

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 410

RULE REVIEW CHECKLIST

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

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 _____ disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓? Order Adopting 10.14.831 Date ~~signed~~ corrected Order rec'd by someone other than person authorized by Cert. of Adopting Resolution

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 corrected Aff. rec'd
7.11.83 At least 30 days prior to ~~hearing~~/adoption notarized on 6.28.83 before date of mailing

✓ Mailing list Certificate

✓ Publication in State Register
7.18.83 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

N/A 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

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : J. G. FLINT, Secretary & Executive Officer DATE: 11/28/83

Attn: JON MURPHY, Special Assistant
Attorney General

FROM : MARTHA J. CASSERLY MJC PHONE: 296-4692
Special Assistant
Attorney General

SUBJECT: In the Matter of the Proposed Amendment of Rules of the State Board of Animal Health Governing 3 MCAR § 2.044, Establishment and Operation of Public Stockyards, the Establishment of State/Federal approved markets for cattle and Sale of Cattle at Such Markets, and Importation of Cattle and Bison.

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 Rules Governing Importation of Cattle or Bison; The Establishment of State-Federal Approved Markets for Cattle and Sale of Cattle at Such Markets; and The Establishment and Operation of Public Stockyards

Rules as Adopted

3 MCAR S 2.001 Importation of cattle and bison.

A.-E. [Unchanged.]

F. Tests required.

1.-2. [Unchanged.]

G.-H. [Unchanged.]

I. Cattle under quarantine. Cattle imported without health certificate except where specifically exempted in this rule, or imported when not in compliance with this rule are under quarantine. Such cattle shall be examined and tested to meet the requirements of this rule by an accredited veterinarian at owner's expense within 72 hours thereafter. Cattle that are not negative to brucellosis or anaplasmosis shall be sent to slaughter on permit or returned to the herd of origin on a permit from the state of origin. Cattle with other infectious, contagious, or communicable disease shall be sent to slaughter with permit, returned to the point of origin with permit, or continued in quarantine at the direction of the board.

J. Permits. The following types of cattle may be imported with a health certificate for a stated purpose provided a permit is obtained from the board prior to movement:

1. calves less than two months of age;

2. cattle from nonbrucellosis free states;

3. female feeding cattle of beef type and breed less than 18 months of age entering for feeding purposes without tests; or

4. cattle that have been sampled for anaplasmosis, the results of which are pending.

K.-M. [Unchanged.]

LSB 43 The establishment of state-federal approved markets for cattle and sale of cattle at these markets.

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

(1)-(8) [Unchanged.]

(9) "Brucellosis reactor" means any nonvaccinated bovine animal showing complete agglutination in a 1:100 dilution or higher, or a vaccinated female bovine animal of dairy breed 20 months of age or over or any female bovine animal of beef breed 24 months of age and over, that is an official vaccinate as defined in (8) which shows complete agglutination in a 1:200 dilution or higher, or any bovine animal that is positive to the brucellosis card test.

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

(11) "Health certificate" means a certificate issued by a veterinarian, on an official form of the state of origin, certifying that the animals are free from visible signs of contagious, infectious, or communicable disease. Statements with reference to brucellosis status of area of origin, and name and address of consignee shall be included. Record of tests or vaccination and individual identification shall be recorded when required.

(b) [Unchanged.]

(c) Official veterinarian.

(1)-(4) [Unchanged.]

(5) Where required by the rules and regulations the official veterinarian shall test for brucellosis. Such tests shall be conducted in accordance with accepted procedure.

(6)-(10) [Unchanged.]

(11) The veterinarian shall furnish the board duplicate

copies of all quarantines of cattle issued by him at the market, and also the records of brucellosis tests of cattle conducted by him, and such other reports as the board may from time to time require, within five days following the completion of each week's business.

(12) [Unchanged.]

(d) [Unchanged.]

(e) Consignment of Livestock.

(1)-(2) [Unchanged.]

(3) Cattle originating in other states may be consigned to the market when accompanied by a health certificate complying with the Minnesota importation requirements and certifying to origin in a modified certified brucellosis area, or a health certificate showing individual identification, certifying to origin in a modified certified brucellosis area, or a declaration signed by the owner showing address of origin, description and number of cattle in shipment, destination, and further stating cattle are not under quarantine because of disease.

(aa) When required, cattle shall be tested for brucellosis to comply with Minnesota regulations.

(bb)-(cc) [Unchanged.]

(dd) Cattle entering market accompanied by health certificate with necessary tests for brucellosis conducted within 30 days prior to date of importation and recorded thereon, and certifying to origin in modified certified brucellosis area, may be sold without further testing.

(4) [Unchanged.]

(f) [Unchanged.]

(g) Brucellosis.

(1) All dairy cattle over six months of age and all beef cattle eight months of age and over shall pass a negative test for brucellosis prior to release from the market, except:

(aa) steers;

(bb) cattle from certified brucellosis-free herds;

(cc) cattle accompanied by a record of a brucellosis

test signed by a veterinarian showing the cattle have been tested for brucellosis and found negative less than 30 days before the date of sale while owned by the consignor;

(dd) official vaccinates of dairy breeds under 20 months of age and beef breeds under 24 months of age;

(ee) female cattle of beef type, under 18 months of age sold for feeding and grazing purposes under permit or affidavit and quarantine;

(ff) cattle for immediate slaughter, identified with an official backtag;

(gg) cattle sold to dry feed lot permit holders, provided such cattle are branded at the market with the letter "F" three inches high on the right jaw with a hot iron and provided a health certificate is issued listing the identification numbers.

(h) Brucellosis reactors and suspects.

(1)-(4) [Unchanged.]

(i) Quarantines. The following classes of cattle are subject to quarantine from the market:

(1) Female cattle of beef breed under 18 months of age, not tested for brucellosis at the market and sold under affidavit for feeding and grazing purposes, are quarantined for the feeding period. Affidavit to bear notarized signature of purchaser.

(2) [Unchanged.]

(3) Nonvaccinates from other states entering market on owner's certificate and negative to tests for brucellosis at the market, are quarantined for a brucellosis retest to be conducted in 30 to 120 days.

(4) [Unchanged.]

(5) Official vaccinates of dairy breeds under 20 months of age and official vaccinates of beef breeds under 24 months of age, entering the market on an owner's certificate, are quarantined until tested for brucellosis with a reaction no higher than complete agglutination in a dilution of 1:50.

(6) Official vaccinates of dairy breeds 20 months of age

or over and official vaccinates of beef breed 24 months of age and over, entering the market on an owner's certificate, tested at the market and which disclose a reaction to the brucellosis test no higher than complete agglutination in a dilution of 1:50 are quarantined for a retest for brucellosis to be conducted no sooner than 30 days nor more than 120 days.

(j) Markets approved to accept reactors. Approved state-federal markets qualified to accept reactors, suspects, and cattle from quarantined herds shall:

(1)-(3) [Unchanged.]

(k) Other species of livestock. Other livestock shall be handled in accordance with LSB-42 and/or LSB-41.

No part of this rule shall take precedence over any portion of LSB-1.

3 MCAR S 2.044 The establishment and operation of public stockyards.

A. Definitions.

1. "Board" means the Minnesota Board of Animal Health or its authorized agents.

2. "Public stockyards" means an assembly point for livestock operated as a public market for livestock producers, feeders, market agencies, and buyers; having facilities and providing services for those individuals or organizations who have been granted the privileges of the market by the management of the stockyards.

3. "Shipper contract" means a record indicating:

a. consignor's name and address;

b. identification and description of the livestock consigned;

c. date and time received;

d. name of the trucker or transportation agency;

e. name of the individual or firm who will represent the seller; and

f. signature of the seller or his agent.

4. "Veterinary services contractor" means an accredited veterinarian or more than one veterinarian selected by the

management and approved by the board to perform necessary services in connection with the rules of the board.

B.-D. [Unchanged.]

E. Removal of livestock.

1. No livestock shall be removed from the premises until released by the veterinary services contractor or his representative.

2. Cattle.

a. Cattle removed for purposes other than slaughter must be accompanied by a health certificate meeting Minnesota importation requirements if they originate from other states, or Minnesota sale requirements if they originate from Minnesota, or state of destination requirements if exported.

b. Brucellosis test requirements for these cattle.

(1) The requirements for transfer of ownership for cattle in 3 MCAR S 2.011 apply to all cattle removed from the public stockyards to Minnesota destinations.

(2) The diagnosis of cattle which respond to the brucellosis test shall be in accordance with 3 MCAR S 2.011.

c. Anaplasmosis test requirements for breeding cattle.

(1) Breeding cattle originating in states other than Minnesota shall be tested in accordance with 3 MCAR S 2.001.

d. Cows and bulls two years of age and over not offered for sale shall be backtagged or tested and found negative to brucellosis and if originating from other states negative to anaplasmosis before removal from the stockyards.

3. Swine.

a. Swine sold for slaughter shall be identified to the herd of origin as required in 3 MCAR S 2.066.

b. Swine removed for breeding or further feeding purposes must be accompanied by a health certificate indicating:

(1) eartag number;

(2) negative brucellosis buffered antigen (BBA) test for sows and boars six months of age and over; and

(3) any other requirements of a state of destination.

c. Breeding swine six months of age and over

originating in states other than Minnesota shall be tested for pseudorabies in accordance with 3 MCAR S 2.005 before removal to any Minnesota destination.

d. All swine for breeding and further feeding removed from public stockyards to points in Minnesota shall be quarantined for 30 days.

4. Sheep, goats, horses, mules, and other species may be removed when a health certificate certifying compliance with the state of destination requirements have been met.

STATE OF MINNESOTA

BOARD OF ANIMAL HEALTH

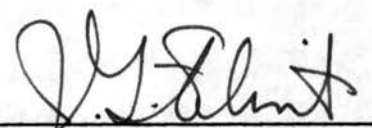
In the Matter of the Proposed Amendment of Rules of the State Board of Animal Health Governing 3 MCAR § 2.044, Establishment and Operation of Public Stockyards.

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 July 18, 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 July 12, 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 § 2.044, Establishment and Operation of Public Stockyards, are adopted this 14th day of October, 1983 pursuant to authority vested in the Board by Minnesota Statutes 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 § 2.044 The establishment and operation of public stockyards

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 28th day of June, 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, D.V.M.
Secretary and Executive Officer

CERTIFICATE OF BOARD'S

AUTHORIZING RESOLUTION

I, Dr. Robert L. 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 April, 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, Secretary and Executive Officer 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 amendments to 3 MCAR § 2.044 The Establishment and Operation of Public Stockyards, 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 April, 1983.

Dr. Robert L. Mersch, President

Attest by one other Board member

Department of Board of Animal Health

In the Matter of the Proposed Adoption of Rules of the State Board of Animal Health Governing 3 MCAR §§ 2.044 The establishment and operation of public stockyards.

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Board of Animal Health 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 Minnesota Statutes section M.S. 1982, Sec. 14.22.

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:

Dr. W. J. Mackey
State Board of Animal Health
LL70 Metro Square Building
7th and Robert Streets
St. Paul, MN 55101

Authority for the adoption 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.

[A copy of the proposed rules is attached to this Notice]

STATE OF MINNESOTA

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

In the Matter of the Proposed Adoption of Rules of the State Board of Animal Health Governing 3 MCAR § 2.044 The establishment and operation of public stockyards

AFFIDAVIT OF MAILING

STATE OF MINNESOTA

COUNTY OF RAMSEY

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

That on the 11th day of July, 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 [State of Minnesota Central Mail System for United States mailing (or) 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.

W. J. Mackey, D.V.M.
Assistant Secretary
Board of Animal Health

Subscribed and sworn to before me
this 11 day of July 1983.

Marian S. Comford

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

In the Matter of the Proposed Adoption of Rules of the State Board of Animal Health Governing 3 MCAR § 2.044 The establishment and operation of public stockyards

AFFIDAVIT OF MAILING

STATE OF MINNESOTA

COUNTY OF RAMSEY

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

That on the 11th day of July, 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 [State of Minnesota Central Mail System for United States mailing (or) 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.

W. J. Mackey, D.V.M.
Assistant Secretary
Board of Animal Health

Subscribed and sworn to before me
this 28 day of June, 1983.

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 Rules of the State Board of Animal Health Governing 3 MCAR § 2.044 The establishment and operation of public stockyards

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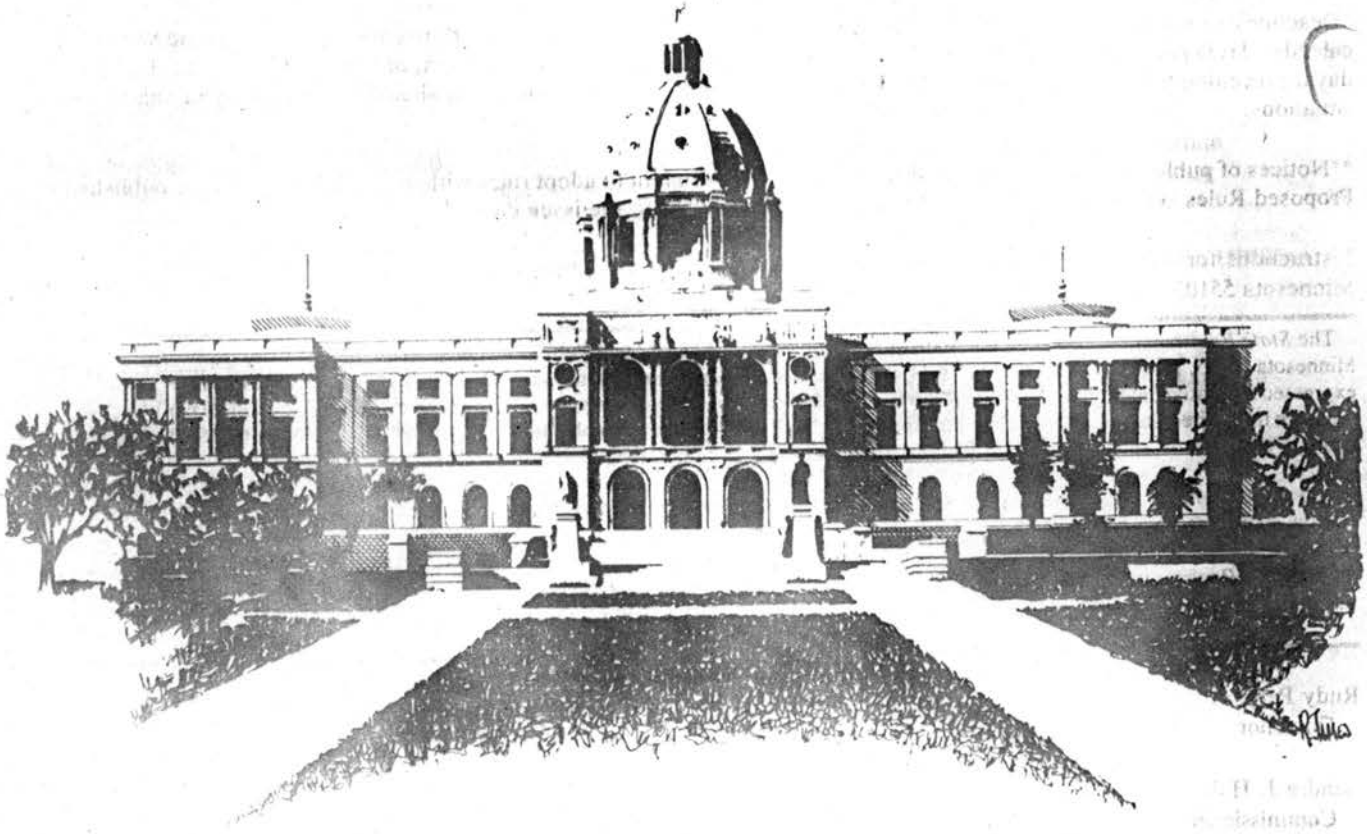
I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. § 15.0412, subd. 4, that their names be placed on file with and maintained by the State Board of Animal Health for the purpose of receiving notice of the proposed adoption of rules by this State Agency is accurate and complete as of 12:00 A.M., this 28th day of June, 1983.

W. J. Mackey, D.V.M.
Assistant Secretary
Board of Animal Health

Proposed Rules Pg 77
1ST PUBLICATION
3 MCAR 2.001
3 " 2.044
LSB 43

STATE REGISTER

STATE OF MINNESOTA



VOLUME 8, NUMBER 3

July 18, 1983

Pages 73-96

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:

a. that they have 30 days in which to submit comment on the proposed rules;
b. 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;
c. the manner in which persons shall request a hearing on the proposed rules; and
d. 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 Rules Governing Importation of Cattle or Bison; The Establishment of State-Federal Approved Markets for Cattle and Sale of Cattle at Such Markets; and The Establishment and Operation of Public Stockyards

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the State Board of Animal Health 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 following 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:

Dr. W. J. Mackey
State Board of Animal Health
LL70 Metro Square Building
7th and Robert Streets
St. Paul, MN 55101

Authority for the adoption 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

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.

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.

[A copy of the proposed rules is attached to this notice]

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

Rules as Proposed

3 MCAR § 2.001 Importation of cattle and bison.

A.-E. [Unchanged.]

F. Tests required.

1.-2. [Unchanged.]

~~3. Tuberculosis with the exception of the following, all cattle must be negative to an intradermal tuberculin test conducted by an accredited veterinarian within 60 days prior to movement into Minnesota.~~

~~a. Cattle from tuberculosis-free accredited herds.~~

~~b. Cattle under 6 months of age.~~

~~c. Cattle shipped directly to a public stockyards or markets approved under LSB 43 The Establishment of State-Federal Approved Markets for Cattle and Sale of Cattle at Such Markets.~~

~~d. Slaughter cattle going directly to a slaughtering establishment under federal inspection.~~

~~e. Beef type heifers under 18 months of age for feeding purposes entering a Minnesota feedlot under permit from the board.~~

~~f. Steers and spayed heifers.~~

~~g. Cattle entering to be tested within 72 hours after arrival provided a permit is secured from the board.~~

~~h. Cattle from accredited tuberculosis-free states that have a reciprocity agreement with Minnesota.~~

G.-H. [Unchnaged.]

I. Cattle under quarantine. Cattle imported without health certificate except where specifically exempted in this rule, or imported when not in compliance with this rule are under quarantine. Such cattle shall be examined and tested to meet the requirements of this rule by an accredited veterinarian at owner's expense within 72 hours thereafter. Cattle that are not negative to brucellosis~~, tuberculosis~~ or anaplasmosis shall be sent to slaughter on permit or returned to the herd of origin on a permit from the state of origin. Cattle with other infectious, contagious, or communicable disease shall be sent to slaughter with permit, returned to the point of origin with permit, or continued in quarantine at the direction of the board.

J. Permits.

~~1.~~ The following types of cattle may be imported with a health certificate for a stated purpose provided a permit is obtained from the board prior to movement~~:~~:

~~a. Breeding cattle not tested for tuberculosis in the state of origin, to be tested on arrival in Minnesota.~~

~~b.~~ 1. calves less than two months of age~~;~~;

~~c.~~ 2. cattle from nonbrucellosis free states~~;~~;

~~d.~~ 3. female feeding cattle of beef type and breed less than 18 months of age entering for feeding purposes without tests~~;~~; or

~~e.~~ 4. cattle that have been sampled for anaplasmosis, the results of which are pending.

K.-M. [Unchanged.]

LSB 43 The establishment of state-federal approved markets for cattle and sale of cattle at ~~such~~ these markets.

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

(1)-(8) [Unchanged.]

(9) ~~"Tuberculosis Reactor" shall mean any bovine animal that shows any reaction to the test for tuberculosis.~~

Approved Markets for Swine) and/or Regulation LSB-41 (Sale of Livestock at Auction Markets, Consignment, Community and Other Sales).

No part of this regulation rule shall take precedence over any portion of Regulation LSB-1 entitled "Rules and Regulations for the Importation of Cattle."

3 MCAR § 2.044 The establishment and operation of public stockyards.

A. Definitions.

1. "Board" shall mean means the State of Minnesota Board of Animal Health or its authorized agents.

2. "Public stockyards" means an assembly point for livestock operated as a public market for livestock producers, feeders, market agencies, and buyers; having facilities and providing services for those individuals or organizations who have been granted the privileges of the market by the management of the stockyards.

3. "Shipper contract" shall mean means a record indicating:

a. consignor's name and address;

b. identification and description of the livestock consigned;

c. date and time received;

d. name of the trucker or transportation agency;

e. name of the individual or firm who will represent the seller; and

f. signature of the seller or his agent.

4. "Veterinary services contractor" shall mean means an accredited veterinarian or more than one veterinarian selected by the management and approved by the board to perform necessary services in connection with the rules of the board.

B.-D. [Unchanged.]

E. Removal of livestock.

1. No livestock shall be removed from the premises until released by the veterinary services contractor or his representative.

2. Cattle.

a. Cattle removed for purposes other than slaughter must be accompanied by a health certificate meeting Minnesota importation requirements if they originate from other states, or Minnesota sale requirements if they originate from Minnesota, or state of destination requirements if exported.

b. These cattle shall be tested for tuberculosis except:

(1) Cattle originating in Minnesota.

(2) Cattle from states having a reciprocity agreement with Minnesota deleting test requirement.

(3) Female feeding cattle of beef type and breed under 18 months of age leaving the public stockyard on permit.

(4) Steers, spayed heifers, and cattle under 6 months of age.

c. Brucellosis test requirements for these cattle.

(1) The requirements for transfer of ownership for cattle, as embodied in 3 MCAR § 2.011 Eradication of Bovine and Bison Brucellosis, shall apply to all cattle removed from the public stockyards to Minnesota destinations.

(2) The diagnosis of cattle which respond to the brucellosis test shall be in accordance with 3 MCAR § 2.011.

d. c. Anaplasmosis test requirements for breeding cattle.

(1) Breeding cattle originating in states other than Minnesota shall be tested in accordance with 3 MCAR § 2.001.

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.

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 § 2.044, Establishment and Operation of Public Stockyards, be and they hereby are approved and adopted, pursuant to authority vested in us by Minnesota Statutes 14.05 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 14th day of October, 1983.

Dr. R. L. Mersch
President of the Board

Attest by one other Board member

STATE OF MINNESOTA

BOARD OF ANIMAL HEALTH

In the Matter of Proposed
Amendment to 3 MCAR S 2.044
The Establishment and Operation
of Public Stockyards.

STATEMENT OF NEED AND REASONABLENESS

The rule needs to be amended to remove the requirement for a negative intradermal tuberculin test for cattle entering Minnesota. This will lower the cost of the tests made to qualify cattle for importation into Minnesota. Tuberculin testing prior to interstate transportation can no longer be justified as a cost effective disease control procedure. Present low level of tuberculosis in cattle and more effective control methods have eliminated the need for pre-movement tuberculin tests.

Amendment to this rule and the need for this amendment is within the authority of MS § 35.03(1982).

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 § 2.044, Establishment & Operation of Public Stockyards.

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.

Jon Murphy

Special Assistant
Attorney General

Dated: 11/7/83