [(1)] No person or persons shall purport to operate or conduct a state-federal approved market for swine in Minnesota, unless he has obtained a permit from the Board. State-federal approved markets shall be approved by state and federal agencies cooperatively. Application [and] **for** permit shall be made on forms furnished by the Board.

2. [(2)] Permits shall be valid until June 30 following the date of issue.

3. [(3)] The Board may refuse to grant or may revoke the permit when the applicant or permit holder has violated any of the provisions of Minn. Stat. ch. 35, or the rules [and regulations] promulgated thereunder by the Board.

E. [(g)] Premises.

1. [(1)] All markets shall comply with the following:

a. [(aa)] All pens, alleys, sales rings, loading and unloading chutes shall be well constructed and maintained in good repair.

b. [(bb)] All floors shall be surfaced with cement or other impervious material.

c. [(cc)] Facilities for inspection shall be well lighted.

d. [(dd)] Premises shall be maintained in a reasonably clean and sanitary condition at all times and shall be cleaned and disinfected, with a permitted disinfectant, as often as necessary to guard against the spread of disease.

e. [(ee)] Water supply shall be clean, adequate and operate under pressure.

[(2) Markets approved to handle all classes of swine shall also comply with the following:]

f. [(aa)] Facilities shall be provided and maintained in good operating condition at all times for the cleaning and disinfection of premises and vehicles.

g. [(bb)] Feed and water containers shall be metal, concrete, plastic or other impervious material that can be readily cleaned and disinfected.

h. [(cc)] Proper and adequate office space shall be provided for official veterinarian.

i. [(dd)] Isolation pen(s) shall be provided for the temporary holding of swine found by the official veterinarian to have any symptoms of a contagious, infectious, or communicable disease.

The isolation pen(s) shall be constructed and operated as follows:

(1) [(i)] Located so that diseased animals therein shall have no direct contact with non-diseased animals.

(2) [(ii)] Drainage shall not be into other pens.

(3) [(iii)] Proper equipment shall be available for cleaning and disinfecting. [Equipment used in cleaning isolation pen(s) shall be maintained separate from other equipment.]

(4) [(iv)] Feeding and watering facilities shall be separate from those used by healthy animals.

(5) [(v)] Conspicuously posted as "ISOLATION PEN(S)" on the entrance gate(s).

(6) [(vi)] Used for diseased or disease exposed swine only.

(7) [(vii)] The market operators shall use proper procedures in cleaning and disinfecting the isolation pen(s). The cleaning and disinfecting shall be done immediately after the removal of diseased or disease exposed animals. Refuse from this pen shall not be placed in any other holding pen in the market, but shall be removed directly to an area [non-accessible] **inaccessible** to livestock. Disinfectant used shall be only a permitted disinfectant.

F. [(h)] Official veterinarian.

1. [(1)] The management of each market [approved to handle all classes of swine] shall employ a veterinarian as defined in section [(a),] A., paragraph [(7)] 7. to inspect and examine all swine offered for sale. No permit will be issued until a veterinarian acceptable to the Board has been employed by said management and authorized by the Board to act as its representative.

2. [(2)] The veterinarian shall prohibit the sale of any swine that in his opinion, are affected with or show symptoms of contagious, infectious or communicable diseases. He shall order the movement of such swine to the isolation pen(s).

3. [(3)] The veterinarian shall, when required, conduct the brucellosis card test **and submit samples for the serum neutralization test for PRV** [of] **on** breeding swine **originating from out of state.**

4. [(4)] The veterinarian shall report to the Board any failure by the sale management to properly clean and disinfect the sale premises and isolation pen(s) as necessary to maintain them in a sanitary condition.

5. [(5)] The veterinarian shall furnish to the Board, within five days, duplicate copies of all quarantines and slaughter [affidavits] **statements** issued by him at the market, and such other reports as the Board may require.

6. [(6)] The veterinarian shall issue shipping permits for slaughter only on all swine sold from the isolation pen(s).

G. [(i)] Management. The management of [livestock] markets [who apply for State-Federal approval to handle all classes of swine] shall comply with the following:

1. [(1)] No swine shall be sold at the market until such swine have been examined and found free of symptoms of contagious, infectious or communicable diseases by the official veterinarian. The management shall refuse to accept swine for sale when so ordered by the official veterinarian. The management shall place in the isolation pen(s) such swine as the official veterinarian shall designate as infected with or exposed to a contagious, infectious or communicable disease. The management shall refuse to deliver swine sold until such swine have been released by the official veterinarian.

2. [(2)] The management shall maintain records of origin and destination of swine handled at the market. Such records shall be maintained for a period of one year and shall be accessible to authorized federal and state inspectors when reasonable demand is made therefor.

3. [(3)] The management shall within five days following the completion of each week's business, mail to the Board a report of all swine sold through the market, furnishing the name and address of the consignor and the name and address of the purchaser. Other reports are to be made as required by the Board.

H. [(j)] Consigments.

1. [(1)] Swine when consigned for sale must be accompanied by a statement signed by the owner or his agent that the swine are not under quarantine. The statement shall include the post office, township and county of the premises from which the swine were removed immediately prior to entry to the market. The owner resident address shall also be included if it differs from the above.

2. [(2)] Persons delivering swine to the market shall furnish statements signed by the owners or agents as stated above.

I. [(k)] Movements into Markets [approved to handle all classes of swine].

1. [(1)] Swine under quarantine shall not be allowed entry, except under permit from the Board.

[(2) Apparently healthy swine originating from a state-federal approved market in Minnesota may enter provided they are accompanied by a health certificate issued by the official veterinarian of the first market certifying that they have not moved through more than one market. Such health certificate shall be only valid for entry if issued within 48 hours of entry.]

[(3) Feeder and breeding swine may enter from other states provided:

(aa) A permit for such movement is secured from the office of the Board.

(bb) A valid health certificate issued within 48 hours is presented at the time of entry:

(i) Certifying that the swine do not originate from a quarantined farm or area.

(ii) Certifying that swine have not moved through more than one market and,

(iii) Listing the eartags or other suitable identification.

(cc) Swine imported for breeding purposes shall comply with provisions of section [(k)] 1. above and in addition shall be accompanied by a health certificate including record of negative brucellosis card test conducted within 30 days prior to importation. Swine not so tested for brucellosis, shall be tested prior to leaving market premises to conform with regulations of destination.]

2. Swine from markets in Minnesota may enter provided they are accompanied by a health certificate issued by an accredited veterinarian.

3. Swine from markets in other states may enter provided they are accompanied by a health certificate issued by an accredited veterinarian.

4. All swine entering from markets in other states shall be identified by eartag number. All breeding swine six months of age and over from such markets shall have the results of the brucellosis card test and serum neutralization test for PRV listed on the health certificate.

5. Breeding swine six months of age and over originating from a farm of origin in another state shall enter only with a health certificate issued by an accredited veterinarian. The health certificate shall show:

a. The identity numbers.

b. The results of the brucellosis card test and the serum neutralization test for PRV.

6. [(4)] Slaughter swine may [be allowed entry] **enter** for sale for slaughter purposes only.

J. [(1)] Movements from markets [approved to handle all classes of swine].

1. [(1)] All swine on market premises shall be inspected by the official veterinarian prior to sale.

2. [(2)] Swine when found by the official veterinarian to be infected with or show symptoms of a contagious, infectious or communicable disease shall be placed in the isolation pen(s). All swine from isolation pen(s) shall be shipped for slaughter only to some point where the federal government maintains inspection. Shipment shall be made

in accordance with federal regulations governing the interstate shipments of swine.

[(3) Apparently healthy swine may be sold for slaughter purposes only, provided the purchaser furnishes an affidavit, to the management or official veterinarian stating that all such swine will be consigned to a public stockyard or slaughtering establishment within five days following date of purchase.]

3. Swine may be sold for slaughter purposes provided the purchaser signs a statement of intent to slaughter and provided such swine are tattooed in accordance with Rule 3 MCAR § 2.066.

4. [(4)] All swine except swine sold for slaughter [under affidavit] must be individually identified by eartag or other [suitable] **acceptable** identification.

[(5) All swine must be removed from the market within 24 hours of entry.]

5. [(6)] All swine except those sold for slaughter or movement to another [state-federal] market [under permit] shall be quarantined for 30 days to the premises of the purchaser. Swine sold to persons in other states must leave the market with a health certificate **and meet the state of destination requirements.**

[(7) Swine other than for immediate slaughter, moving out of a state-federal approved market are to be transported in a cleaned and disinfected vehicle. If the vehicle is not regularly used to transport livestock, disinfection is not required.

No part of this regulation shall take precedence over any portion of Regulation LSB-5 entitled "Rules and Regulations for the Importation of Swine."]

6. All breeding swine six months of age and over that originate in other states, removed to destinations in Minnesota must be accompanied by a health certificate showing individual identification, date of tests, name of laboratory, and results of test for:

a. Brucellosis by the card test.

b. PRV by the serum neutralization test.

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-42, Governing State-Federal Approved Markets for Swine.

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 me by Minn. Stat. 1976, Section 35.03.

NOW, THEREFORE, IT IS ORDERED THIS 22nd day of July, 1977, that a public hearing on the proposed amendment to the above-captioned rules be held in Room D, Veterans Service Building, State of Minnesota, St. Paul, Minnesota, on Thursday the 8th day of September, 1977, commencing at 10:00 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 and be published in the State Register.

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

CERTIFICATE

OF

BOARD'S AUTHORIZING RESOLUTION

I, J. G. Flint, do hereby certify that I am Secretary 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 22nd 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 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-42, Governing State-Federal Approved Markets for Swine, as well as perform any and all acts incidental thereto, including but without being limited thereto, signing an order for hearing.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 25th day of July, 1977.

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

RECEIVED
OCT 27 1977
OFFICE OF HEARING
EXAMINERS

In the Matter of Proposed Amendment to Rules Relating to LSB-2, Importation of Dogs; LSB-5, Importation of Swine into Minnesota; LSB-42, Governing State-Federal Approved Markets for Swine.

NOTICE OF HEARING

Notice is hereby given that a public hearing in the above entitled matter will be held pursuant to Minn. Stat. § 15.0412, Subdivision 4 (1976), in Conference Room D, Veterans Service Building, 20 West 12th Street or Columbus Avenue, Thursday, September 8, 1977 commencing at 10:00 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 5 working days after the close of the hearing.

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

The LSB proposes to amend LSB-2:

1. To allow certain dogs to be imported without a health certificate and in some circumstances without rabies vaccination.
2. To adopt duration of immunity intervals for vaccines as recommended by the Association of State Public Health Veterinarians, Inc.

The LSB proposes to amend LSB-5:

1. To eliminate the requirement for prior permits to import swine into Minnesota.
2. To eliminate the need for a health certificate for swine going from farms in other states to Minnesota markets.
3. To require a negative test for pseudorabies on all breeding swine 6 months of age and over imported into Minnesota.

The LSB proposes to amend LSB-42:

1. To define PRV as pseudorabies virus.
2. To delete references to hog cholera, to types of markets and to prior permits for imports.
3. To clarify requirements for movement of swine into State-Federal approved markets for swine.
4. To substitute a slaughter statement for the affidavit for swine sold for slaughter only.
5. To require that all slaughter swine be tattooed.
6. To require a negative PRV test on all breeding swine 6 months of age and over originating from other states.
7. To require a health certificate with negative brucellosis and PRV test results be issued on breeding swine from other states sold at the market.

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. F. Flint, D.V.M.
Secretary and Executive Officer

Dated this 25th day of July, 1977.

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Amendment to Rules of the State Livestock Sanitary Board, Governing LSB-2, Importation of Dogs; LSB-5, Importation of Swine into Minnesota; LSB-42, Governing State-Federal Approved Markets for Swine.

CERTIFICATE

I hereby certify that the enclosed 502 labels with the list for the Livestock Sanitary Board constitute the complete list of persons, associations, and other interested groups who as of 8:15 o'clock, A.M., this fourth day of August, 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 Randall W. Sayers

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 28th day of July, 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 4th day of August, 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 5 day of August, 1977

Judith D. Kretzmann

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

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Amendments to Rules of the State Livestock Sanitary Board, Governing 3MCARS 2.002, Importation of Dogs; 3MCARS 2.005, Importation of Swine into Minnesota; and 3MCARS 2.042, State-Federal Approved Markets for Swine.

AFFIDAVIT OF MAILING

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

That on the 5th day of August, 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 G Pyle

Subscribed and sworn to before me

the 5 day of August, 1977

Judith D. Kretzmann

JUDITH D. KRETZMANN
Notary Public, Ramsey County, Minn.
My Commission Expires
August 6, 1981

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE PETER C. ERICKSON
HEARING EXAMINER

In the Matter of the Proposed Amendments
to Rule of the State Livestock Sanitary Board,
Relating to LSB-42, Governing State-Federal
Approved Markets for Swine.

STATEMENT OF NEED

The above captioned Rule was last amended in May, 1973.

1. References to hog cholera area status are removed since this classification is no longer used.

2. "slaughter class only" markets are eliminated because this class of market is no longer needed.

3. Prior permits to allow movement of swine into the State and between markets are no longer needed because hog cholera has been eliminated.

4. Removal of permit requirement is needed to bring 3 MCAR §§ 2.042 into conformity with the swine importation Rule 3 MCAR §§ 2.005 Importation of Swine.

5. The slaughter affidavit requirement is deleted and replaced with a statement that does not require notarization to simplify the reporting procedure.

6. There is need to institute a requirement to tattoo slaughter swine as required in Rule 3 MCAR §§ 2.066 Slaughter Cattle and Slaughter Swine Identification.

7. There is need to require negative test for PRV on breeding swine entering from other States to bring the rule into conformity with Rule 3 MCAR §§ 2.005 Importation of Swine.

Based on the foregoing information it is my opinion this amendment to the Rule should be promulgated.

Dated August 12, 1977

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

RULES AND REGULATIONS Exhibit H-3

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: November 1, 1977

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE LIVESTOCK SANITARY BOARD

In the Matter of Proposed Amendment to Rules Relating to LSB-2, Importation of Dogs; LSB-5, Importation of Swine into Minnesota; LSB-42, Governing State-Federal Approved Markets for Swine.	REPORT OF THE CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on September 8, 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 September 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 28th day
of October, 1977.

Duane R. Harves

DUANE R. HARVES
Chief Hearing Examiner

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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-2, Importation of Dogs; LSB-5, Importation of Swine into Minnesota; LSB-42, Governing State-Federal Approved Markets for Swine.

REPORT OF HEARING EXAMINER

The above-entitled matter came on for hearing before Hearing Examiner Peter C. Erickson of the State Office of Hearing Examiners at 10:00 a.m. on Thursday, September 8, 1977, in the Veterans Service Building, Saint Paul, Minnesota.

Peder Hong, Special Assistant Attorney General, 515 Department of Transportation Building, appeared as counsel on behalf of the Livestock Sanitary Board. Dr. Robert Pyle, D.V.M., Room 300, 555 Wabasha Street, Saint Paul, Minnesota 55102, testified in support of the rules on behalf of the Board. The hearing continued until all interested groups or persons had an opportunity to be heard concerning the adoption of the proposed rules.

Pursuant to Minn. Stat. § 15.0412, subd. 4, 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 Livestock Sanitary 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 July 7, 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 August 8, 1977, a Notice of Hearing and a copy of the proposed rules were published at 2 State Register 193.

3. On August 5, 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 August 12, 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; and
(g) The Statement of Evidence, including the names of witnesses to be called;
(h) The names of agency 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 September 18, 1977, for the receipt of written comments and statements.

6. Statutory authority to promulgate the proposed rules is contained in Minn. Stat. § 35.03.

7. Proposed new LSB 2, 3 MCAR § 2.002, Importation of Dogs, allows certain dogs to be imported into the state without a health certificate and in some instances, without a rabies vaccination. It also adopts the immunity intervals for vaccines as

recommended by the Association of State Public Health Veterinarians, Inc. These new provisions are needed to replace obsolete language and allow for certain exceptions for the importation of dogs.

a. The rule incorporates the immunity period listed in the "most recently published" Compendium. Consequently, the rule unconstitutionally delegates authority to the Public Health Veterinarians to set the standard embodied in the rule. To correct this defect, the Board must amend the rule by citing a specific volume or issue in which the standard is currently set out. However, if the specific standard is less than 3,000 words or five pages in length, it should have been published when the proposed rule was published in the State Register. see Chapter 443, Sec. 2, Subd. 4, 1977 Laws. Note also that any incorporation by reference must have prior approval from the Chief Hearing Examiner. ibid

b. Mr. Richard E. Shinofield commented that the rule "in its existing form is unreasonable in that it does not except dogs which are family pets which reside with their owners in Minnesota and are returning with their owners from brief vacations or other trips outside the State." The Board commented that the proposed rule is not applicable to dogs which are family pets and are taken to another state for a short period of time and then returned with the owners. However, if dogs are taken out of the country and then returned, federal regulations control and must be complied with.

8. Proposed new LSB 5, 3 MCAR § 2.005, Importation of Swine into Minnesota, eliminates unneeded requirements in the present rule. It also makes mandatory a negative test for pseudorabies on all breeding swine six months of age and over which are imported into the state. The test is needed to prevent the introduction of pseudorabies into Minnesota because several states are noticing an increased incidence of the disease.

a. To avoid an undue hardship for stockyards, the Saint Paul Union Stockyards proposed to amend LSB 5 A. by adding

the language, "...federal inspection, or to a public stockyard for sale to a slaughtering establishment." The Board concurred with this amendment.

b. In response to comments on LSB 5 D. 2., the Board proposed to amend that paragraph by deleting the words, "at a state or federal laboratory." This would allow for private laboratories to do the testing and avoid unnecessary delays.

9. The proposed amendments to LSB 42, 3 MCAR § 2.042, delete obsolete language and require certain necessary tests for slaughter and breeding swine.

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, with the possible exception of the publication of proposed LSB 2.

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 proposed rules be amended as set out in Findings 7a., and 8a. and b. for the reasons stated therein. If the Compendium standard, see Finding 7a., should have been published initially in the State Register, then proposed LSB 2 will have to be republished and reheard in accordance with Chapter 15. (The Examiner has been made aware that the standard in question is only a one-page document.)

4. The Examiner concludes that the Livestock Sanitary Board has documented its statutory authority to promulgate the

proposed rules and that the need for and reasonableness of the proposed rules have been demonstrated by an affirmative presentation of facts.

5. The Examiner concludes that the amendments he is suggesting to the proposed rules make the rules more reasonable and none constitute a substantial change.

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

RECOMMENDATION

That the Livestock Sanitary Board adopt proposed LSB 5 and 42 as recommended to be amended in this Report; and that proposed LSB 2 be adopted unless a republication and rehearing are required in accordance with Finding 7a. and Conclusion 3.

Dated: September 27, 1977.

Peter C. Erickson

PETER C. ERICKSON
Hearing Examiner

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE PETER C. ERICKSON
HEARING EXAMINER

In the Matter of the Proposed Amendment
to the Rule of the State Livestock Sanitary
Board, 3 MCAR § 2.042, State-Federal Approved
Markets for Swine.

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FINDING OF FACT

The above-entitled matter came on for hearing before Peter C. Erickson, Hearing Examiner, on the 8th day of September, 1977, at 10:00 a.m. in Conference Room A, Veterans Service Building, St Paul, Minnesota, after proper notice required by M.S. 1976, Section 15.0412, Subdivision 4, was served upon all persons, associations, and other interested groups registered with the Secretary of State for that purpose. Notice of Hearing and Proposed Amendments were duly published in Volume II, Number 5, dated August 8, 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. This Rule is hereby found to come within that authority and is found to be necessary and reasonable.

2. Much of the language relating to Hog Cholera is deleted since this is no longer needed.

3. The amendment removes the slaughter class designation that is no longer needed since the United States has been declared Hog Cholera-free.

5. The amendment requires a negative test for pseudorabies for breeding swine six months of age and over entering from other States to prevent introduction of pseudorabies infected swine into Minnesota.

6. The amendment changes the method of control of slaughter swine removed from the market. Slaughter affidavits previously used are replaced by a statement of intent to slaughter.

7. 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 that all substantive and procedural requirements of Statute have been met.

8. The Rule was adopted at the regular quarterly meeting of the Minnesota State Livestock Sanitary Board held Friday, October 14, 1977.

Dated October 21, 1977

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 the Proposed Amendment to Rules of the State Livestock Sanitary Board, Governing 3 MCAR § 2.042, State-Federal Approved Markets for Swine.

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 10:00 A.M. on Thursday, September 8, 1977 in Conference Room D, Veterans Service Building, St. Paul, Minnesota, after proper notice required by M. S. 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 criteris, and having confirmed the need for the above-captioned rules:

NOW, THEREFORE, IT IS ORDERED that these rules identified as 3 MCAR § 2.042, State-Federal Approved Markets for Swine, as presented to the Minnesota Livestock Sanitary Board for consideration, are adopted this 14th day of October, 1977 pursuant to authority vested in my by the Livestock Sanitary Board.

STATE OF MINNESOTA
LIVESTOCK SANITARY BOARD

R. L. Mersch, D.V.M.

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 14th day of October, 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 3 MCAR Section 2.042, State-Federal Approved Markets for Swine, be and they hereby are approved and adopted, pursuant to authority vested in us by Minnesota Statutes 1976, Section 35.03 and that Dr. R. L. Mersch, 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 25th day of October, 1977.

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

RULES AND REGULATIONS Exhibit H-3

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: November 1, 1977