


# Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1252 05.0009,0098

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 2-5-86
DATE FOR REVIEW 2-14-86
DATE DUE 2-19-86

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

Approved 2/19/86 Disapproved _____ Returned to Agency _____

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

Date filed w/Secretary of State 2-24-86 Revisor approved 2.6.86 disapproved _____

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✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 1.31.86 Date

N/A Notice of Intent to Solicit Outside Opinion

_____ Order for rulemaking
_____ date of Hearing not submitted

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
? Sufficiency no small biz statement.

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

✓ Mailing list Certificate

✓ Publication in State Register
11.11.85 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

N/A LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

N/A Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness includes statement of no material effect on small biz

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-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

# Office Memorandum

TO: T. J. HAGGERTY, Executive Secretary
Board of Animal Health

DATE: 2/21/86

ATTN: JON K. MURPHY
Special Assistant Attorney General

FROM: J. MICHAEL MILES JMM
Assistant Attorney General

PHONE: 296-6555

SUBJECT: In the Matter of the Proposed Rule of the Board of Animal Health Governing Part 1700.0550 Cattle Returned to Minnesota from Pasture

The above-referenced rule has been approved as to its legality by the Attorney General on February 19, 1986.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies of the approved rule with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth copy is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

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

JMM:pmf

Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

RR1252

As copy

Board of Animal Health

Adopted Rule Relating to Return of Cattle From Pasture

Rule as Adopted

1700.0550 CATTLE RETURNED TO MINNESOTA FROM PASTURE.

Cattle not under quarantine owned by Minnesota residents who are not livestock dealers may be returned to the herd of origin from pastures in other states without tests or health certificates if a permit is secured from the board prior to movement.

Permits for return from pasture may be issued by the executive secretary or a designee if the pasture is owned, leased, or operated by the Minnesota resident, the pasture is contiguous to Minnesota land owned by the applicant, only the applicant's cattle are in the pasture, and the pasture has been inspected by a representative of the board.

APPROVED AS TO FORM AND LEGALITY

2/19 19 86

ERT H. HUMPHREY, III
TORNEY GENERAL

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
FEB 24 1986 11:10 AM

Joan Anderson Growe
Secretary of State

Board of Animal Health

Proposed Rule Relating to Return of Cattle From Pasture

Rule as Proposed (all new material)

1700.0550 CATTLE RETURNED TO MINNESOTA FROM PASTURE.

Cattle not under quarantine owned by Minnesota residents who are not livestock dealers may be returned to the herd of origin from pastures in other states without tests or health certificates if a permit is secured from the board prior to movement.

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APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

APPROVED AS TO FORM AND LEGALITY

2/17 1986

HUBERT H. H[illegible], III
ATTORNEY GENERAL

BY _____
ASSISTANT ATTORNEY GENERAL

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD852

Agency: Board of Animal Health

Division:

Agency Contact: Robert Pyle, Doctor of Veterinary Medicine

Minnesota Rules: Part 1700.0550

Title: Proposed Rule Relating to Return of Cattle from Pasture

Type of Rules: Permanent

Incorporations by Reference: None

Steven C. Cross

Revisor of Statutes

Craig E. Lindeke

Senior Assistant Revisor

Phone: 296-0946

Date: October 8, 1985

APPROVED AS TO FORM AND LEGALITY

2/19 19 86

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY _____
ASSISTANT ATTORNEY GENERAL

Board of Animal Health

Proposed Rule Relating to Return of Cattle From Pasture

Rule as Proposed (all new material)

1700.0550 CATTLE RETURNED TO MINNESOTA FROM PASTURE.

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APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

APPROVED AS TO FORM AND LEGALITY

2/15 1986

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY _____
ASSISTANT ATTORNEY GENERAL

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD852

Agency: Board of Animal Health

Division:

Agency Contact: Robert Pyle, Doctor of Veterinary Medicine

Minnesota Rules: Part 1700.0550

Title: Proposed Rule Relating to Return of Cattle from Pasture

Type of Rules: Permanent

Incorporations by Reference: None

Steven C. Cross
Revisor of Statutes

Craig E. Lindeke
Senior Assistant Revisor
Phone: 296-0946
Date: October 8, 1985

APPROVED AS TO FORM AND LEGALITY
2/19 19 82
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY
ASSISTANT ATTORNEY GENERAL

Board of Animal Health

Proposed Rule Relating to Return of Cattle From Pasture

Rule as Proposed (all new material)

1700.0550 CATTLE RETURNED TO MINNESOTA FROM PASTURE.

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APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD852

Agency: Board of Animal Health

Division:

Agency Contact: Robert Pyle, Doctor of Veterinary Medicine

Minnesota Rules: Part 1700.0550

Title: Proposed Rule Relating to Return of Cattle from Pasture

Type of Rules: Permanent

Incorporations by Reference: None

Steven C. Cross
Revisor of Statutes

Craig E. Lindeke
Senior Assistant Revisor
Phone: 296-0946

Date: October 8, 1985

STATE OF MINNESOTA BOARD OF ANIMAL HEALTH

In the Matter of the Proposed Rule
of the Board of Animal Health
Governing Part 1700.0550
Cattle Returned to Minnesota from Pasture

ORDER ADOPTING
RULES

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Notice of the Board's intent to adopt the above-entitled rule without a public hearing was published in the state register on November 11, 1985 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes section 14.14 subdivision 12 on October 17, 1985. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than 25 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 this rule identified as Part 1700.0550 Cattle Returned to Minnesota from Pasture is adopted this 31st day of January 1986 pursuant to authority vested in the Board by Minnesota Statutes section 35.03, 1984.

STATE OF MINNESOTA

T. J. Hagerty
Executive Secretary
Board of Animal Health

CERTIFICATE OF BOARD'S

AUTHORIZING RESOLUTION

I, Kenneth Neeser, 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 20th day of September 1985, 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. T. J. Hagerty, Executive Secretary of the Board of Animal Health, hereby is granted the authority and directing that Notice be given of the Board's intent to adopt without a public hearing rules governing the Importation of Cattle, 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 any 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 20th day of September 1985.

Kenneth Neeser

Kenneth Neeser, President

Jack Delaney

Attest by one other Board Member

STATE OF MINNESOTA BOARD OF ANIMAL HEALTH

Board of Animal Health Proposed
Rules Governing the Importation
of Cattle and Bison.

NOTICE OF INTENT TO AMEND 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 14.21 through 14.28 (1982).

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules and such comments are encouraged. Any person requesting a public hearing could state his or her name and address and each comment should identify the portion of the rule addressed, the reason for the comment and any change proposed. The proposed rules may be modified if modifications are supported by data and views submitted to the agency and do not result in substantial change in the proposed language.

Unless 25 or more persons submit a written request for a public hearing on the proposed rule within 30 days 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 14.13 through 14.20.

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

Robert G. Pyle
State Board of Animal Health
90 West Plato Blvd.
160 Agriculture Building
St. Paul, MN 55107

Telephone: (612) 296-2941

Authority for adoption of these rules is contained in Minnesota Statutes section 35.03 (1982). 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 supporting the proposed rules has been prepared and is available from Robert G. Pyle 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 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 adopted should submit a written statement of such request to Robert G. Pyle.

The rules proposed for adoption relate to the following matters: The importation of cattle and bison into Minnesota.

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

10-15-'85
Dated

T. J. Hagerty
T. J. Hagerty, DVM
Executive Secretary
Board of Animal Health

STATE OF MINNESOTA BOARD OF ANIMAL HEALTH

In the Matter of the Proposed Rules
of the Board of Animal Health
Governing Parts 1700.0100 thru 1700.1500
The Importation of Cattle and Bison.

AFFIDAVIT OF MAILING

1. I am Robert G. Pyle, employed by the Minnesota Board of Animal Health in charge of Importation of Livestock.

2. On October 17, 1986, I supervised the mailing of the "Notice of Intent to Amend Rules of the Board of Animal Health without a Public Hearing". to all persons who registered with the Board of Animal Health to receive such notices.

3. The same notice was published in the State Register November 5, 1985.

4. All Notices were sent by United States mail from St. Paul, Minnesota on October 17, 1985 and each notice included a copy of the proposed amendments to parts 1700.0100 thru 1700.1500.

Subscribed and sworn to before me
this 17th day of October, 1985.

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

Robert G. Pyle

Robert G. Pyle, DVM
Board of Animal Health

STATE OF MINNESOTA BOARD OF ANIMAL HEALTH

In the Matter of the Proposed Rules
of the Board of Animal Health
Governing Parts 1700.0100 thru 1700.1500
The Importation of Cattle and Bison

I certify that the attached copy is a true and exact copy of the mailing list used to mail the Notice of Intent to Adopt Rules of the Board of Animal Health without a public hearing, Parts 1700.0100 thru 1700.1500 Governing the Importation of Cattle and Bison.

Robert G. Pyle

Robert G. Pyle, DVM
BOARD OF ANIMAL HEALTH

Dated: Oct 17, 1985

OFFICIAL BOARD HEARING LIST

Countryside Council - CDIC
P.O. Box 78
Marshall, MN 56258

THE FARMER
1999 Shepard Road
St. Paul, MN 55116

David Luhman
RR 3
Goodhue, MN 55027

MN Milking Shorthorn Society
Harold Krause
Eagle Bend, MN 56446

Dr. Glen Nelson
Veterinary Diagnostic Lab.
U of MN
St. Paul, MN 55108

Jerry Noren
Rt. 1
St. James, MN 56081

Maxine Sheldon, President
MN Dairy Goat Association
12695 Marine Trail North
Marine-on-the-St. Croix, MN
55047

Judith G. Schotzko
Frundt, Frundt, & Johnson
117 W. 5th St.
Blue Earth, MN 56013

John & Mathew Lenort
Rt. 3 - Box 179
Fairmont, MN 56031

Jean Dawson, Editor
The MN Government Report
B-12, Press Room, State Capitol
Building

Bob Franklin, City Editor
Mpls. Tribune
425 Portland Ave
Minneapolis, MN 55488

MN Guernsey Breeders Assoc.
Mrs. Walter Fuchs, Secretary
Rt. 1
Nerstrand, MN 55053

Rick Mooney, Assoc. Editor
Farm Journal
P.O. Box 645
Chippewa Falls, WI 54729

John W. Zwiebel
Adult Farm Mgmt. Instructor
Owatonna Public Schools
Ag. Bldg. - 333 E. School St.
Owatonna, MN 55060

Phillips Legislative Serv., Inc.
459 Rice St.
St. Paul, MN 55103

Carl Hughes, Sec./Treas.
MN Livestock Marketing Assn.
4509 S. Highland Ave.
Sioux Falls, SD 57103

Legislative Commission on
Review of Admin. Rules
Room B 46, State Capitol
St. Paul, MN 55155

Ernest VanHooser
VanHooser & Olsen,
9200 Ward Parkway-Suite 636
Kansas City, MO 64114

Executive Secretary
MN Board of Pharmacy
717 SE Delaware St. #351
Minneapolis, MN 55440

Mr. Lyle Lamphere, Sec./Treas.
MN Livestock Breeders Assoc.
112 - Tenth Ave. So.
South St. Paul, MN 55075

MN Holstein Breeders Assoc.
417 So 72nd Ave
St. Cloud, MN 56301

Norman Nibbe
314 Walnut
Lake City, MN 55041

Congressman Vin Weber
208 E. College Drive
Marshall, MN 56258

Al Schlosser
Dept. of Agriculture
132 Livestock Exchange
South St. Paul, MN 55075

Calvin Mattson
Rt. 2
Granada, MN 56039

Mr John Hallstrom
Rt 3 Box 90
Fairmont MN 56301

# PROPOSED RULES

Pursuant to Minn. Stat. of 1982, §§ 14.22, 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 25 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 the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 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 §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

## Board of Animal Health

### Proposed Rule Relating to Return of Cattle From Pasture

#### Notice of Intent to Amend 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 14.21 through 14.28 (1982).

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules and such comments are encouraged. Any person requesting a public hearing could state his or her name and address and each comment should identify the portion of the rule addressed, the reason for the comment and any change proposed. The proposed rules may be modified if modifications are supported by data and views submitted to the agency and do not result in substantial change in the proposed language.

Unless 25 or more persons submit a written request for a public hearing on the proposed rule within 30 days 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 14.13 through 14.20.

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

Robert G. Pyle
State Board of Animal Health
90 West Plato Blvd.
160 Agriculture Building
St. Paul, MN 55107
Telephone: (612) 296-2941

Authority for adoption of these rules is contained in Minnesota Statutes section 35.03 (1982). 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 supporting the proposed rules has been prepared and is available from Robert G. Pyle 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 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 adopted should submit a written statement of such request to Robert G. Pyle.

The rules proposed for adoption relate to the following matters: The importation of cattle and bison into Minnesota.

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

October 15, 1985

T. J. Hagerty, DVM
Executive Secretary
Board of Animal Health

#### Rule as Proposed (all new material)

**1700.0550 CATTLE RETURNED TO MINNESOTA FROM PASTURE.**

Cattle not under quarantine owned by Minnesota residents who are not livestock dealers may be returned to the herd of origin from pastures in other states without tests or health certificates if a permit is secured from the board prior to movement.

Permits for return from pasture may be issued by the executive secretary or a designee if the pasture is owned, leased, or operated by the Minnesota resident, the pasture is contiguous to Minnesota land owned by the applicant, only the applicant's cattle are in the pasture, and the pasture has been inspected by a representative of the board.

# Housing Finance Agency

## Proposed Rules Relating to Accessibility Deferred Loan Program and Local Participation Home Improvement Loans

### Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Housing Finance Agency ("agency") proposes to adopt the above-entitled rules without a public hearing. The agency 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. Sec. 14.21 to 14.28.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules within the 30-day comment period. Such comments are encouraged, and should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rule may be modified as the result of comments received 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 twenty-five or more persons submit written requests for a public hearing on the proposed rule within the 30-day comment period, a public hearing will not be held. If a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. Sec. 14.14 *et. seq.* Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed.

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

Kathleen J. Johnson
Legal Division
Minnesota Housing Finance Agency
Suite 300
400 Sibley Street
St. Paul, Minnesota 55101
Telephone: 612/296-9793

Authority for the adoption of these rules is contained in Minn. Stat. Sec. 462A.06, Subd. 4 and 11. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules, and that identifies the data and information relied upon to support the proposed rules has been prepared and is available from Kathleen J. Johnson 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 a designee of the Attorney General for review as to form and legality, including the issue of substantial change, and to determine whether the agency has the authority to adopt the rules and whether the record demonstrates a rational basis for the need for and reasonableness of the proposed rules. Persons who wish to receive notice of the date of submission of these rules to the Attorney General for review, or who wish to receive a free copy of the final rules as adopted, should make such requests to Kathleen J. Johnson.

A copy of the proposed rule is attached to this notice. Additional copies may be obtained by contacting Kathleen J. Johnson.

Please be advised that Minn. Stat. Ch. 10A.03 requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. Sec. 10A.01, Subd. 11 as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250.00, not including his own travel expenses and membership dues, in any year, for

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.

STATE OF MINNESOTA BOARD OF ANIMAL HEALTH

In the Matter of the Proposed Rule
of the Board of Animal Health
Governing Part 1700.0550
Cattle Returned to Minnesota from Pasture

FINDINGS OF FACT
AND CONCLUSIONS

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The following facts relate to adoption of Part 1700.0550 Cattle Returned to Minnesota from Pasture:

The agency finds that this amendment is non-controversial and elected to adopt the amendment without a public hearing pursuant to Minnesota Statute 14.22 through 14.28 (1984).

The Board of Animal Health authorized by resolution signed September 20, 1985. Notice of Intent to adopt Part 1700.0550 without hearing.

A statement of need and reasonableness was prepared and made available for public inspection on October 2, 1985. That statement is incorporated herein by reference.

Notice of Intent to adopt Part 1700.0550 without hearing was published in State Register Volume 10, Number 20, November 11, 1985, Pages 1114 and 1115.

No comments concerning the proposed adoption of Part 1700.0550 were received during the 30 day period following publication in the Sate Register.

The Board of Animal Health on January 31, 1986 adopted the amendment as published in the State Register with no changes.

No persons requested notice of the date upon which the adopted rules were submitted to the Attorney General for review.

Therefore, the Board of Animal Health concludes that:

The rule is necessary and reasonable.

All procedural requirements of Minnesota Statutes 14.05 throuth 14.28 have been met.

The amendment is in the best interest of the Livestock industry, the public and the Sate of Minnesota.

T. J. Hagerty
Executive Secretary

CERTIFICATE OF BOARD'S

RESOLUTION ADOPTING RULES

I, Herbert Halvorson, do hereby certify that I am a member and Vice-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 31st day of January, 1986, 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 rule relating the Cattle Returned to Minnesota from Pasture Part 1700. 0550 be and is hereby approved and adopted, pursuant to Authority vested in us by Minnesota Statutes Section 35.03, 1980 and that Dr. T. J. Hagerty Executive Secretary of the Board of Animal Health, be and hereby is authorized to sign an order adopting this rule and further is authorized to perform the necessary acts to provide that this rule shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 31st day of January 1986.

Herbert Halvorson, Vice-president
Minnesota Board of Animal Health

Attest by one other Board member

STATE OF MINNESOTA BOARD OF ANIMAL HEALTH

In the Matter of the Proposed Amendment to Rules
of the Board of Animal Health
Governing Parts 1700.0100 thru 1700.1500
The Importation of Cattle and Bison

STATEMENT OF NEED
AND REASONABLENESS

The Minnesota Board of Animal Health has authority under MS §35.03 to make rules to protect the health of domestic animals of the state.

The purpose of this amendment is to eliminate the requirements for brucellosis and anaplasmosis tests for cattle and bison returning to the farm of origin in Minnesota from pasture in adjacent states. The intent is to facilitate normal operations for cattle owners whose land happens to be at the State border.

The Board can see no inconsistency in federal interstate regulations relating to the movement of cattle. The Board estimates that there will be less than 25 herds a year taking advantage of the provision not to test for brucellosis and anaplasmosis. Possible savings of $5.00 per animal in laboratory and veterinary fees could be realized by the owners of cattle pastured in other states.

The Board does not believe the proposed change will increase the chances of importing either brucellosis or anaplasmosis since the adjacent states are all either class free or class A brucellosis classification. The adjacent states are not in the anaplasmosis endemic area.

For purposes of compliance with MS §14.11 the Board estimates that there will be no expenditure of money by local public bodies and there will not be any adverse impact on agricultural land in Minnesota.

With respect to Chapter 188, Section 1, Laws of Minnesota 1983, as it relates to the impact on small business, the Board has determined that this rule will not have any material effect on small business.

Date 10-2-1985

T. J. Hagerty, DVM
Executive Secretary
Board of Animal Health

In the Matter of the Proposed Adoption of Rule of the State Board of Animal Health Part 1700.0550, Return of Cattle from Pasture.

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: 2/3/86

To: Mike

Date: 2.11.85

Re: Board of Animal Health - Return of Cattle from Pasture.

Rule as Adopted

line 12 The conditions for issuance of a permit are clearly stated. If all are met it appears the agency shall issue a permit, not "may" as this rule provides.

STATE OF MINNESOTA
BOARD OF ANIMAL HEALTH
160 AGRICULTURE BLDG.
90 W. PLATO BLVD.
ST. PAUL, MN 55107
(612) 296-2942

February 4, 1986

State of Minnesota
Attorney General's Office
204 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

Dear Sir:

Enclosed are copies of documents supporting the adoption of Part 1700.0550 relating to the Return of Cattle from Pasture. The Board of Animal Health adopted Part 1700.0550 on January 31, 1986 after electing to proceed without a public hearing as provided in Minnesota Statute 15.0412 subd. 4h.

Sincerely,

MINNESOTA BOARD OF ANIMAL HEALTH

Robert G. Pyle, DVM
Imports and Markets Division

Enc.

jvf

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