

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 915

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 11-14-83
DATE FOR REVIEW 11-23-83
DATE DUE 11-28-83

Adopted w/a hearing _____
Adopted w/o hearing ✓
Temporary rule _____

Approved 11-28-83 mjc Disapproved _____ Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State _____ Revisor approved 11/22/83 disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 10.14.83 Date signed by someone other than person authorized in Resolution Adopting

N/A Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
N/A date of Hearing

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

✓ Affidavit of Mailing Notice or rulemaking
8.26.83 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
9.12.83 At least 30/20 days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

Agency's Findings of Fact

LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

N/A Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

N/A Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

✓ The agency documents no action taken in accordance with Laws 83 Ch. 188 Re small businesses.

✓ Addendum to SONR rec'd 12/2

✓ Notice in accordance with Laws 83, Ch. 188, subd 4

SF-00009-01

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT: Board of Animal Health

TO : Attorney Martha Casserty

DATE: December 15, 1983

FROM : Dr. W. J. Mackey
Assistant Secretary

PHONE:

SUBJECT: Document concerned with a rule change of 3 MCAR §§ 2.011 "The Eradication of Bovine and Bison Brucellosis."

Here is the document you wanted to be signed by Dr. Mersch and not Dr. Flint.

WJM:msc
Enc.

RECEIVED
DEC 16 1983
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

STATE OF MINNESOTA

BOARD OF ANIMAL HEALTH

160 AGRICULTURE BLDG.
90 W. PLATO BLVD.
ST. PAUL, MN 55107

RECEIVED
NOV 14 1983
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

November 10, 1983

Office of the Attorney General
Administration and Finance Division
204 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

Dear Sir:

Enclosed are the documents associated with the amendment of four Board of Animal Health rules. These rules have had major amendements made in compliance with the noncontroversial rule making procedures.

1. Rule 3 MCAR § 2.011 - Eradication of Bovine and Bison Brucellosis

2. Rule 3 MCAR § 2.001 - Importation of Cattle and Bison

3. Rule LSB 43 - Establishment of State/Federal approved Markets for Cattle and Sale of Cattle at Such Markets

4. Rule 3 MCAR § 2.044 - The Establishment and Operation of Public Stockyards

These four rules are being sumbitted to the Attorney General for your approval.

Sincerely,

Dr. W. J. Mackey
State Board of Animal Health

WJM:msc
Enc.

Stripped Proposed
SF-00006-02

STATE OF MINNESOTA

DEPARTMENT REVISOR OF STATUTES

Office Memorandum

TO : Dr. Keller
Board of Animal Health

DATE: 9-12-83

FROM : Corrine Staeheli
Rules Supervisor

PHONE: 297-2955

SUBJECT: Proposed Rules, stripped copy

Enclosed is a stripped copy of your proposed rules as published in the State Register. The copy shows the text of the rules as you proposed them with the stricken text deleted and the underscoring removed.

Please use this copy to indicate any modifications you wish to make. Our office would be happy to input the changes on our computer, and turn out copies for you to submit for final approval to our office and the Attorney General.

If your proposed rules are adopted without modification, please submit the required number of copies of this document to the Attorney General for final approval.

Your proposed amendments to rules governing eradication of bovine and bison brucellosis were published on September 12, 1983, at 8 S.R. 426, pages 426 through 428.

CRS/kh
Enclosure
ARO 406

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : Dr. J. G. Flint, Executive Secretary

DATE: 11/28/83

Attn: JON MURPHY, Special Assistant Attorney General

FROM : MARTHA J. CASSERLY MJC
Special Assistant Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Amendment of Rules of the State Board of Animal Health Governing 3 MCAR § 2.011, Eradication of Bovine and Bison Burcellosis.

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register. This must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

Encs.

MJC/ls

cc: Ms. Kathy Burek
Mr. Duane Harves

AG copy

Board of Animal Health

Adopted Amendments to Rules Governing Eradication of Bovine and Bison Brucellosis (3 MCAR S 2.011)

Rule as Adopted

3 MCAR S 2.011 Eradication of bovine and bison brucellosis.

A. Definitions:

1.-7. [Unchanged.]

8. "Official brucellosis calfhood vaccinate" means female dairy cattle under 20 months of age and female beef cattle under 24 months of age vaccinated against brucellosis by the product and at the age indicated in a. or b.

a. Brucella abortus vaccine, strain 19, live culture, standard dose:

(1) female dairy cattle vaccinated while they are from two through five months of age;

(2) female beef cattle vaccinated while they are from two through seven months of age.

b. Brucella abortus vaccine, strain 19, live culture, reduced dose:

(1) female dairy and beef cattle vaccinated while they are from four through ten months of age.

9.-16. [Unchanged.]

B. General requirements.

1.-9. [Unchanged.]

10. Official vaccination:

a. [Unchanged.]

b. Brucella abortus vaccine, strain 19, live culture, standard dose, may be administered to female dairy cattle while they are from two through five months of age and female beef cattle while they are from two through seven months of age. Brucella abortus vaccine, strain 19, live culture, reduced dose, may be administered to female dairy and beef cattle while they are from four through ten months of age.

c.-e. [Unchanged.]

C.-F. [Unchanged.]

APPROVED AS TO FORM AND LEGALITY
November 28 1983
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY Martha J Cassely
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 16 1983
Joan Anderson Growe
Secretary of State
1:06 P.M.

Rule as Proposed

3 MCAR S 2.011 Eradication of bovine and bison brucellosis.

A. Definitions:

1.-7. [Unchanged.]

8. "Official brucellosis calfhood vaccinate" means female dairy cattle under 20 months of age ~~vaccinated against brucellosis while from two through five months of age (60-179 days)~~ and female beef cattle under 24 months of age vaccinated against brucellosis ~~while from two through seven months of age (60-239 days) in accordance with these rules~~ by the product and at the age indicated in a. or b.

a. Brucella abortus vaccine, strain 19, live culture, standard dose:

(1) female dairy cattle vaccinated while they are from two through five months of age;

(2) female beef cattle vaccinated while they are from two through seven months of age.

b. Brucella abortus vaccine, strain 19, live culture, reduced dose:

(1) female dairy and beef cattle vaccinated while they are from four through ten months of age.

9.-16. [Unchanged.]

B. General requirements.

1.-9. [Unchanged.]

10. Official vaccination:

a. [Unchanged.]

b. Brucella abortus vaccine, strain 19, live culture, standard dose, may be administered to female dairy cattle while they are from two through five months of age ~~(60-179 days)~~ and female beef cattle while they are from two through seven months of age ~~(60-239 days)~~. Brucella abortus vaccine, strain 19, live culture, reduced dose, may be administered to female dairy and beef cattle while they are from four through ten months of age.

c.-e. [Unchanged.]

C.-F. [Unchanged.]

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD406

Agency: Board of Animal Health

Division:

Agency Contact: Dr. Keller 296-4138

Rule Numbers: 3 MCAR S 2.011

Title: Proposed Amendment to Rules Governing Brucellosis Vaccination of Cattle

Type of Rules: Permanent

Incorporations by Reference: None

Duplication of Statutory Language: None

The attached rules are approved as to form.

Steven C. Cross
Revisor of Statutes

Craig E. Lindeke
Assistant Revisor
Phone: 296-0946
Date: August 23, 1983

STATE OF MINNESOTA

BOARD OF ANIMAL HEALTH

In the Matter of the Proposed Amendment of Rules of the State Board of Animal Health Governing 3 MCAR § 2.011, Eradication of Bovine and Bison Brucellosis

ORDER ADOPTING RULES

Notice of the Board's intent to adopt the above entitled rules without a public hearing was published in the State Register on September 12, 1983 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes section 15.0412, subdivision 4 on August 26, 1983. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than seven written requests for a public hearing within the 30 day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above captioned rules,

NOW, THEREFORE, IT IS ORDERED that these rules identified as 3 MCAR § 2.011, Eradication of Bovine and Bison Brucellosis, are adopted this 14th day of October, 1983 pursuant to authority vested in the Board by Minnesota Statutes section 35.03.

STATE OF MINNESOTA

Executive Secretary
Board of Animal Health

STATE OF MINNESOTA

BOARD OF ANIMAL HEALTH

In the Matter of the Proposed Adoption of Rules of the State Board of Animal Health Governing 3 MCAR §§ 2.011 - Eradication of bovine and bison brucellosis.

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 26th day of August, 1983 that a Notice of Intent to Adopt Rules Without Public Hearing in the above entitled matter be given to all persons who have registered their names with the State Board of Animal Health for that purpose and be published in the State Register.

STATE OF MINNESOTA

J. G. Flint

Dr. J. G. Flint
Secretary and Executive Officer
Board of Animal Health

CERTIFICATE OF BOARD'S

AUTHORIZING RESOLUTION

I, Dr. Robert Mersch, do hereby certify that I am a member and the President of the Board of Animal Health, 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 Board of Animal Health, duly and properly called and held on the 15th day of July, 1983, that a quorum was present at said meeting, that a majority of those present voted for the resolution and 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, Executive Secretary of the Board of Animal Health, hereby is granted the authority and directed to sign an Order of the Board directing that notice be given of the Board's intent to adopt without a public hearing, rules governing 3 MCAR 2.011 - Eradication of Bovine and Bison Brucillosis, to sign the Notice thereof, and to perform any and all acts incidental thereto. In the event a public hearing becomes necessary, he hereby is granted the authority and directed to call a hearing for the purpose of promulgating said rules, as well as perform any and all acts incidental thereto, including, but without being limited to, signing an Order for Hearing and Notice of Hearing, as well as acting as the Board's representative at all hearings."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 15th day of July, 1983.

(President)

Attest by one other board member

BOARD OF ANIMAL HEALTH

In the Matter of the Proposed Amendment of Rules of the State Board of Animal Health Governing 3 MCAR §§ 2.011 Eradication of bovine and bison brucellosis.

NOTICE OF INTENT TO AMEND RULES WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Board of Animal Health proposes to amend the above entitled rules without a public hearing. The Board has determined that the proposed amendment of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes section 14.22 (1982).

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30 day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes section 14.22.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Attention Dr. W. J. Mackey
State Board of Animal Health
LL70 Metro Square Building
St. Paul, MN 55101

Authority for the amendment of these rules is contained in Minnesota Statutes section 35.03 (1982). Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules, has been prepared and is available from Dr. W. J. Mackey upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Dr. W. J. Mackey.

The rules proposed for adoption relate to the following matters: The increase in the age of calves eligible for brucellosis vaccination with reduced dosage brucellosis vaccine.

A copy of the proposed rule amendment is attached to this notice.

STATE OF MINNESOTA

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

STATE OF MINNESOTA

BOARD OF ANIMAL HEALTH

In the Matter of Proposed
Amendment to 3 MCAR § 2.011
Eradication of Bovine and Bison Brucellosis

AFFIDAVIT

1. I am Dr. W. J. Mackey, Assistant Secretary of the Board of Animal Health.

2. On August 26, 1983, I mailed the "Notice of Intent to Ammend Rules Without a Public Hearing" to all persons who registered with the Board of Animal Health to recieve such notices. This list included the following livestock oriented organizations:

Minnesota Livestock Breeders Association

Minnesota Holstein Association

Minnesota Guernsey Breeders Association

Minnesota Milking Shorthorn Association

Minnesota Dept. of Agriculture

In addition, this notice was sent to:

The Editor of The Farmer Magazine

The Editor of The Minneapolis Tribune

The Editor of The Minnesota Government Report

Every veterinarian in Minnesota was notified of this rule change via the Board of Animal Health Newsletter. And this notice was published in the State Register.

3. This additional publication was intended to notify small farming businesses of the proposed rule change in accordance with Minnesota Laws 1983, Chap.188, Sec. 1 (4) (6).

W. J. Mackey, DVM
Assistant Secretary
Board of Animal Health

In the Matter of the Proposed Adoption of Rules of the State Board of Animal Health Governing 3 MCAR §§ 2.011 - Eradication of bovine and bison brucellosis.

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Dr. W. J. Mackey, being first duly sworn, deposes and says:

That, on the 26th day of August, 1983, at the City of St. Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Intent to Adopt Rules Without Public Hearing by depositing in the United States mail at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the State Board of Animal Health for the purpose of receiving notice of the proposed adoption of rules by this State Agency.

Dr. W. J. Mackey
Assistant Secretary
Board of Animal Health

Subscribed and sworn to before me this 16 day of Sept, 19 83.

Marian S. Comford

MARIAN S. COMFORD
Notary Public, Ramsey County, Mn.
My commission expires Sept. 16, 1986

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE OF MAILING LIST

In the Matter of the Proposed Adoption of the Rules of the State Board of Animal Health Governing 3 MCAR §§ 2.011 - Eradication of bovine and bison brucellosis.

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat SS 15.0412, subd. 4, that their names be placed on file with and maintained by the State Board of Animal Health for the purpose of receiving notice of the proposed adoption of rules by this State Agency, is accurate and complete as of 12:00 A.M., this 23rd day of August, 1983.

Dr. W. J. Mackey
Assistant Secretary
Board of Animal Health

UAH
Proposed Rules (Amended)
2.011 Pg 426-428

STATE REGISTER

STATE OF MINNESOTA

Notice of intent mailed 8-26-83



VOLUME 8, NUMBER 11

September 12, 1983

Pages 421-488

WHEREAS, officials of the Minnesota Department of Health have requested the National Guard to assist in the control of this emergency situation through utilization of the assets of the Minnesota Air and Army National Guard,

NOW THEREFORE, I order:

1. The Adjutant General of Minnesota to order to active duty on or after August 22, 1983, in the service of the state, such elements of the military forces of the state as are necessary to assist the Department of Health officials. Those forces shall be utilized for such a period of time as necessary.

2. The costs of subsistence, transportation, fuel, and pay and allowances of said individuals will be defrayed from the general revenue of the state as provided for in Minnesota Statutes 1982, section 192.49, subdivision 1; section 192.51; and section 192.52.

This Order is effective retroactively to August 22, 1983, and shall remain in force until such date as elements of the military forces of the state are no longer required.

IN TESTIMONY WHEREOF, I hereunto set my hand this 22nd day of August, 1983.

Marlene Johnson

PROPOSED RULES

Pursuant to Minn. Stat. of 1980, §§ 14.21, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless seven or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules;

and

4. that the rule may be modified if modifications are supported by the data and views submitted.

If, during the 30-day comment period, seven or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.13-14.20 which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

Pursuant to Minn. Stat. § 14.29, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Board of Animal Health

Proposed Amendments to Rules Governing Eradication of Bovine and Bison Brucellosis (3 MCAR § 2.011)

Notice of Intent to Amend Rules without a Public Hearing

Notice is hereby given that the State Board of Animal Health proposes to amend the above entitled rules without a public hearing. The board has determined that the proposed amendment of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes section 14.22 (1982).

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30 day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes section 14.22.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Attention Dr. W. J. Mackey
State Board of Animal Health
LL70 Metro Square Building
St. Paul, MN 55101

Authority for the amendment of these rules is contained in Minnesota Statutes section 35.03 (1982). Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules, has been prepared and is available from Dr. W. J. Mackey upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement of need and reasonableness, all written comments received and the final rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Dr. W. J. Mackey.

The rules proposed for adoption relate to the following matters: The increase in the age of calves eligible for brucellosis vaccination with reduced dosage brucellosis vaccine.

A copy of the proposed rule amendment is attached to this notice.

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

Rule as Proposed

3 MCAR § 2.011 Eradication of bovine and bison brucellosis.

A. Definitions:

1.-7. [Unchanged.]

8. "Official brucellosis calfhood vaccinate" means female dairy cattle under 20 months of age ~~vaccinated against brucellosis while from two through five months of age (60-179 days)~~ and female beef cattle under 24 months of age vaccinated against brucellosis ~~while from two through seven months of age (60-239 days) in accordance with these rules~~ by the product and at the age indicated in a. or b.

a. Brucella abortus vaccine, strain 19, live culture, standard dose:

(1) female dairy cattle vaccinated while they are from two through five months of age;

(2) female beef cattle vaccinated while they are from two through seven months of age.

b. Brucella abortus vaccine, strain 19, live culture, reduced dose:

(1) female dairy and beef cattle vaccinated while they are from four through ten months of age.

9.-16. [Unchanged.]

B. General requirements.

1.-9. [Unchanged.]

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

10. Official vaccination:

a. [Unchanged.]

b. Brucella abortus vaccine, strain 19, live culture, standard dose, may be administered to female dairy cattle while they are from two through five months of age ~~(60-179 days)~~ and female beef cattle while they are from two through seven months of age ~~(60-239 days)~~. Brucella abortus vaccine, strain 19, live culture, reduced dose, may be administered to female dairy and beef cattle while they are from four through ten months of age.

c.-e. [Unchanged.]

C.-F. [Unchanged.]

State Board of Education (State Board for Vocational Education) Department of Education Vocational-Technical Division

Proposed Rule Governing Chapter Thirty-Nine: Rules for Licensure of Vocational Education Personnel (5 MCAR § 1.0790)

Notice of Intent to Adopt Rule without a Public Hearing

Notice is hereby given that the State Board of Education (State Board for Vocational Education) proposes to adopt the above-entitled rules without a public hearing. The board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. §§ 14.21 to 14.28.

These rules govern the post-secondary vocational instructional personnel licensure in the Technical Education area of robotics technician.

Persons interested in these rules shall have 30 days following publication in the *State Register* to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30 day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. §§ 14.11 to 14.20.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or requests to:

Dr. Rosemary T. Fruehling
Division of Vocational-Technical Education
541 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101

Authority for the adoption of these rules is contained in Minn. Stat. §§ 121.11, subd. 12, 121.21, subd. 6; and 125.185, subd. 4. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules has been prepared and is available from Dr. Rosesmary T. Fruehling upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, and the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Dr. Rosemary T. Fruehling.

A copy of the proposed rules is attached to this notice.

A free copy of this notice and the proposed rules are available and may be obtained by contacting Dr. Rosemary T. Fruehling.

August 9, 1983

Ruth E. Randall, Secretary
State Board of Education
(State Board for Vocational Education)

CERTIFICATE OF BOARD'S

RESOLUTION ADOPTING RULES

I, Dr. R. L. Mersch, do hereby certify that I am the President of the Board of Animal Health, 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 Board of Animal Health, duly and properly called and held on the 14th day of October, 1983, that a quorum was present at said meeting, that a majority of those present voted for the resolution, and 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 § 2.011, Eradication of Bovine & Bison Brucellosis be and they are hereby approved and ammended pursuant to authority vested in us by Minnesota Statutes 35.03, and that Dr. R. L. Mersch, the President of the Board of Animal Health, be and hereby is authorized to sign an order adopting these rules and further is authorized to perform the necessary acts to provide that these rules shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this day of

Dr. R. L. Mersch
President
Board of Animal Health

Attest by one other Board member

STATE OF MINNESOTA

BOARD OF ANIMAL HEALTH

In the Matter of Proposed
Amendment to 3 MCAR § 2.011
Eradication of bovine and bison brucellosis

STATEMENT OF NEED AND REASONABLENESS

The rule needs to be amended to permit the use of reduced dose brucella abortus vaccine in older calves. Reduced dose vaccine was licensed by the United States Department of Agriculture earlier this year and can be legally used in the State of Minnesota. The present rule restricts its use in dairy calves from 2 through 5 months of age and in beef calves from 2 through 7 months of age.

The proposed amendment will permit the use of reduced dose vaccine in both dairy and beef calves from 4 through 10 months of age. This change will help herd management as it increases the age span for vaccination. The advantages of reduced dose vaccine are less shock at time of vaccination, less interference with later tests, and an increased age span for administration of the vaccine.

The proposed amendment will aid brucellosis eradication efforts and there will be no additional costs to the livestock industry or to the State of Minnesota.

Adoption and need for this amendment is within the authority of Minnesota Statutes 1982, Chapter 35, Section 35.03.

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

STATE OF MINNESOTA

BOARD OF ANIMAL HEALTH

In the Matter of Proposed
Amendment to 3 MCAR § 2.011
Eradication of Bovine and Bison Brucellosis

ADDENDUM TO
STATEMENT OF NEED AND REASONABLENESS

The Statement of Need and Reasonableness is hereby ammended by adding the following paragraph:

"During the rule promulgation process the Board of Animal Health considered the effect this rule ammendment would have on small business. The intent of the rule ammendment was to increase the range of ages for vaccination of calves for brucellosis from 2 thru 7 months of age to 4 to 10 months of age. This will have a beneficial effect on those farming business because less trips to the farm would be necessary by the veterinarian doing the vaccinating; therefore, the considerations set forth in Laws 1983, Chapter 188, Sec. 1 (2) do not apply."

J. G. Flint, DVM
Secretary and Executive Officer

In the Matter of the Proposed Amendment of Rules of the State Board of Animal Health Governing 3 MCAR § 2.011, Eradication of Bovine and Bison Brucellosis.

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Jon Murphy, do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

(Special Assistant Attorney General)

Dated: 11/7/83