

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

Office Memorandum

TO : Judith Wehrwein
Administration - Finance Division
Office of the Attorney General

DATE: 5/2/83

FROM : Gerald Heil, Director GFH
Planning Division

PHONE: 296-1486

SUBJECT: Review of Rules Adopted Without A Public Hearing

The Department of Agriculture has adopted amendments to Rules Governing Seed Potato Certification (3 MCAR SS 1.0127-1.0135) without a public hearing pursuant to Minnesota Statutes sections 14.21-14.28 (1982).

Accompanying this memorandum you will find the documents which are required to be submitted for your review. A list of these documents is attached.

Since no person requested to be notified when these documents were submitted to the Office of the Attorney General, no Notice of Submission nor Affidavit of Mailing such Notice are part of this record. The written comments that were received during the solicitation of outside opinion are included in this record. No written comments on the proposed rules were received during the thirty day comment period following the publication of the Rules as Proposed in the State Register, however, and no requests for a public hearing on the proposed rules were received during this period.

A copy of the Rules as Adopted is also being submitted to the Revisor of Statutes in order to obtain approval as to form as required by Minnesota Statutes section 14.28 (1982).

If you have any questions, please call me.

GH:dw

Enclosures

cc: Craig Lindeke, Office of Revisor of Statutes
Anne Kanten, Assistant Commissioner
Darryl L. Anderson, Assistant Commissioner
Jon Murphy, Special Assistant Attorney General
Robert Flaskerd, Plant Industry Division Director
Ronald Sushak, Plant Industry Division
Julie Smendzuik, Planning Division

LIST OF ATTACHED DOCUMENTS

A. Rules as Adopted
(original and three copies).

B. Order Adopting the Rules (two copies).

C. Notice of Intent to Solicit Outside Opinion (one copy).

D. Written materials received subsequent to publishing the Notice of Intent to Solicit Outside Opinion.

E. Order for Notice of Intent to Adopt Rules Without Public Hearing (one copy).

F. Notice of Intent to Adopt a Rule Without Public Hearing (one copy).

G. Affidavit of Mailing Notice of Intent to Adopt a Rule Without Public Hearing (one copy).

H. Mailing List Certificate (one copy).

I. Rules as Proposed (one copy).

J. Statement of Need and Reasonableness (one copy).

K. Certificate of Compliance with Rulemaking Procedures (one copy).

Our File No. 101

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 5-2-83
DATE FOR REVIEW 5-11-83
DATE DUE 5-16-83

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

Approved _____ Disapproved _____ Returned to Agency _____

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

Date filed w/Secretary of State _____ Revisor approved 5/5/83 disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed See SR

✓ Order Adopting 4.29.83 Date

✓ Notice of Intent to Solicit Outside Opinion SR 12.13.82 + comments

✓ Order for rulemaking
N/A date of Hearing

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

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

✓ Mailing list Certificate

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

N/A Hearing Examiner's Report

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

Agency's Findings of Fact no changed

LCRAR Report or agency Affidavit

Certificate of Board's Resolution Adopting Rules

✓ Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

N/A Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)
see memo re comments

✓ Certificate of Compliance w/Rulemaking Procedures

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

✓ Notice of Submission to the Attorney General
see transmittal memo.

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : JIM NICHOLS, Commissioner of Agriculture DATE: May 16, 1983

Attn: JON K. MURPHY
Special Assistant Attorney General

FROM : LARRY D. STARNS LDS
Special Assistant
Attorney General PHONE: 297-3493

SUBJECT: In the Matter of the Proposed Amendments to Rules of the Department of Agriculture Governing Seed Potato Certification (3 MCAR §§ 1.0127 - 1.0135)

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

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

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

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

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

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

Encs.
LDS/ls
cc: Ms. Kathy Burek
Mr. Duane Harves

AG copy

Department of Agriculture

Plant Industry Division

Adopted Amendments to Rules Governing Seed Potato Certification

Rules as Adopted

3 MCAR S 1.0129 General guidance.

The provisions of this section govern the production of potatoes for use as certified seed potatoes.

A.-C. [Unchanged.]

D. Certified seed potato grades. Grades of certified seed potatoes are established according to the physical defects of the tubers. There are three grades used for shipping Minnesota certified seed potatoes.

1. [Unchanged.]

2. The yellow tag certified seed potato grade is the second grade. This grade allows more physical defects of the tubers than the blue tag certified seed potato grade. It may be used by growers of Foundation certified, Approved certified, and Certified seed potatoes. The yellow tag grade may also be used for intrastate and interstate shipments of certified seed potatoes.

3. [Unchanged.]

E.-F. [Unchanged.]

3 MCAR S 1.0131 Requirements for certified seed potato production.

The standards in this rule must be met before potatoes may be classified as certified seed potatoes.

A.-C. [Unchanged.]

D. Tags, bulk certificates, seals.

1. Official blue, yellow, or white tags, bearing the grower's name and address, variety, and the crop year, shall be issued when the potatoes meet the certification requirements described in 3 MCAR S 1.0130 and A.-C.

2.-4. [Unchanged.]

E. [Unchanged.]

3 MCAR S 1.0132 Requirements for foundation certified seed potato production.

Foundation certified seed potatoes consist of potatoes which meet all the requirements of 3 MCAR SS 1.0130 and 1.0131 as well as the additional requirements in this rule.

A.-F. [Unchanged.]

G. Blue, yellow, or white tags with the word "Foundation" stamped across the front of the tag shall be issued only after all requirements of 3 MCAR S 1.0132 are met. In addition, the crop must be at least the third crop grown following the year in which bacterial ring rot was found before becoming eligible to be tagged with Foundation tags.

3 MCAR S 1.0135 Minnesota certified seed potato grades and tolerances.

A. Minnesota certified seed potato grades. Before potatoes are eligible for grading as certified seed potatoes, the requirements of 3 MCAR SS 1.0130 and 1.0131 must be met. In addition, Foundation certified seed potatoes must meet the requirements of 3 MCAR S 1.0132. Approved certified seed potatoes must meet the requirements of 3 MCAR S 1.0133. Grading and tagging or issuance of a bulk certificate are the final steps in the certification process.

1. Minnesota blue tag certified seed potato grade. To be graded as Minnesota blue tag certified seed potatoes, the potatoes must meet the following requirements:

a. The potatoes must be, at the time of final inspection, of one variety, fairly well-shaped, free from bacterial ring rot, powdery scab, late blight, freezing, black heart, and soft rot or wet breakdown, and free from injury by surface or pitted scab, and from damage caused by dirt or other foreign matter, second growth, growth cracks, air cracks, cuts, shriveling, sprouts, pitted scab, surface scab, russet scab, dry rot, other diseases, insects or worms, external discoloration caused from loss of skin, mechanical or other means, and from

serious damage caused by sunburn, hollow heart, or internal discoloration other than hollow heart.

b. [Unchanged.]

c. Lot tolerances. In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, are provided:

(1) For defects:

(a)-(f) [Unchanged.]

(g) 6% for potatoes which fail to meet the remaining requirements of the grade, provided that included in that amount not more than the following percentages are allowed for the following defects:

(i)-(iii) [Unchanged.]

(iv) Bacterial ring rot	0.0%
(v) Powdery scab	0.0%

(2) [Unchanged.]

2. Minnesota yellow tag certified seed potato grade. To be graded as Minnesota yellow tag certified seed potatoes, the potatoes must meet the following requirements.

a. The potatoes must be, at the time of final inspection, of one variety, fairly well-shaped, and free from bacterial ring rot, powdery scab, late blight, freezing, black heart, and soft rot or wet breakdown, and from damage caused by second growth, growth cracks, air cracks, cuts, shriveling, sprouts (after April 15, sprouts are not a factor), pitted scab, surface scab, dry rot, other diseases, insects or worms, external discoloration caused from loss of skin, mechanical or other means, and from serious damage caused by dirt or other foreign matter, russet scab, hollow heart, or internal discoloration other than hollow heart. Pressure bruising, or flattened or depressed areas with or without underlying flesh discoloration, are not factors.

b. [Unchanged.]

c. Lot tolerances. In order to allow for variations incident to proper grading and handling the following

tolerances, by weight, are provided:

(1) For defects:

(a) 20% for potatoes seriously damaged by hollow heart;

(b) 5% for potatoes seriously damaged by internal discoloration other than hollow heart;

(c) 20% for potatoes damaged by sprouts; and

(d) 20% for potatoes which fail to meet the remaining requirements of the grade, provided that included in that amount not more than the following percentages are allowed:

(i)-(ii) [Unchanged.]

(iii) 6% serious damage for other defects other than hollow heart, and internal discoloration other than hollow heart provided, that of this six percent not more than the following percentages are allowed for the following defects:

(aa) Soft rot, frozen, or wet breakdown	0.5%
(bb) Bacterial ring rot	0.0%
(cc) Powdery scab	0.0%

(2) [Unchanged.]

3. [Unchanged.]

B.-D. [Unchanged.]

APPROVED AS TO FORM AND LEGALITY

May 16, 1983

[illegible]
ATTORNEY GENERAL

BY [signature]
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAY 17 1983
Joan Anderson Growe
Secretary of State

11:04 A.M.

STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

In the Matter of the Proposed
Amendments to Rules of the
Department of Agriculture Governing
Seed Potato Certification
(3 MCAR §§ 1.0127 - 1.0135)

ORDER ADOPTING
RULES

Notice of the Commissioner's intent to adopt the above-entitled rules without a public hearing was published in the State Register on March 14, 1983, and was sent by United States mail to all persons on the list maintained by the department pursuant to Minnesota Statutes, section 14.22 (1982), on March 10, 1983. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than seven written requests for a public hearing within the 30 day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that these rules identified as the Rules Governing Seed Potato Certification are adopted this 29th day of April, 1983, pursuant to authority vested in me by Minnesota Statutes, section 21.118.

STATE OF MINNESOTA

Jim Nichols

JIM NICHOLS
COMMISSIONER OF AGRICULTURE

2) Location: The project is located at the former Grove Elementary School, Cottage Grove, Minnesota.

3) Existing Building Construction: Single story; slab on grade floors; concrete block walls faced with brick on the building exterior; interior wall surfaces exposed block, painted; precast concrete roof system; metal doors and door frames; exposed concrete ceiling in the gymnasium, suspended ceiling in the classroom. The existing building is similar to typical school construction.

4) Topographic Survey: Owner will provide.

5) Soil Tests: Architect will arrange for. Owner will pay costs of soil tests.

6) Estimated Project Construction Cost: $507,000.00.

b) Work to be performed by the Designer: The work basically includes the design of the alterations to the existing facility, the preparation of required drawings, specifications and allied documents to include bidding documents for same; the bid opening; the handling of contract documents; the general supervision of the construction work for the Owner; preparation of change orders; review and approval of shop drawings and payment requests; assistance in final acceptance of the work.

c) Architect's Fee for the Work: Government established at 5.4% of the construction cost of the work. In fulfilling this contract, the Designer will be carrying out basic plan designs furnished by the Owner. Preliminary work by the Designer will be minimal insofar as trial designs and presentations are concerned. The preliminary drawings for the work will be basically the final working drawings, partially completed. The work does not involve the Corps of Engineers in any way. The specification format will be Designer's normal for commercial work, tailored to the project.

The Designer for the work will work directly with the Department of Military Affairs, Facilities Management Officer, Major Wayne A. Johnson, Camp Ripley, Little Falls, Minnesota 56345, telephone (612) 632-6631, extension 315. All questions relative to this project should be referred directly to him.

Fred W. Kegel, Chairman
State Designer Selection Board

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Department of Agriculture
Plant Industry Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Amendments to Rules Governing Seed Potato Certification

Notice is hereby given that the Minnesota Department of Agriculture has begun to consider amendments to rules governing the Seed Potato Certification program. Rules 3 MCAR §§ 1.0127-1.0135 presently govern this matter.

In order to adequately determine the nature and utility of such rules, the Department of Agriculture hereby requests information and comments from all interested individuals or groups concerning the subject matter of the proposed amendments to the rules.

All interested or affected persons or groups are requested to participate. Statements of information and comment may be made orally or in writing.

Written statements of information and comment may be addressed to:

Robert Flaskerd, Director
Plant Industry Division
Minnesota Department of Agriculture
90 West Plato Blvd.
St. Paul, MN 55107

Oral statements of information and comment will be received during regular business hours over the phone at (612) 296-3347, and in person at the above address.

All statements of information and comment must be received by January 12, 1983. Any written material received by the department shall become part of the hearing record.

The proposed amendments, if adopted, would include the following changes to the Red Tag grade: change the Red Tag to Yellow Tag; eliminate pressure bruising and sunburn as grade factors; eliminate sprouts as a grade factor after April 15; and increase the tolerance for serious damage by hollow heart from 10% to 20%.

December 3, 1982

Mark W. Seetin
Commissioner

Department of Health
Health Services Division

Delivery of Report on Voluntary Price Reporting: Public Notice

Chapter 614 of Minnesota Laws 1982 addresses the problem of rising health care costs, in part by encouraging voluntary efforts among hospitals and health care professionals to make prices available to the public and to promote price competition for health care services.

The statute directs the Commissioner of Health to encourage voluntary price reporting activities and to report to the Legislature by January 2, 1983 with an assessment of progress. Only for groups whose progress is not satisfactory will price reporting become mandatory.

Section 13 of Chapter 614 requires that public notice be given of the date of delivery of the report by the Commissioner of Health to the Legislature. This report will be delivered on Thursday, December 30, 1982.

December 3, 1982

George R. Pettersen, M.D.
Commissioner of Health

Department of Health
Health Services Division

Evaluation of Certificate of Need Program: Final Economic Performance Indicators

The 1982 amendments to the Certificate of Need program required that industry economic performance indicators be defined and observed over time for the purpose of monitoring the Certificate of Need program and assessing the impact of the 1982 modifications.

Proposed economic indicators were published in the September 20, 1982 *State Register*, with a request for public comment. The following presents the comments received, and the response of the Department of Health.

The Minnesota Hospital Association responded with the recommendation that the evaluation consider the cost of the Certificate of Need process—in particular the costs imposed upon regulated institutions.

The Department of Health believes this is a meritorious suggestion. To the extent that measures or indicators are available, the costs of the Certificate of Need process will be considered in the evaluation.

The Minnesota Medical Association responded with two general suggestions and a number of specific comments. One general suggestion was that the Department of Health submit to the Legislature in conjunction with the evaluation a survey of published CON evaluations, reviewing the types of evaluation performed, their conclusions, and their limitations. A second general suggestion was that the evaluation study be submitted in a timely fashion, to allow adequate time for review by interested parties and input into the legislative process.

With respect to the first suggestion, the Department of Health agrees that there is value in placing the current evaluation in the context of a broader body of work. It is felt that a *general* review of cross-state empirical studies is sufficient, with more attention paid to state-level case studies of Certificate of Need Programs. Such a review will accompany the evaluation report prepared for the Legislature. With respect to the second suggestion, the target date for completion of the draft evaluation report is September 30, 1983.

STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

In the Matter of the Proposed Amendments to Rules of the Department of Agriculture Governing Seed Potato Certification (3 MCAR §§ 1.0127-1.0135)

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 28th day of February, 19 83, that a Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the Minnesota Department of Agriculture for that purpose and be published in the State Register.

STATE OF MINNESOTA

Jim Nichols

COMMISSIONER OF AGRICULTURE

PROPOSED RULES

Pursuant to Minn. Laws of 1980, § 15.0412, subd. 4h, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

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

and

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

If, during the 30-day comment period, seven or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of § 15.0412, subds. 4 through 4g, which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Agriculture
Plant Industry Division

Proposed Amendments to Rules Governing Seed Potato Certification (3 MCAR §§ 1.0127-1.0135)

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Department of Agriculture proposes to adopt the above-entitled rules without a public hearing. The Commissioner of Agriculture 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, sections 14.21-14.28 (1982).

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

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the department will proceed according to the provisions of Minnesota Statutes, sections 14.11-14.20 (1982). If a public hearing is requested, identification of the particular objection, the suggested modifications to the proposed language, and the reasons or data relied on to support the suggested modifications is desired.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to: Gerald Heil, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-1486.

Authority to adopt these rules is contained in Minnesota Statutes, section 21.118. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available upon request from Mr. Heil.

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

The commissioner is authorized by Minnesota Statutes section 21.118 to provide standards for the inspection, certification, production, and marketing of certified seed potatoes in the State of Minnesota. The proposed amendments are of four types: (1) changing the tag color designation of the second grade of seed potatoes from red to yellow; (2) adding "late blight," a serious potato disease, to the grade statements and deleting its specific tolerance from permitted tolerances; (3) making changes in the yellow tag grade related to appearance factors of seed potatoes which do not affect their performance as seed potatoes; and (4) minor changes in language and form made by the Office of the Revisor of Statutes.

Changing the tag color designation from red to yellow will permit Minnesota certified seed potatoes to move more competitively in interstate commerce, since the current red tag designation in other states reflects lower quality potatoes than

the Minnesota red tag designation. The addition of "late blight" to the grade statements and the deletion of its current tolerance is proposed because it produces the same symptoms as "soft rot" and should therefore be subject to the same strict tolerance as "soft rot" rather than its current tolerance. The third set of changes relate to appearance factors of seed potatoes influenced by growing conditions. These changes include: removing sprouts as a grade factor after April 15 and removing sunburn and pressure bruising as factors. Tolerance changes include increasing the tolerance for serious damage by hollow heart and removing the tolerance for sunburn.

Please be advised that Minnesota Statutes, chapter 10A 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 Minnesota Statutes, Section 10A.01, subdivision 11 (Supp. 1979) 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 the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250.00, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 40 State Office Building, St. Paul, MN 55155, (612) 296-5615.

Copies of this notice and proposed rules are available and may be obtained by contacting Mr. Heil.

February 28, 1983

Jim Nichols
Commissioner of Agriculture

Rules as Proposed

3 MCAR § 1.0129 General guidance.

The provisions of this section govern the production of potatoes for use as certified seed potatoes.

A.-C. [Unchanged.]

D. Certified seed potato grades. Grades of certified seed potatoes are established according to the physical defects of the tubers. There are three grades used for shipping Minnesota certified seed potatoes.

1. [Unchanged.]

2. The ~~red~~ yellow tag certified seed potato grade is the second grade. This grade allows more physical defects of the tubers than the blue tag certified seed potato grade. It may be used by growers of Foundation certified, Approved certified, and Certified seed potatoes. The ~~red~~ yellow tag grade may also be used for intrastate and interstate shipments of certified seed potatoes.

3. [Unchanged.]

E.-F. [Unchanged.]

3 MCAR § 1.0131 Requirements for certified seed potato production.

The ~~following~~ standards ~~shall~~ in this rule must be met before potatoes may be classified as certified seed potatoes.

A.-C. [Unchanged.]

D. Tags, bulk certificates, seals.

1. Official blue, ~~red~~ yellow, or white tags, bearing the grower's name and address, variety, and the crop year, shall be issued when the potatoes meet the certification requirements described in 3 MCAR § 1.0130 and ~~3 MCAR §1.031~~ A.-C.

2.-4. [Unchanged.]

E. [Unchanged.]

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

3 MCAR § 1.0132 Requirements for foundation certified seed potato production.

Foundation certified seed potatoes ~~shall~~ consist of potatoes which meet all the requirements of 3 MCAR ~~§~~ §§ 1.0130 and ~~3 MCAR §~~ 1.0131 as well as the ~~following~~ additional requirements in this rule.

A.-F. [Unchanged.]

G. Blue, ~~red~~ yellow, or white tags with the word "Foundation" stamped across the front of the tag shall be issued only after all requirements of 3 MCAR § 1.0132 are met. In addition, the crop ~~shall~~ must be at least the third crop grown following the year in which bacterial ring rot was found before becoming eligible to be tagged with Foundation tags.

3 MCAR § 1.0135 Minnesota certified seed potato grades and tolerances.

A. Minnesota certified seed potato grades. Before ~~becoming~~ potatoes are eligible for grading as certified seed potatoes, the requirements of 3 MCAR §§ 1.0130 and 1.0131 ~~shall~~ must be met. In addition, Foundation certified seed potatoes ~~shall~~ must meet the requirements of 3 MCAR § 1.0132. Approved certified seed potatoes ~~shall~~ must meet the requirements of 3 MCAR § 1.0133. Grading and tagging or issuance of a bulk certificate are the final steps in the certification process.

1. Minnesota blue tag certified seed potato grade. To be graded as Minnesota blue tag certified seed potatoes, the potatoes ~~shall~~ must meet the following requirements:

a. The potatoes ~~shall~~ must be, at the time of final inspection, of one variety~~:~~, fairly well-shaped~~:~~, free from bacterial ring rot, powdery scab, late blight, freezing, black heart, and soft rot or wet breakdown~~:~~, and free from injury by surface or pitted scab, and from damage caused by dirt or other foreign matter, second growth, growth cracks, air cracks, cuts, shriveling, sprouts, pitted scab, surface scab, russet scab, dry rot, other diseases, insects or worms, external discoloration caused from loss of skin, mechanical or other means, and from serious damage caused by sunburn, hollow heart, or internal discoloration ~~(~~other than hollow heart~~)~~.

b. [Unchanged.]

c. Lot tolerances. In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, are provided:

(1) For defects:

(a)-(f) [Unchanged.]

(g) 6% for potatoes which fail to meet the remaining requirements of the grade, provided~~,~~ that included in ~~this~~ that amount not more than the following percentages ~~shall be~~ are allowed for the following defects:

(i)-(iii) [Unchanged.]

~~(iv) Late blight tuber rot~~	~~2.0%~~
~~(v)~~ (iv) Bacterial ring rot	0.0%
~~(vi)~~ (v) Powdery scab	0.0%

(2) [Unchanged.]

2. Minnesota ~~red~~ yellow tag certified seed potato grade. To be graded as Minnesota ~~red~~ yellow tag certified seed potatoes, the potatoes must meet the following requirements.

a. The potatoes ~~shall~~ must be, at the time of final inspection, of one variety~~:~~, fairly well-shaped~~:~~, and free from bacterial ring rot, powdery scab, late blight, freezing, black heart, and soft rot or wet breakdown, and from damage caused by second growth, growth cracks, air cracks, cuts, shriveling, sprouts (after April 15, sprouts are not a factor), pitted scab, surface scab, dry rot, other diseases, insects or worms, external discoloration caused from loss of skin, mechanical or other means, and from serious damage caused by dirt or other foreign matter, russet scab, ~~sunburn,~~ hollow heart, or internal discoloration ~~(~~other than hollow heart~~)~~. Pressure bruising, or flattened or depressed areas with or without underlying flesh discoloration, are not factors.

b. [Unchanged.]

c. Lot tolerances. In order to allow for variations incident to proper grading and handling the following tolerances, by weight, are provided:

(1) For defects:

(a) ~~10%~~ 20% for potatoes seriously damaged by hollow heart;

~~(b) 10% for potatoes seriously damaged by sunburn;~~

~~(c)~~ (b) 5% for potatoes seriously damaged by internal discoloration ~~(~~other than hollow heart~~)~~;

~~(d)~~ (c) 20% for potatoes damaged by sprouts; and

~~(e)~~ (d) 20% for potatoes which fail to meet the remaining requirements of the grade, provided~~,~~ that included in ~~this~~ that amount not more than the following percentages ~~shall be~~ are allowed:

(i)-(ii) [Unchanged.]

(iii) 6% serious damage for other defects other than ~~sunburn,~~ hollow heart, and internal discoloration ~~(~~other than hollow heart~~)~~ provided, that of this six percent not more than the following percentages ~~shall be~~ are allowed for the following defects:

~~(aa) Late blight tuber rot~~	~~2%~~
~~(bb)~~ (aa) Soft rot, frozen, or wet breakdown	0.5%
~~(cc)~~ (bb) Bacterial ring rot	0.0%
~~(dd)~~ (cc) Powdery scab	0.0%

(2) [Unchanged.]

3. [Unchanged.]

B.-D. [Unchanged.]

Minnesota Public Utilities Commission

Proposed Rules of the Minnesota Public Utilities Governing Utility Delinquency Charges

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Public Utilities Commission (the commission) proposes to adopt the above-entitled rules without a public hearing. The commission 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 sections 14.21-14.28 (1982).

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

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes sections 14.13-14.20 (1982).

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

Randall D. Young, Executive Secretary
Minnesota Public Utilities Commission
780 American Center Building
Kellogg & Robert Streets
St. Paul, Minnesota 55101
Ref: Docket No. G,E-999/R-83-99

Authority for the adoption of these rules is contained in Minnesota Statutes sections 216A.05, 216B.03, and 216B.23. Additionally, a statement of need and reasonableness that describes the need and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Christopher K. Sandberg at the above address upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of

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

Department of Agriculture

Plant Industry Division

In the Matter of the Proposed Amendments to Rules Governing Seed Potato Certification (3 MCAR §§ 1.0127 - 1.0135)

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Minnesota Department of Agriculture proposes to adopt the above-entitled rules without a public hearing. The Commissioner of Agriculture 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, Sections 14.21-14.28 (1982).

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

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the department will proceed according to the provisions of Minnesota Statutes, Sections 14.11-14.20 (1982). If a public hearing is requested, identification of the particular objection, the suggested modifications to the proposed language, and the reasons or data relied on to support the suggested modifications is desired.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to: Gerald Heil, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-1486.

Authority to adopt these rules is contained in Minnesota Statutes, Section 21.118. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available upon request from Mr. Heil.

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

The Commissioner is authorized by Minnesota Statutes section 21.118 to provide standards for the inspection, certification, production, and marketing of certified seed potatoes in the State of Minnesota. The proposed amendments are of four types: (1) changing the tag color designation of the second grade of seed potatoes from red to yellow; (2) adding "late blight," a serious potato disease, to the grade statements and deleting its specific tolerance from permitted tolerances; (3) making changes in the yellow tag grade related to appearance factors of seed potatoes which do not affect their performance as seed potatoes; and (4) minor changes in language and form made by the Office of the Revisor of Statutes.

Changing the tag color designation from red to yellow will permit Minnesota certified seed potatoes to move more competitively in interstate commerce, since the current red tag designation in other states reflects lower quality potatoes than the Minnesota red tag designation. The addition of "late blight" to the grade statements and the deletion of its current tolerance is proposed because it produces the same symptoms as "soft rot" and

should therefore be subject to the same strict tolerance as "soft rot" rather than its current tolerance. The third set of changes relate to appearance factors of seed potatoes influenced by growing conditions. These changes include: removing sprouts as a grade factor after April 15 and removing sunburn and pressure bruising as factors. Tolerance changes include increasing the tolerance for serious damage by hollow heart and removing the tolerance for sunburn.

Please be advised that Minnesota Statutes, Chapter 10A 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 Minnesota Statutes, Section 10A.01, subdivision 11 (Supp. 1979) 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 the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250.00, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 40 State Office Building, St. Paul, MN 55155, (612) 296-5615.

Copies of this Notice and proposed rules are available and may be obtained by contacting Mr. Heil.

10

STATE OF MINNESOTA

Date: February 28, 1983

Jim Nichols

Commissioner of Agriculture

In the Matter of the Proposed Amendments
to Rules of the Department of Agriculture
Governing Seed Potato Certification
(3 MCAR SS 1.0127-1.0135)

AFFIDAVIT OF
MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Adam Torres, being first duly sworn, deposes and says:

That on the 10th day of March, 19 83, at City of St. Paul, County of Ramsey, State of Minnesota, he/she served the attached Notice of Hearing by depositing in the State of Minnesota Central Mail System for United States mailing at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the Minnesota Department of Agriculture for the purpose of receiving notice of the proposed adoption of rules by this Department.

Adam Torres

Subscribed and sworn to before me
this 10th day of March, 19 83.

Christine Canaday

Christine Canaday
NOTARY PUBLIC — MINNESOTA
RAMSEY COUNTY
My commission expires June 25, 1986

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Amendments
to Rules of the Department of Agriculture
Governing Seed Potato Certification
(3 MCAR SS 1.0127-1.0135)

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. S 14.14, subd. 1 (1982), that their names be placed on file with and maintained by the Minnesota Department of Agriculture for the purpose of receiving notice of the proposed adoption of rules by this Department is accurate and complete as of 10:00 a.m., this 9 day of March, 1983.

Gerald J. Heil

STATE OF MINNESOTA
DEPARTMENT OF AGRICULTURE

IN THE MATTER OF THE PROPOSED AMENDMENTS TO RULES OF THE DEPARTMENT OF AGRICULTURE GOVERNING SEED POTATO CERTIFICATION (3 MCAR SS 1.0127-1.0135)	)))))	STATEMENT OF NEED AND REASONABLENESS

I. INTRODUCTION

The subject of this rulemaking is the proposed adoption by the Minnesota Department of Agriculture of amendments to rules governing seed potato certification. These amendments are proposed for adoption pursuant to Minnesota Statutes section 21.118, which requires the commissioner to promulgate rules to carry out the purposes and enforce the provisions of the Seed Potato Certification Law. This includes establishing standards for inspection, certification, production, and marketing of certified seed potatoes in Minnesota, which are the subjects of these amendments.

Rulemaking on the proposed amendments was authorized by the Department on February 28, 1983. Prior to the authorization of rulemaking, the Department determined that the proposed adoption of these amendments would be noncontroversial because the changes are only technical in nature. The change from "red" tag to "yellow" tag designation for the second grade will bring Minnesota certified seed potato grade designations into conformity with practices in other states; the clarification resulting from adding "late blight" to the grade statements will eliminate confusion in shipping point inspection operations; and changes in the "yellow" tag grade specifications relate only to the appearance rather than to the performance of certified seed potatoes so graded.

Because the proposed changes are thus only technical in nature, the Department directed that the proceedings on the proposed amendments be conducted in accordance with the statutory provisions governing the adoption of noncontroversial rules, Minnesota Statutes, sections 14.21-14.28 (1982). Thus, no hearing will be conducted on the proposed amendments to the rules unless on or before April 13, 1983, seven or more persons submit to the Department a written request for a hearing.

In accordance with the requirements of Minnesota Statutes, section 14.23, this Statement of Need and Reasonableness was completed prior to March 14, 1983, when the proposed amendments to the rules were noticed in the State Register.

The discussion provided in this statement is divided into the following parts:

Part II. General overview

Part III. Need for and reasonableness of the proposed amendments to the rules

II. GENERAL OVERVIEW

A. Regulatory History of the Seed Potato Certification Program in Minnesota:

The history of seed potato certification in Minnesota dates back to the beginning of the Minnesota Department of Agriculture itself. As part of the organization of the Department in 1919, a Seed Potato Certification Program was set up to operate through the State Board

of Seed Potato Certification and Inspection. This action in Minnesota followed by two years the formation of the Potato Association of America, a national organization which is composed of potato researchers, Extension personnel, regulatory officials and growers, whose purpose is to promote the use of potatoes and improve their production. In 1921, potato inspection services began in Minnesota, and by 1927 the Department had received authority to regulate the inspection and certification of seed potatoes.

By 1951, major changes had occurred in the industry, and in that year, the state's seed potato certification law was passed, and the rules currently proposed to be amended, 3 MCAR SS 1.0121-1.0135, were first adopted. That same year, the Minnesota Advisory Seed Potato Certification Committee was established as required under Minnesota Statutes, section 21.112, subd. 2. The membership is composed of six certified seed potato growers, each representing one of Minnesota's production areas. The purpose of this state certification committee was and is to relay growers' concerns and opinions to the Department and the Department's to the growers, to serve as a buffer between the regulatory agency and the regulated industry, and to review proposed and existing rules and standards that relate to certified seed potato quality.

Between 1951 and 1971, there were few changes at the state level in the seed potato certification process. The rules were changed over time to increase fees, change the size of certified seed potatoes in relation to their grade, and set forth stricter disease tolerances for certified seed potatoes. In 1970, there was, however, one

significant change at the national level, which was the formation of the Certification Section of the Potato Association of America. The purpose of the section was to promote uniformity of terms and standards, and suggest methods to facilitate the interstate movement of certified seed potatoes.

The following year in Minnesota, the rules governing certified seed potatoes were changed to include a requirement that all potatoes were to be certified on the farm. Ten years later in 1981, the rules governing certified seed potatoes underwent a major reorganization in format, although they were not substantially changed in content.

B. Minnesota's Certified Seed Potato Industry

Seventeen states produce certified seed potatoes. Minnesota is the fourth largest producer of certified seed potatoes, following Idaho, Maine and North Dakota. Annually, Minnesota growers enter 24,000 acres of seed potatoes for certification and produce 3.5 million hundred weight of certified seed potatoes. Of this production, one-third is needed to supply Minnesota growers' planting needs. The balance of this production must be exported to other states and countries.

In order for Minnesota certified seed potatoes to be able to move in interstate commerce, Minnesota's certified seed potatoes must meet or exceed the standards of other states' certification requirements. In an effort to standardize certification requirements and marketing terminology, the Potato Association of America created a

Certification Section in 1970, consisting of certification personnel from each state's certification agency, as noted earlier. The goal of this Section is to facilitate the orderly marketing and free movement of certified seed potatoes in interstate commerce.

These proposed amendments to the current rules are the results of suggestions from the Cerfification Section of the Potato Association of America, the Minnesota Advisory Seed Potato Certification Committee and Minnesota certified seed potato growers and brokers.

C. Format of the Proposed Amendments to the Rules:

The proposed amendments to the rules are set forth in the following sections of the rules: general guidance; requirements for certified seed potato production, requirements for foundation certified seed potato production; and requirements for Minnesota certified seed potato grades and tolerances.

III. NEED FOR AND REASONABLENESS OF THE PROPOSED AMENDMENTS TO THE RULES

The need for and reasonableness of the provisions of the proposed amendments to the rules governing the inspection, certification, production, and marketing of certified seed potatoes in Minnesota follows. The proposed amendments have been divided into the following four categories: change from "red" to "yellow" tag designation; change in "late blight" provisions in the grade and tolerance statements; changes in the "yellow" tag grade; and revisions in form and language made by the Revisor's Office.

A. Change from "Red" to "Yellow" Tag Designation

3 MCAR S 1.0129 D.2.
3 MCAR S 1.0131 D.1.
3 MCAR S 1.0132 G.
3 MCAR S 1.0135 A.2.

The change in tag color designation proposed in these four parts of the rules from "red" to "yellow" is a necessary change because the current designation is not correctly understood in other states where Minnesota certified seed potatoes are put at a competitive disadvantage. In the past, some states used the color of the tag to indicate the disease content of certified seed potatoes as well as to indicate the grade or quality of certified seed potatoes for germination purposes. In these states, the "red" tag indicated certified seed potatoes with higher disease content and lower grade standards. In contrast, Minnesota used the color of the tag to indicate the grade of the certified seed potatoes only and not to indicate disease content. The result has been that Minnesota "red" tag certified seed potatoes are perceived in other states as being of lesser quality than they actually are. This has meant that Minnesota certified seed potato growers are at a competitive disadvantage when marketing their products in interstate trade. Because Minnesota is one of the few states producing certified seed potatoes for export from the state, the perception of the state's certified seed potatoes in other states is important. To be at a disadvantage in these markets, therefore, results not only in a loss of income to certified seed potato growers, but also impacts the overall Minnesota economy.

To alleviate this problem, the certifying agencies have agreed to use "blue" tag and "yellow" tag to indicate the first and second grades, respectively. These colors will be used only to indicate the grade of the certified seed potatoes and will not be at all related to disease content. The result is that disease content will only be reflected through the tolerances, and use of the "red" tag will be discontinued in Minnesota.

The proposed amendments regarding the change in tag color are reasonable for two reasons. The first is that they have been recommended by both the Certification Section of the Potato Association of America and the Minnesota Advisory Seed Potato Certification Committee. The certified seed potato growers and brokers concur in the recommendation of these two groups. Thus, the proposed amendments are viewed as reasonable by all relevant interest groups. The second reason the proposed amendments are reasonable is that they will permit Minnesota certified seed potatoes to compete with the seed potatoes of other states on an equal footing, and will not result in an unfair advantage to certified seed potato producers in other states.

B. Change in "Late Blight" Provisions in Grade and Tolerance Statements

3 MCAR S 1.0135 A.1.a.
3 MCAR S 1.0135 A.2.a.

3 MCAR S 1.0135 A.1.c.(1)(g)(iv)
3 MCAR S 1.0135 A.2.c.(1)(e)(iii)(aa)

In the first two parts of the rule noted above, "late blight," a serious potato disease, is added to the grade statement for both the first (blue) and second (red, proposed "yellow") tag grades. In the second two parts of the rules noted above, the current tolerance for the disease in the two grades is eliminated.

The changes are necessary because "late blight" or "late blight tuber rot" is a type of "soft rot," which is already included in the blue and yellow tag grade statements and tolerances. It is not always possible for an inspector to identify the type of soft rot present during an inspection, because manifestations of different types are so similar. A laboratory test requiring 3-5 days may be necessary to properly identify the type of soft rot. In the meantime, the shipping point inspector is presently faced with two different tolerances -- .5% and 2% -- for very similar conditions. Thus, the change is necessary so that inspectors can treat all soft rot diseases in a consistent manner and use the stricter -- .5% for soft rot -- tolerance.

The changes are reasonable ones because they will permit the inspector to use the same tolerance for very similar diseases. "Late blight" is a serious potato disease not desired by producers, thus its tolerance should be the same as for other "soft rot" diseases. This change is further reasonable because it protects consumers by having the same standard for all "soft rot" diseases and because the change has been agreed to by Minnesota growers and brokers as well as by the Minnesota Advisory Seed Potato Certification Committee.

C. Changes in the "Yellow" Tag Grade

3 MCAR S 1.0135 A.2.a.
3 MCAR S 1.0135 A.2.c.(1)(a)
3 MCAR S 1.0135 A.2.c.(1)(b)
3 MCAR S 1.0135 A.2.c.(1)(e)(iii)

The amendments proposed for the parts of the rule noted above are necessary to permit growers to market more of their crop without adversely affecting the buyer's perception of the certified seed potatoes purchased. The changes proposed herein are changes proposed for the yellow tag grade, which will be the second certified seed potato grade. The purpose of the yellow tag grade is to allow for the marketing of certified seed potatoes that have more grade defects than are allowed in the first, or blue tag, grade. These grade defects permitted in the yellow tag grade are appearance defects

which usually do not affect seed quality. The yellow tag certified seed potato must meet the same disease tolerances as blue tag certified seed potatoes.

The proposed changes to the yellow tag grade cover factors that are largely affected by growing conditions. Thus, the proposed changes include removing sprouts as a grade factor after April 15 of each year, removing sunburn as a grade factor, and removing pressure bruising as a grade factor. Tolerance changes include increasing the tolerance for serious damage by hollow heart from 10% to 20%, and removing the tolerance for sunburn to coincide with its elimination as a grade factor.

These proposed changes are reasonable because the state's standards will then remain consistent with the intent of the yellow tag grade -- which is to permit the marketing of more certified seed potatoes that are of poor appearance but which will still perform well as seed. In years of adverse growing conditions, many lots cannot meet the requirements for the current yellow tag grade without an excessive number of pick outs which requires additional manual labor. It is unreasonable to retain standards which have little to do with performance, which is the intent of certification, and which penalizes growers with additional costs to meet these unnecessary standards.

D. Changes in Language and Form by the Office of the Revisor of Statutes

Strike outs and additions in the proposed amendments to the rules which appear in 3 MCAR SS 1.1031, 1.0132 and 1.0135 which are not specifically addressed in this statement are changes in language and in form made by the Office of the Revisor of Statutes.

In the Matter of the Proposed Amendments to Rules of the Department of Agriculture Governing Seed Potato Certification (3 MCAR §§ 1.0127 - 1.0135)

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

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

Jon T Murphy

[Special Assistant Attorney General]

Date: 5/2/83