


# Minnesota Attorney General: Administrative Rules Proceedings

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SF-00006-05 (4/86)

DEPARTMENT : ATTORNEY GENERAL

STATE OF MINNESOTA

# Office Memorandum

DATE : July 6, 1988

TO : ROBERT PYLE
Board of Animal Health

FROM : MARTHA J. CASSERLY
Special Assistant
Attorney General

PHONE : 6-6839

SUBJECT : In the Matter of the Adopted Rule Relating to Importation of Swine into Minnesota; State-Federal Approved Markets for Swine

The above-refernced rule has been approved as to its legality by the Attorney General on July 1, 1988.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies with the Secretary of State who will forward one copy to the Revisor of Statutes. The fourth 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 accoradance 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.

MJC:rer

Enclosures

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

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

RULE REVIEW CHECKLIST

File No. 149 | Docket No 05.0009.0098

DATE RECEIVED 6-21-88 | ADOPTED W/O HEARING ✓

REVIEW DATE 6-30-88 | EMERGENCY RULE

DUE DATE 7-5-88 | REVISOR APPROVED ✓

APPROVED 7-1-88 mjc | REVISOR DISAPPROVED

DISAPPROVED | FILED W/SEC. OF STATE 7/6/88

WITHDRAWN | RETURNED TO AGENCY 7/6/88

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✓ Rule as adopted (4 copies)

~~Notice to Solicit Outside Information/Opinion (if applicable)~~

~~Date published in State Register~~
~~Comments~~

~~Petition for Adoption of a Rule (if applicable)~~

✓ Board's Authorizing Resolution

4/14/88 Date adopted

✓ Proposed Rule

yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule

35.03 Statutory Authority
No Small Business Statement
No Expenditure of public money statement
yes Signature

✓ Statement of Need and Reasonableness (if applicable)

yes Small Business Statement
N/A Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule

4/28/88 Date (30)/25 days before adoption
No ~~Notice attached~~
No ~~Copy of rule or summary attached~~

✓ Publication in State Register

4/18/88 Date (30)/25 days before adoption

180-day deadline from:

5/18/88 end of comment period (§ 14.26) (rules without hearing)
~~effective date of statutory authority (§ 14.29) (emergency rules)~~

✓ Resolution Adopting

6/15/88 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting

6/16/88 Date

~~Written requests, submissions or comments~~

✓ Declaration of attorney

P. Strandberg Name of SAAG representing agency

✓ State Register form ~~Notice of Submission to Atty. Gen. (if applicable)~~

~~Aff. of Mailing Notice to Atty. Gen. (if applicable)~~

mjc

Board of Animal Health

Adopted Permanent Rules Relating to Importation of Swine into Minnesota; State-Federal Approved Markets for Swine

Rules as Adopted

1700.2700 REQUIREMENT FOR CERTIFICATE OF VETERINARY INSPECTION.

All domestic and feral swine imported into Minnesota must be accompanied by a certificate issued by an accredited veterinarian, except: slaughter swine consigned to a public stockyard; slaughter swine consigned to a market operating under a permit from the board; feeder swine consigned to a state-federal approved swine market as defined in part 1715.0590, subpart 10, from a farm of origin in an adjacent state; and swine going directly to slaughter at a slaughtering establishment having federal inspection.

1715.0760 MOVEMENTS INTO MARKETS.

Subpart 1. to 4a. [Unchanged.]

Subp. 4b. **Feeder pigs from markets in other states.** Feeder pigs originating from other states may only enter the market if there is a certificate of veterinary inspection and a permit meeting the requirements of part 1715.0705, subpart 3.

Subp. 4c. **Feeder pigs from farms of origin in other states.** Feeder pigs originating from farms of origin in adjacent states may enter if the seller presents an official pseudorabies monitored herd test record or feeder pig monitoring herd card.

Subp. 4d. **Feeder pigs from farm of origin in low prevalence states.** Feeder pigs originating from a farm of origin in a low prevalence state may enter the market if the consigner furnishes proof of residence and proof of origin of the feeder pigs.

Subp. 5. [Unchanged.]

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

JUL 6 1988

Joan Anderson Growe
Secretary of State

2:29 PM

APPROVED AS TO FORM AND LEGALITY

July 1 19 88

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY MJ Carsely
SPECIAL ASSISTANT ATTORNEY GENERAL

CERTIFICATE OF BOARD'S
AUTHORIZING RESOLUTION

I, Herbert Halvorson, 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 14th day of April 1988, 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 Swine and State-Federal Markets for Swine, 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 14th day of April 1988.

Herbert Halvorson
President

Thomas A. Hurley
Attest by one other Board Member

RECE
JUN 3
ATTOR
615
OFFICE
DG.

Board of Animal Health

Proposed Permanent Rules Relating to Importation of Swine into Minnesota; State-Federal Approved Markets for Swine

Rules as Proposed

1700.2700 REQUIREMENT FOR CERTIFICATE OF VETERINARY INSPECTION.

All domestic and feral swine imported into Minnesota must be accompanied by a certificate issued by an accredited veterinarian, except: slaughter swine consigned to a public stockyard; slaughter swine consigned to a market operating under a permit from the board; feeder swine consigned to a state-federal approved swine market as defined in part 1715.0590, subpart 10, from a farm of origin in an adjacent state; and swine going directly to slaughter at a slaughtering establishment having federal inspection.

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Subpart 1. to 4a. [Unchanged.]

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Subp. 4c. **Feeder pigs from farms of origin in other states.** Feeder pigs originating from farms of origin in adjacent states may enter if the seller presents an official pseudorabies monitored herd test record or feeder pig monitoring herd card.

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Subp. 5. [Unchanged.]

# Office of the Revisor of Statutes

## Administrative Rules

**TITLE:** Proposed Permanent Rules Relating to Importation of Swine into Minnesota; State-Federal Approved Markets for Swine

**AGENCY:** Board of Animal Health

**MINNESOTA RULES:** Chapters 1700 and 1715

The attached rules are approved for publication in the State Register

Craig E. Lindeke
Senior Assistant Revisor

STATE OF MINNESOTA BOARD OF ANIMAL HEALTH

Board of Animal Health Proposed
Rules Governing the Importation of Swine
and State-Federal Markets for Swine.

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 14.22 through 14.28 (1982). Authority for adoption of these rules is contained in Minnesota Statutes section 35.03 (1986).

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 should state his or her name and address and each comment should identify the portion of the rule addressed, the reason for this 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

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 at the address listed above.

The rules proposed for adoption relate to the following matters: The Importation of Swine into Minnesota, and State Federal Markets for Swine

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

4-21-88
Dated

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

RECEIVED

JUN 30

ATTORNEY GENE
515 TRANSPO
ST. PAUL,

STATE OF MINNESOTA BOARD OF ANIMAL HEALTH

In the Matter of the Proposed amendment to Rules
of the Board of Animal Health
Governing Part 1700.2700 Importation of Swine and
Part 1715.0760 State-Federal Approved Markets for Swine

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 requirement for certificate of veterinary inspection and permit for movement of feeder pigs from farms of origin in adjacent States to State-Federal Approved Swine Markets. The intent of the amendment is to facilitate normal marketing for feeder pig producers near the State border.

The proposed amendment is consistant with the Code of Federal Regulations relating to interstate movement of swine.

Feeder pig producers in the trade area of markets located in close proximity to state borders are handicapped because a certificate of veterinary inspection is required prior to movement to the market. The expense to the feeder pig producer would be considerable because a veterinarian would be required to make a trip to the farm of origin. For small groups of feeder pigs the cost would be prohibitive.

The Board believes that the chance of spreading pseudorabies would not be any greater than at present because the same requirements for disease free and test status would be met and inspection would be made by a market veterinarian upon arrival of the State-Federal swine market.

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 MS §14.115 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.

4-26-88

Date

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 Part 1700.2700 Importation of Swine and
Part 1715.0760 State-Federal Approved Markets for Swine

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 April 28, 1988 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 May 2, 1988.

4. All Notices were sent by United States mail from St. Paul, Minnesota on April 28, 1988 and each notice included a copy of the proposed amendments to parts 1700.2700 and 1715.0760.

Robert G. Pyle

Robert G. Pyle, DVM
Board of Animal Health

Subscribed and sworn to before me
this 28 day of April, 1988.

MARIAN S. COMFORD
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES JANUARY 29, 1993

Marian S. Comford

7873.0190; 7875.0200; 7877.0125; 7883.0140; 7890.0110; 7892.0100; 7895.0110; .0125; .0250; .0275; .0300; .0350; 7897.0100 (adopted) ..... 2393
7895.0100 s.7; .0110 s.7; .0125 s.4, 5, 6; .0250 s.7; .0275 s.3, 4, 5; .0350 s.4, 5, 6 (repealed) ..... 2393

**Secretary of State**

8200.0300; .0400; .0700; .0800; .1100; .1200; .1500; .1700; .2100; .2200; .2600; .3700; .3800; .5100; .5400; .9910; .9919; .8220.1950; 8235.0200; 8240.2400 (adopted) ..... 2215
8200.1300; .1600; .3800 s.2; .9916; .9922; .9925 (repealed) ..... 2215
8210.0200; .9910; 8230.4350 (proposed) ..... 2247

**Reinvest in Minnesota Conservation Reserve Program**

8400.3000; .3100; .3150; .3200-.5600 (emergency extended) ..... 2257
8400.3100 s.34, 36 (emergency repeal extended) ..... 2257

**Transportation Department**

8800.2800 (proposed) ..... 2391

**Human Services Department**

9500.1206; .1232; .1257; .1262; .1266 (adopted emergency) . 2310
9500.2890 (adopted emergency) ..... 2310
9502.0335 (adopted) ..... 2252
9505.0275; .1693; .1696; .1699; .1701; .1703; .1706; .1709; .1712; .1715; .1718; .1724; .1727; .1730; .1733; .1736; .1739; .1742; .1745; .1748 (proposed) ..... 2190
9505.1500-.1690 (proposed repealer) ..... 2190
9515.1000; .1200-.1500; .2200-.2600 (adopted) ..... 2252
9515.1100 (repealed) ..... 2252
9560.0210-.0234 (proposed) ..... 2176
9560.0250; .0260; .0270; .0280; .0290; .0300 (proposed repealer) ..... 2176

# 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 Permanent Rules Relating to Importation of Swine into Minnesota; State-Federal Approved Markets for Swine

### 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 14.22 through 14.28 (1982). Authority for adoption of these rules is contained in *Minnesota Statutes* section 35.03 (1986).

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 should state his or her name and address and each comment should identify the portion of the rule addressed, the reason for this 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.

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.

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

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 at the address listed above.

The rules proposed for adoption relate to the following matters: The Importation of Swine into Minnesota, and State Federal Markets for Swine.

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

Dated: 21 April 1988

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

### Rules as Proposed

**1700.2700 REQUIREMENT FOR CERTIFICATE OF VETERINARY INSPECTION.**

All domestic and feral swine imported into Minnesota must be accompanied by a certificate issued by an accredited veterinarian, except: slaughter swine consigned to a public stockyard; slaughter swine consigned to a market operating under a permit from the board; feeder swine consigned to a state-federal approved swine market as defined in part 1715.0590, subpart 10, from a farm of origin in an adjacent state; and swine going directly to slaughter at a slaughtering establishment having federal inspection.

**1715.0760 MOVEMENTS INTO MARKETS.**

Subpart 1. to 4a. [Unchanged.]

Subp. 4b. **Feeder pigs from markets in other states.** Feeder pigs originating from other states may only enter the market if there is a certificate of veterinary inspection and a permit meeting the requirements of part 1715.0705, subpart 3.

Subp. 4c. **Feeder pigs from farms of origin in other states.** Feeder pigs originating from farms of origin in adjacent states may enter if the seller presents an official pseudorabies monitored herd test record or feeder pig monitoring herd card.

Subp. 4d. **Feeder pigs from farm of origin in low prevalence states.** Feeder pigs originating from a farm of origin in a low prevalence state may enter the market if the consignee furnishes proof of residence and proof of origin of the feeder pigs.

Subp. 5. [Unchanged.]

# Department of Public Service

## Proposed Permanent Rules Relating to Thermal Insulation Standards

### Notice of Intent to Amend Rules Without a Public Hearing

Notice is hereby given that the Minnesota Department of Public Service proposes to adopt amendments to *Minnesota Rules*, Chapter 4155.0130, subpart 2.A.(1), without a public hearing. The Commissioner has determined that the proposed amendment of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in the *Minnesota Statutes*, sections

Comments or written requests for a public hearing must be submitted to:

Julie A. Leppink
Administration/Finance Division
515 Transportation Building
John Ireland Boulevard
St. Paul, Minnesota 55155

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

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

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Julie A. Leppink upon request.

If no hearing is required, upon adoption of the rule the rule and the required supporting documents will be submitted to the Attorney General for review as to form and legality. Any person may request notification of the date of submission to the Attorney General. 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 adopted rule, must submit the written request to Julie A. Leppink at the address listed above.

Dated: 25 March 1988

Hubert H. Humphrey, III
Attorney General
State of Minnesota

## Rules as Proposed

**2010.0300 DOCUMENTS NECESSARY FOR REVIEW OF A RULE ADOPTED WITHOUT A PUBLIC HEARING.**

To submit a rule adopted without a public hearing to the attorney general for review and approval pursuant to Minnesota Statutes, section 14.26, the agency must submit to the attorney general the following documents:

A. to D. [Unchanged.]

E. The notice of intent to adopt a rule without a public hearing as mailed. The notice must be signed by a person authorized to adopt the rule or authorized to sign and give notice of the intent to adopt the rule without a public hearing and must contain the following:

(1) to (3) [Unchanged.]

(4) A statement that if 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. ~~If the agency is fixing fees by rulemaking pursuant to Minnesota Statutes, section 16A.128, subdivision 2a, on or before July 1, 1987, subitem (15) is applicable.~~

(5) to (14) [Unchanged.]

(15) ~~If the agency is fixing fees by rulemaking without a public hearing pursuant to Minnesota Statutes, section 16A.128, subdivision 2a, on or before July 1, 1987, subitem (4) of this subpart is inapplicable and is substituted with a statement that no public hearing need be held unless 20 percent of the persons who will be required to pay the fee submit to the agency during the 30-day period allowed for comment a written request for a public hearing on the proposed rule. For fees established or adjusted after July 1, 1987, subitem (4) is applicable.~~

~~(16)~~ Any other notices required by law or rule to be included in the notice of intent to adopt a rule without a public hearing.

For the recommended format of the notice, see part 2010.9915.

F. to J. [Unchanged.]

K. The findings of fact, conclusions, and order adopting the rule which must contain the following:

(1) and (2) [Unchanged.]

(3) for rules that establish or adjust fees ~~after July 1, 1987~~, a statement that before the notice of intent to adopt rules was submitted to the *State Register*, a copy of the notice and the proposed rule was sent to the chairs of the house appropriations committee and senate finance committee;

(4) to (8) [Unchanged.]

L. to O. [Unchanged.]

**2010.0500 RULE SUBMISSION AND AGENCY FAILURE TO SUBMIT REQUIRED DOCUMENTS.**

Subpart 1. **Rule submission.** A rule is considered submitted to the attorney general when the rule and the record consisting of the required documents are received at the Office of the Attorney General, ~~Administrative/Finance~~ Administration/Finance Division located at ~~204 Administration Building, 50 Sherburne Avenue,~~ 515 Transportation Building, John Ireland Boulevard, Saint Paul, Minnesota 55155.

Subp. 2. **Failure to submit required documents.** Failure to submit all the required documents makes a submission incomplete. The attorney general must promptly inform the agency of the missing documents. If the missing documents include the required four copies of the rule as adopted, findings of fact, conclusions and order, declaration of the attorney in the attorney general's office who represents the agency, or the statement of need and reasonableness for a rule adopted without a public hearing, the rule review period will not be initiated. For other missing documents, if the agency submits the missing documents to the attorney general within the attorney general review period, the submission shall be deemed complete and the period of review shall continue to run. If the missing documents are not submitted within the review period, the rule must either be withdrawn from review or rejected by the attorney general.

**2010.9915 RECOMMENDED NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING.**

Department of _____

In the Matter of the Proposed
Adoption of the Rule of
the State _____
Governing _____

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the State _____ intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is [specific statutory citation.]

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. 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. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

**[Name, address, and telephone number]**

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

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

or

[The rule proposed for adoption relates to the following matters (informative statement describing the nature and effect of the proposed rule). A free copy of the rule is available upon request from _____.]

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from _____ upon request.

[If applicable, other notices which are required or chosen to be inserted in the Notice of Intent to Adopt a Rule Without a Public Hearing must be inserted, for example, Minnesota Statutes, section 14.11, subdivision 1, 14.115, subdivision ~~4, or 16A.128, subdivision 2a~~.]

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.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. 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 adopted rule, must submit the written request to _____.

_____
Date

_____
[Name]

_____
[Title]

**2010.9940 RECOMMENDED NOTICE OF SUBMISSION OF RULE ADOPTED WITHOUT PUBLIC HEARING TO ATTORNEY GENERAL.**

STATE OF MINNESOTA

DEPARTMENT OF _____

In the Matter of the Proposed Adoption
of the Rule of the State _____
Governing _____

NOTICE OF SUBMISSION OF RULE ADOPTED WITHOUT PUBLIC HEARING TO THE ATTORNEY GENERAL

Pursuant to your request and in accordance with Minnesota Statutes, section 14.26:

PLEASE TAKE NOTICE that the above-captioned rule as adopted has been submitted to the Office of the Attorney General on the date of this notice, _____, 19_____, for review as to legality and form to the extent form relates to legality. The proposed rule, the rule as adopted, all the notices, the Statement of Need and Reasonableness, all written comments and requests for a hearing received, and other required documents also have been submitted to the Attorney General.

[(If the proposed rule has been modified:) The proposed rule which was published in the *State Register* and made available to the public on _____, 19_____, has been modified. A free copy of the rule as modified as well as the findings of fact, conclusions, and order explaining the amendments and adopting the rule is available upon request from _____ (or) A copy of the rule as modified is enclosed with this notice.]

The rule must be approved or disapproved by the Attorney General within 14 calendar days of the date of submission to the attorney general. You may submit written comments to the attorney general on the legality of the rule. Any written comments must be submitted within eight calendar days of the date of submission of the rule to the Attorney General. Your comments must address only the issue of legality of the rule or the legality of the specific parts or subparts of the rule. The attorney general standards for review are set forth in Minnesota Rules, part 2010.1000. You may receive a copy of the attorney general decision upon written request to the attorney general. Your comments or requests for the decision must be directed to:

The Office of the Attorney General
Administration/Finance Division
~~204 Administration Building~~
515 Transportation Building
~~50 Sherburne Avenue~~
John Ireland Boulevard
Saint Paul, Minnesota 55155
Telephone Number: (612) ~~296-1288~~ 296-9715

Any written comments submitted to the Attorney General must be submitted simultaneously to:

[Name, address, and phone number of
appropriate person in the agency]

[Name] _____

[Title] _____

Dated: _____

**2010.9960 RECOMMENDED NOTICE OF SUBMISSION OF THE EMERGENCY RULE TO ATTORNEY GENERAL.**

STATE OF MINNESOTA

DEPARTMENT OF _____

In the Matter of the Proposed Adoption
of the Rule of the State _____
Governing _____

NOTICE OF SUBMISSION OF EMERGENCY RULE TO THE ATTORNEY GENERAL

Pursuant to your request and in accordance with Minnesota Statutes, section 14.32:

PLEASE TAKE NOTICE that the above-captioned emergency rule as adopted has been submitted to the Office of the Attorney General on the date of this notice, _____, 19_____, for review as to legality and form to the extent form relates to legality. The proposed emergency rule, the rule as adopted, all the notices, all written comments received and other required documents also have been submitted to the attorney general.

[(If the proposed emergency rule has been modified:) The proposed emergency rule which was published in the State Register and made available to the public on _____, 19_____, has been modified. A free copy of the emergency rule as modified as well as the findings of fact, conclusions, and order explaining the amendments and adopting the rule is available upon request from _____. (or) A copy of the rule as modified is enclosed with this notice.]

The rule must be approved or disapproved by the Attorney General on the tenth working day following date of receipt of the rule. You may submit written comments to the Attorney General. Any written comments must be submitted within seven working days of the date of this notice. Your comments must address only the issue of legality of the rule or the legality of the specific parts or subparts of the rule. The attorney general standards for review are set forth in Minnesota Rules, part 2010.1000. You may receive a copy of the attorney general decision upon written request to the attorney general. Your comments or requests for the decision must be directed to:

The Office of the Attorney General
~~204 Administration Building~~
515 Transportation Building
~~50 Sherburne Avenue~~
John Ireland Boulevard
Saint Paul, Minnesota 55155
Telephone: (612) ~~296-1288~~ 296-9715

Any written comments submitted to the Attorney General must be submitted simultaneously to:

[Name, address, and phone number of
appropriate person in the agency]

_____
[Name]

_____
[Title]

Dated: _____

**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 ADOPING RULES

I, Sharon Hurley, 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 15th day of June, 1988, 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 to Requirement for Certificate of Veterinary Inspection Part 1700.2700 and movement into Markets Part 1715.0760 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 15th day of June, 1988.

Sharon L. Hurley

Sharon Hurley, DVM Vice-president
Minnesota Board of Animal Health

Jack Delaney

Attest by on other Board member

STATE OF MINNESOTA BOARD OF ANIMAL HEALTH

In the Matter of the Proposed Rule
of the Board of Animal Health
Governing Parts 1700.2700 and 1715.0760
The Importation of Swine and
State-Federal Markets for Swine

FINDINGS OF FACT
AND CONCLUSIONS

---

The following facts relate to adoption of Parts 1700.2700 The Importation of Swine and 1715.0760 State-Federal Markets for Swine:

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

The Board of Animal Health authorized by resolution signed April 14, 1988, notice of Intent to adopt Part 1700.2700 and Part 1715.0760 without hearing.

A statement of need and reasonableness was prepared and made available for public inspection on April 26, 1988. That statement is incorporated herein by reference.

Notice of Intent to adopt Part 1700.2700 and 1715.0760 without hearing was published in State Register Volume 12, Number 44, May 2, 1988, Pages 2377 and 2378.

No comments concerning the proposed adoption of Part 1700.2700 or Part 2715.0760 were received during the 30 day period following publication in the State Register.

The Board of Animal Health on June 15, 1988 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 through 14.28 have been met.

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

T. J. Hagerty
Executive Secretary

STATE OF MINNESOTA BOARD OF ANIMAL HEALTH

In the matter of the Proposed Rule
of the Board of Animal Health
Parts 1700.2700 and 1715.0760
Governing the Importation of Swine and
State-Federal Markets for Swine

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 May 2, 1988 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 April 28, 1988. 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 1700.2700 Requirements for Certificate of Veterinary Inspection and Part 1715.0760 Movement into Markets is adopted this 16th day of June, 1988 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

STATE OF MINNESOTA

In the Matter of the Adoption of the
Rule of the State Board of Animal Health
Governing Parts 1700.2700 and 1715.0760
Importation of Swine and State-Federal
Markets for Swine

DECLARATION OF
COUNSEL

I Paul A. Strandberg, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0018

Paul Strandberg
Special Assistant
Attorney General

Dated 6/20/84

STATE OF MINNESOTA

BOARD OF ANIMAL HEALTH

In the Matter of the Proposed Amendments
of the Rules of the Board of Animal Health,
Governing Part 1700.2700 Importation of Swine and
Part 1715.0760 State-Federal Approved Markets for Swine.

CERTIFICATE OF MAILING LIST

---

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minnesota Statutes § 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 1:00 p.m., this 28th day of April, 1988.

Robert G. Pyle, DVM
Board of Animal Health

STATE OF MINNESOTA

BOARD OF ANIMAL HEALTH

In the Matter of the Proposed Amendments
of the Rules of the Board of Animal Health
Governing Part 1700.2700 Importation of Swine and
Part 1715.0760 State-Federal Approved Markets for Swine

I certify that the attached copy is a true and exact copy of the mailing list used to mail Notice of intent to adopt rules without a public hearing governing Part 1700.2700 Importation of Swine and Part 1715.0760 State-Federal Approved Markets for Swine.

4-28-88
Dated

Robert G. Pyle, DVM
Board of Animal Health

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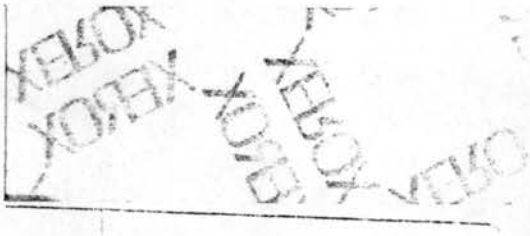

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LIVESTOCK DEALERS - 1987-88

ADMINISTRATIVE PROCEDURES

RULE PROMULGATION

STEPS TO TAKE IN NONCROVERCIAL RULE PROMULGATION

Preliminary Steps

Step I The agency determines if the proposed actions regarding the adoption, suspension, ammendment or repeal of a rule are controversial or noncontroversial.

Step II If noncontroversial, the agency proceeds according to the procedures outlined in Attachment A. The agency follows the steps outlined in Attachment B if the actions are determined to be controversial.

# ADMINISTRATIVE RULE PROMULGATION

## FOR NONCONTROVERSIAL RULEMAKING PROCEDURES AND STEPS

### General

1. The agency shall determine if the proposed actions regarding the rule are noncontroversial in nature. If these actions are determined to be noncontroversial, public hearings may not be necessary. The agency may elect to propose adoption of the rule without public hearing pursuant to Minn. Stat. 15.0412, subd. 4h.

   These actions include the adoption, suspension, amendment, or repeal of a rule. One of these terms is generally chosen to describe a proposed action.

### Preliminary Steps

2. The following documents shall be prepared:
   - A. Rules as proposed. after the revisors office has prepared a copy
   - B. Order For Notice of Intent to Adopt Rules Without Public Hearing.
   - C. Mailing List Certificate.
   - D. Affidavit of Mailing.
   - E. Notice of Intent to Adopt Rules Without Public Hearing.
   - F. Statement of Need and Reasonableness.

3. All of the above shall then be submitted to the agency attorney for review.

4. The Commissioner shall then initiate the Order for Notice of Intent to Adopt Rules Without Public Hearing by his signature.
   - A. Mail "Notice of Intent" to persons on agency list.
   - B. Complete Mailing List Certificate and Affidavit of Mailing.
   - C. Submit to the State Register, for publication, the "Notice of Intent" and the rules as proposed.

### Thirty Day Comment Period

5. Persons shall have 30 days from the date of mailing the "Notice of Intent" and/or it's publication in the State Register, to comment on the proposed rules or to request, in writing, a public hearing.

### Procedures Following the Comment Period

6. A public hearing shall be held if ~~seven~~ 25 or more people submit written requests during the 30 day comment period. The agency shall then proceed according to Minn. Stat. 15.0412, subds. 4-4f.

7. 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.

8. If no hearing is re ed, the agency may proceed t opt the rule. The agency shall then submit the following documents to the Attorney General:

   A. Rule as Adopted.
   B. Order Adopting.
   C. Order for Notice of Intent to Adopt a Rule Without Public Hearing.
   D. Notice of Intent to Adopt a Rule Without Public Hearing.
   E. Affidavit of Mailing.
   F. Mailing List Certificate.
   G. Rules as proposed.
   H. Findings of Fact and Conclusion.
   I. Statement of Need and Reasonableness.
   J. Written comments on the rule or requests for a public hearing.
   K. Certificate of Compliance with rulemaking procedure.
   L. Affidavit of Mailing Notice of Submission to the Attorney General.
   M. Notice of Submission to the Attorney General.

   Resolution Adopting

9. The agency shall also give notice to all persons who requested to be informed when the above documents are submitted to the Attorney General (refer to "M." above). This notice shall be given on the same day the record is submitted.

Procedures Following Submission to the Attorney General

10. Within 14 days of submission, the Attorney General shall approve or disapprove the rule as adopted. This determination shall be based on the following:

    A. Form and legality.

    B. Any substantial changes between the proposed rule and adopted rule.

11. If approved, the Attorney General shall promptly file the rule in the Office of the Secretary of State. Effective July 1, 1981, the Attorney General shall file the rule with the Secretary of State only after the rule has been endorsed by the Revisor of Statutes. The agency shall then be responsible for effecting publication in the State Register. The rule shall become effective five working days after publication in the State Register.

12. If the Attorney General disapproves the rule, he shall state in writing his reasons and the rule shall not be filed in the Office of the Secretary of State, or published. If a rule is disapproved and returned to an agency for revision or additional argument, the review period shall be terminated. A new Order Adopting shall be submitted with the revised rule.

13. The agency is responsible for having the rule printed by the Office of the State Register. The printed rule is distributed as follows:

    Mandatory

    --44 Copies - Depository (Documents)
    --10 Copies - Legislature Reference Library
    --1 Copy - Secretary to the Senate
    --1 Copy - Clerk of the House

    Administrative

    --1 Copy to Planning file
    --Several (as requested) to Division Administering the Rule

# Office of the Revisor of Statutes
## Administrative Rules

Craig E. Lindeke
Senior Assistant Revisor
296-0946




700 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1297

May 4, 1988

Robert Pyle
Board of Animal Health
90 West Plato Boulevard
Saint Paul, Minnesota 55107

RE: AR1319

Dear Mr. Pyle:

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.

If your proposed emergency rules or proposed rules adopted without public hearing are adopted without modification, please submit the required number of copies of this document to the Attorney General for final approval. If these rules are to be modified, please use this copy to indicate the modifications you wish to make. Our office will then input the changes, approve the document as to form, and provide you with copies to submit to the Attorney General.

If your proposed rules are adopted after public hearing without modification, please submit one copy of this document to our office for final approval as to form. If these rules are to be modified, please use this copy to indicate the modifications you wish to make. Our office will input the changes, approve the document as to form, and provide you with copies.

Very truly yours,

CEL/rd

Craig E. Lindeke

CEL/rd
Encl.

STATE OF MINNESOTA – DEPARTMENT OF ADMINISTRATION
STATE REGISTER AND PUBLIC DOCUMENTS DIVISION

# State Register

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