

# MINNESOTA RULES 2011

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## CHAPTER 1710 BOARD OF ANIMAL HEALTH DISEASES OF POULTRY

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**1710.0010** [Repealed, 16 SR 1543]

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**1710.0120** [Repealed, 16 SR 1543]

**1710.0130** [Repealed, 16 SR 1543]

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**1710.0150** [Repealed, 16 SR 1543]

**1710.0160** [Repealed, 16 SR 1543]

**1710.0170** [Repealed, 16 SR 1543]

**1710.0180** [Repealed, 16 SR 1543]

**1710.0190** [Repealed, 16 SR 1543]

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**1710.0240 DISEASES OF POULTRY**

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**1710.0240** [Repealed, 16 SR 1543]

**1710.0250** [Repealed, 16 SR 1543]

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**1710.0310** [Repealed, 16 SR 1543]

**1710.0320** [Repealed, 16 SR 1543]

**1710.0330** [Repealed, 16 SR 1543]

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**1710.0360** [Repealed, 13 SR 2859]

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**1710.0420** [Repealed, 13 SR 2859]

**1710.0430** [Repealed, 13 SR 2859]

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**1710.0470** [Repealed, 13 SR 2859]

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**1710.0560** [Repealed, 16 SR 1543]

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## DISEASES OF POULTRY 1710.0950

**1710.0600** [Repealed, 16 SR 1543]

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**1710.0620** [Repealed, 16 SR 1543]

**1710.0630** [Repealed, 16 SR 1543]

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**1710.0670** [Repealed, 16 SR 1543]

**1710.0680** [Repealed, 16 SR 1543]

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**1710.0700** [Repealed, 16 SR 1543]

**1710.0710** [Repealed, 16 SR 1543]

**1710.0720** [Repealed, 16 SR 1543]

**1710.0730** [Repealed, 16 SR 1543]

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**1710.0770** [Repealed, 16 SR 1543]

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**1710.0790** [Repealed, 16 SR 1543]

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**1710.0820** [Repealed, 16 SR 1543]

**1710.0830** [Repealed, 16 SR 1543]

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**1710.0960 DISEASES OF POULTRY**

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**1710.0960** [Repealed, 16 SR 1543]

**1710.0970** [Repealed, 16 SR 1543]

**1710.0980** [Repealed, 16 SR 1543]

**1710.0990** [Repealed, 16 SR 1543]

**1710.1000** [Repealed, 16 SR 1543]

**1710.1010** [Repealed, 16 SR 1543]

**1710.1020** [Repealed, 16 SR 1543]

**1710.1030** [Repealed, 16 SR 1543]

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**1710.1060** [Repealed, 16 SR 1543]

**1710.1070** [Repealed, 16 SR 1543]

**1710.1080** [Repealed, 16 SR 1543]

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**1710.1170** [Repealed, 16 SR 1543]

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**1710.1190** [Repealed, 16 SR 1543]

**1710.1200** [Repealed, 16 SR 1543]

**1710.1210** [Repealed, 16 SR 1543]

**1710.1220** [Repealed, 16 SR 1543]

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**1710.1270** [Repealed, 16 SR 1543]

**1710.1280** [Repealed, 16 SR 1543]

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**1710.1300 DEFINITIONS.**

Subpart 1. **Scope.** The definitions in this part apply to parts 1710.1300 to 1710.1530.

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## DISEASES OF POULTRY 1710.1300

Subp. 1a. **Approved salvage program.** "Approved salvage program" means an industrywide program to allow use of an infected flock that meets the following criteria: (1) it impedes shed of a disease to other poultry; (2) it meets any applicable plan requirements of the United States Department of Agriculture; and (3) it is approved by the board.

Subp. 2. **Authorized agent.** "Authorized agent" means a person not employed by the board but designated and authorized by the board to perform functions under parts 1710.1300 to 1710.1530.

Subp. 3. **Baby poultry.** "Baby poultry" means newly hatched poultry that have not been fed or watered.

Subp. 4. **Board.** "Board" means the Minnesota Board of Animal Health.

Subp. 5. **Chickens.** "Chickens" means meat-type and egg-type chickens, but not exhibition, fancy, or game chickens.

Subp. 6. **Control program.** "Control program" means one or more of the state or state and federal cooperative programs for the control or eradication of poultry diseases.

Subp. 7. **Deal; dealing.** "Deal" and "dealing" mean the sale or distribution, for any purpose except immediate slaughter, of any live poultry not owned by the seller or distributor since the hatching of those poultry.

Subp. 8. **Dealer.** "Dealer" means a person, firm, association, partnership, or corporation engaged in dealing in poultry.

Subp. 9. **Disease control classification.** "Disease control classification" means the negative status of a flock as pertaining to one or more of the control program diseases.

Subp. 10. **Environmental sample.** "Environmental sample" means a dust, litter, or swab sample taken from a building according to plan procedures.

Subp. 11. **Flock.** "Flock" means poultry maintained and segregated for at least 21 days as one group of birds on one premises.

Subp. 12. **Flockowner.** "Flockowner" means a person who owns or is in charge of a flock or flocks of poultry.

Subp. 13. **Hatchery.** "Hatchery" means buildings and equipment on one premises operated or controlled for the purpose of hatching poultry.

Subp. 14. **Hatchery debris.** "Hatchery debris" includes hatcher fluff or egg shells, meconium, or dead germ eggs.

Subp. 15. **Hatching egg dealer.** "Hatching egg dealer" means a person in the business of selling, trading, or exchanging poultry hatching eggs owned by the person or for participating flockowners, independent flockowners, or other hatcheries.

Subp. 16. **Multiplier breeding flock.** "Multiplier breeding flock" means a flock intended for the production of progeny for commercial egg or meat production or for other nonbreeding purposes.

Subp. 17. **Nonparticipant.** "Nonparticipant" means a person who has not signed an agreement with the board or whose agreement has expired or been canceled.

Subp. 18. **Official laboratory.** "Official laboratory" means a laboratory authorized by the board through the cooperative plan to test poultry for program diseases.

Subp. 19. **Other domesticated fowl.** "Other domesticated fowl" means fancy, exhibition, and game chickens, waterfowl, and game birds maintained in captivity, excluding pigeons and doves.

Subp. 20. **Participant.** "Participant" means a person who has signed an agreement with the board that has not expired or been canceled.

Subp. 21. **Plan.** "Plan" means provisions of the National Poultry Improvement Plan, a federal government program with which the state cooperates. The board is the official agency for purposes of administering these programs.

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Subp. 22. **Positive flock.** "Positive flock" means a flock in which one or more birds are diagnosed with a control program disease as defined by the plan. For the Minnesota Salmonella typhimurium program, one or more positive samples are required for primary breeders and two or more samples are required for multiplier breeders.

Subp. 23. **Poultry.** "Poultry" means turkeys, chickens, and other domesticated fowl.

Subp. 24. **Primary breeding flock.** "Primary breeding flock" means a flock composed of one or more generations that is maintained for the purpose of establishing, continuing, or improving parent lines.

Subp. 25. **Products.** "Products" means live poultry and hatching eggs.

Subp. 26. **Reactor.** "Reactor" means a bird that has a positive test to a control program disease.

Subp. 27. **Recycled.** "Recycled" means a flock that is molted for the purpose of coming back into production as a breeder flock.

Subp. 28. **Started poultry.** "Started poultry" means young poultry that have been fed and watered.

Subp. 29. **State inspector.** "State inspector" means a person employed by the board to perform functions under the plan and parts 1710.1300 to 1710.1530.

Subp. 30. **Supervision.** "Supervision" means the direct inspection or critical evaluation by a state inspector.

Subp. 31. **Turkeys.** "Turkeys" means domestic, exhibition, and wild turkeys maintained in captivity.

Subp. 32. **Typhimurium.** "Typhimurium" is a disease caused by Salmonella typhimurium or S. typhimurium var. copenhagen.

**Statutory Authority:** *MS s 29.051; 35.03*

**History:** *16 SR 1543; 22 SR 2075; 29 SR 475*

## 1710.1310 SALE OF POULTRY AND HATCHING EGGS.

No person may sell, offer for sale, purchase, or trade poultry less than five months of age and their hatching eggs unless they originate from flocks and hatcheries operating under the supervision of the board and parts 1710.1300 to 1710.1530. Birds over five months of age must be tested and be negative for the appropriate required tests before being sold, except those sold for immediate slaughter.

**Statutory Authority:** *MS s 29.051; 35.03*

**History:** *16 SR 1543; 29 SR 475*

## 1710.1320 EXEMPTIONS.

Parts 1710.1300 to 1710.1530 do not apply to a person hatching eggs from the person's breeding flocks, if the eggs and progeny are maintained on the same premises and are not sold except to slaughter.

**Statutory Authority:** *MS s 35.03*

**History:** *16 SR 1543*

## 1710.1330 PERMITS.

No person may conduct or operate buildings and equipment for the purpose of incubating and hatching eggs or otherwise handling, brooding, selling, or dealing in baby or started poultry, unless a permit is obtained from the board. Requirements for a permit are a completed application, necessary testing, and a satisfactory inspection report. Permits are annual with the renewal date set by the board.

**Statutory Authority:** *MS s 35.03*

**History:** *16 SR 1543*

**1710.1340 BOARD PARTICIPATION.**

The board may participate in federal disease control programs for poultry. Breeder flocks and hatcheries signing up for any of these disease control programs must comply with all applicable provisions for obtaining and maintaining the program disease classifications agreed upon.

**Statutory Authority:** *MS s 35.03*

**History:** *16 SR 1543*

**1710.1350 REQUIRED PARTICIPATION.**

All hatcheries, dealers, and poultry breeder flocks must participate in the Salmonella pullorum-typhoid clean program of the plan. In addition, turkey, chicken, exhibition, and wild turkey breeder flocks and hatcheries must participate in the Mycoplasma gallisepticum (MG) and the Mycoplasma synoviae (MS) clean programs of the plan, and egg-type chicken breeder flocks and hatcheries must participate in the Salmonella enteritidis clean program of the plan. A required participation flock that is positive to any of these diseases must be quarantined and may not be used as a breeder flock for the production of hatching eggs, unless the breeder flock is participating in an approved salvage program.

**Statutory Authority:** *MS s 29.051; 35.03*

**History:** *16 SR 1543; 22 SR 2075; 29 SR 475*

**1710.1360 VOLUNTARY PARTICIPATION.**

Hatcheries, breeders, and commercial flockowners may volunteer to participate in any plan or other available disease control programs. Use of a breeder or commercial flock positive to any of these diseases disqualifies the hatchery or flock from classifications for these diseases, unless the breeder flock is participating in an approved salvage program.

**Statutory Authority:** *MS s 29.051; 35.03*

**History:** *16 SR 1543; 22 SR 2075; 29 SR 475*

**1710.1370 HATCHERY PARTICIPATION.**

If more than one hatchery is operated under the same ownership or management, all the hatcheries shall attain and maintain the same disease control classifications for all products interchanged. Flocks and hatcheries supplying a hatchery shall attain and maintain the same disease control classifications as the receiving hatchery.

**Statutory Authority:** *MS s 35.03*

**History:** *16 SR 1543*

**1710.1380 FLOCK PARTICIPATION.**

Flocks of poultry to be used for breeding under the board's supervision must be tested at the disease control participation level applied for according to parts 1710.1300 to 1710.1530 and follow all plan provisions. Only birds of the same or comparable classification may be added to a flock. The addition of poultry without the same or comparable classifications causes loss of those classifications.

**Statutory Authority:** *MS s 35.03*

**History:** *16 SR 1543*

**1710.1385 APPROVED SALVAGE PROGRAM PARTICIPATION.**

Individuals wishing to participate in an approved salvage program must apply to the executive secretary and agree to comply with the program.

**Statutory Authority:** *MS s 29.051; 35.03*

**History:** *22 SR 2075*

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**1710.1390 LOSS OF CLASSIFICATION.**

Poultry products produced under a plan agreement lose their classification when consigned to or received by a person without the same classification or by a nonparticipant. A hatchery or flock loses its disease control classification if any of its birds are considered positive in that disease classification, unless the breeder flock is participating in an approved salvage program.

**Statutory Authority:** *MS s 29.051; 35.03*

**History:** *16 SR 1543; 22 SR 2075*

**1710.1400 SUSPENSION OR REVOCATION OF PERMIT.**

Failure to comply with parts 1710.1300 to 1710.1530 is grounds to revoke or suspend the permit and the hatchery may lose disease control classifications.

**Statutory Authority:** *MS s 35.03*

**History:** *16 SR 1543*

**1710.1410 TEST PROCEDURES.**

Tests, procedures, and antigens used in the control of poultry diseases must be according to plan programs and approved by the board. The board may approve the use of other comparable tests, procedures, and antigens for other board programs as needed.

**Statutory Authority:** *MS s 29.051; 35.03*

**History:** *16 SR 1543; 29 SR 475*

**1710.1420 PROGRAM PARTICIPATION.**

Subpart 1. **Chicken; egg-type.** Hatcheries, poultry breeders, and commercial flock-owners must participate in required board programs and may participate in other plan or board voluntary programs. Plan program test schedules, procedures, and classifications change in accordance with biennial conference amendments in order to keep abreast of industry changes. The board must maintain current editions of the plan that are available to the public upon request.

Subp. 2. **Chicken; meat-type.** Hatcheries, poultry breeders, and commercial flock-owners must participate in required board programs and may participate in other plan or board voluntary programs. Plan program test schedules, procedures, and classifications change in accordance with biennial conference amendments in order to keep abreast of industry changes. The board must maintain current editions of the plan that are available to the public upon request.

Subp. 3. **Turkey.** Hatcheries, poultry breeders, and commercial flockowners must participate in required board programs and may participate in other plan or board voluntary programs. Plan program test schedules, procedures, and classifications change in accordance with biennial conference amendments in order to keep abreast of industry changes. The board must maintain current editions of the plan that are available to the public upon request.

Minnesota Salmonella typhimurium program - Primary or multiplier breeder candidate flocks at 12 to 20 weeks of age or recycled breeder flocks prior to the start of lay may participate by: 100 percent blood test or 500 pooled rectal swabs with a minimum of 100 per barn. Serologic reactors must be submitted to the official laboratory within ten days for culture. The pooled rectal swabs must be combined and tested in multiples of five. If Salmonella typhimurium is cultured from two or more pooled rectal swabs on the multiplier breeder candidate or multiplier breeder recycled initial test, the flock is considered positive. If Salmonella typhimurium is cultured from one pooled rectal swab, the flock is considered suspect and a second set of 500 rectal swabs is required. If Salmonella typhimurium is cultured from one or more pooled rectal swabs on the second set of samples, the flock is considered positive. Primary breeder candidate flocks may participate using



a self-designed testing program that meets or exceeds the rectal swabs program as determined by the board. Each primary breeder flock or company must annually submit a plan to the board for approval. For a primary breeder flock, if *Salmonella typhimurium* is isolated from any samples as part of its board-approved program, the flock is considered positive.

Subp. 4. **Waterfowl, exhibition, and game birds.** Hatcheries, poultry breeders, and commercial flockowners must participate in required board programs and may participate in other plan or board voluntary programs. Plan program test schedules, procedures, and classifications change in accordance with biennial conference amendments in order to keep abreast of industry changes. The board must maintain current editions of the plan that are available to the public upon request.

Subp. 5. **Ostrich, emu, rhea, and cassowary.** Hatcheries, poultry breeders, and commercial flockowners must participate in required board programs and may participate in other plan or board voluntary programs. Plan program test schedules, procedures, and classifications change in accordance with biennial conference amendments in order to keep abreast of industry changes. The board must maintain current editions of the plan that are available to the public upon request.

**Statutory Authority:** *MS s 29.051; 35.03*

**History:** *16 SR 1543; 22 SR 2075; 29 SR 475*

#### 1710.1430 IDENTIFICATION.

If further testing is required, all poultry must be identified in such a way as to be individually found when the test is completed and all positive birds must be identified with a leg or wing band. Poultry tested for sale or exhibition must be identified with a leg or wing band.

**Statutory Authority:** *MS s 35.03*

**History:** *16 SR 1543*

#### 1710.1435 DIAGNOSTIC SERVICES.

A person performing poultry diagnostic services shall report to the board, within 48 hours, the source of specimens that are positive to a disease for which there is a control program.

**Statutory Authority:** *MS s 35.03*

**History:** *16 SR 1543*

#### 1710.1440 REACTORS.

Birds positive to any of the control program diseases are considered reactors. Reactors may be retested according to board and plan procedures. If retesting is required, reactors must be submitted to the official laboratory within ten days.

**Statutory Authority:** *MS s 29.051; 35.03*

**History:** *16 SR 1543; 29 SR 475*

#### 1710.1445 INVESTIGATION.

The board shall conduct an investigation as to the origin of a disease infection in a flock for which there is a required program.

**Statutory Authority:** *MS s 35.03*

**History:** *16 SR 1543*

**1710.1450 DISEASES OF POULTRY**

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**1710.1450 QUARANTINE.**

Flocks positive to required participation disease control tests are quarantined. No products may be used from these flocks, unless the flock is participating in an approved salvage program. The birds may only be sold to slaughter under permit from the board.

**Statutory Authority:** *MS s 29.051; 35.03*

**History:** *16 SR 1543; 22 SR 2075*

**1710.1455 RELEASE OF QUARANTINE.**

A quarantine imposed under part 1710.1450 must be released and the flock requalifies for participation in the disease control program:

A. if all cultures of the reactor birds are negative; or

B. for the Pullorum-Typhoid program, if all reactor birds are slaughtered, and there are two consecutive official negative tests, at least 21 days apart on all of the remaining birds.

**Statutory Authority:** *MS s 35.03*

**History:** *16 SR 1543*

**1710.1460 CLEANING AND DISINFECTING.**

After removal of a positive flock, the premises must be carefully cleaned and disinfected under official supervision according to plan procedures.

**Statutory Authority:** *MS s 35.03*

**History:** *16 SR 1543*

**1710.1470 ADDITIONAL TESTING.**

The board may conduct or require additional testing or other protective measures if the board considers it necessary.

**Statutory Authority:** *MS s 35.03*

**History:** *16 SR 1543*

**1710.1480 HATCHERY RESPONSIBILITIES.**

Hatchery management shall:

- A. identify products as to source;
- B. clean and disinfect incubators, hatching trays, and trays after each hatch according to plan procedures;
- C. fumigate or sanitize hatching eggs according to plan procedures;
- D. maintain incubator rooms, brooder rooms, and other hatchery areas in a sanitary condition and isolate the brooder room in a manner satisfactory to the board;
- E. use only new or cleaned and disinfected poultry boxes;
- F. not hatch or custom hatch eggs unless they originate from sources with the same or comparable disease control classifications as the hatchery;
- G. permit inspection of buildings, equipment, and records at any reasonable time by agents of the board; and
- H. maintain adequate records to show origin of all hatching eggs and destination of baby poultry for the current year and the previous year.

**Statutory Authority:** *MS s 35.03*

**History:** *16 SR 1543*

**1710.1490 FLOCKOWNER RESPONSIBILITIES.**

A flockowner shall:

- A. maintain poultry buildings and premises in a sanitary condition;

- B. fumigate or sanitize the hatching eggs as soon after laying as possible;
- C. maintain identity of hatching eggs;
- D. use only new or cleaned and fumigated egg cases;
- E. isolate for at least 30 days and test any poultry returning to or being added to the flock;
- F. permit inspection of flocks, buildings, and premises at any reasonable time by agents of the board;
- G. establish a good biosecurity program; and
- H. not raise other poultry on the premises unless they are well segregated or of the same classifications.

**Statutory Authority:** *MS s 35.03*

**History:** *16 SR 1543*

#### 1710.1500 AUTHORIZED TESTING AGENTS.

Subpart 1. **Program training course.** A person who wants to become an authorized testing agent shall attend and complete a program training course and perform satisfactory work at a field school. Temporary authorizations may be issued by the board. A veterinarian is not required to attend a program training course.

Subp. 2. **Term of authorization.** Authorization is valid for three years unless revoked or suspended by the board for failure to comply with parts 1710.1300 to 1710.1530 or for performing unsatisfactory work. Reauthorization of testing agents must be completed by reapplication and completion of an authorized testing agent course update once every six years.

Subp. 3. **Fees.** Any authorized testing agent fees must be paid by the flockowner or hatchery.

Subp. 4. **Limitation.** Only testing agents with current authorization may collect samples or conduct Pullorum-Typhoid tests.

Subp. 5. **Records.** All tests must be recorded on an official test chart furnished by the board and the original must be submitted to the board within ten days following completion of the test.

**Statutory Authority:** *MS s 29.051; 35.03*

**History:** *16 SR 1543; 29 SR 475*

#### 1710.1510 DEALER RESPONSIBILITIES.

A poultry dealer shall:

- A. maintain holding areas in a clean and sanitary condition;
- B. not keep, maintain, or sell sick poultry and properly dispose of all sick or dead poultry;
- C. report to the board any poultry showing signs or diagnosed as having a control program disease;
- D. permit inspection of buildings, equipment, vehicles, and records at any reasonable time by agents of the board;
- E. use only new or cleaned and disinfected poultry boxes; and
- F. maintain adequate records to show the origin and distribution of all poultry for two years. Records must contain the number, breed, sex, and age of the poultry in each transaction.

**Statutory Authority:** *MS s 35.03*

**History:** *16 SR 1543*

## 1710.1520 DISEASES OF POULTRY

1268

### 1710.1520 ADVERTISING.

A person may not advertise poultry or a hatchery for any disease control classification which the poultry or hatchery does not have.

**Statutory Authority:** *MS s 35.03*

**History:** *16 SR 1543*

### 1710.1530 REVOCATION OF PERMIT.

The board may refuse to issue or may revoke a permit or authorization for failure to comply with parts 1710.1300 to 1710.1530. Upon receipt of a written notice of the violations from the board, the recipient has ten days to comply with parts 1710.1300 to 1710.1530. Failure to comply within this time is grounds for refusing to issue or to revoke the permit as well as to charge the violator with misdemeanor charges as applied to Minnesota Statutes, chapter 35. The board shall give written notice of the refusal to issue or the revocation by personal delivery or certified mail. The violator may, within 30 days, file a notice of appeal with the board for a hearing by the board.

**Statutory Authority:** *MS s 35.03*

**History:** *16 SR 1543*