

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

RULE REVIEW CHECKLIST

File No. 1362 Docket No. 05.0009.0976

DATE RECEIVED 4/13/87
REVIEW DATE 4/22/87
DUE DATE 4/27/87

APPROVED
DISAPPROVED
WITHDRAWN

ADOPTED W/O HEARING X
EMERGENCY RULE

REVISOR APPROVED
REVISOR DISAPPROVED
FILED W/SEC. STATE
RETURNED TO AGENCY

✓ Rule as adopted (4 copies)

~~Notice to Solicit Outside Information/Opinion~~
Date published in State Register
Comments

~~Petition for Adoption of a~~ Rule

~~Board's Authorizing Resolution~~

✓ Proposed rule
yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule
21.113 - 21.118 Statutory Authority
yes Small business statement
no Expenditure of public money statement
yes Signature

✓ Statement of Need and Reasonableness

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
3/4/87 Date 30/25 days before adoption

✓ Publication in State Register
3/9/87 Date 30/25 days before adoption

~~Resolution Adopting~~

✓ Findings of Fact, Conclusions & Order Adopting
4/9/87 Date

~~Written requests, submissions or comments~~

✓ Declaration of attorney
Paul Strandberg Name of SAAG representing agency

~~Notice of Submission to Attorney General~~

~~Affidavit of Mailing Notice to Attorney General~~

SF-00006-05 (4/86)

DEPARTMENT : ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

DATE : April 30, 1987

TO : CAROL MILLIGAN
Management Analyst
Planning Division

FROM : MIKE MILES
Assistant Attorney General

PHONE : 6-6555

SUBJECT : In the Matter of the Adopted Rules Relating to Youth Employment

The above-referenced rule has been approved as to its legality by the Attorney General on April 27, 1987.

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 accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

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

JMM:nah

Enclosures

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

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

Department of Agriculture

Adopted Permanent Rules Relating to Seed Potato Field Inspection

Rules as Adopted

1555.6760 APPLICATION FOR INSPECTION.

Subpart 1. **Eligibility; procedure.** All potatoes planted on a farm must be entered for certification. Application for inspection must be made before June 16 each year on forms furnished by the commissioner. Applications postmarked after June 15 but before July 1 must be charged a 50 cents per acre late registration fee. No applications may be accepted that are postmarked later than June 30. The commissioner may extend the deadline due to special circumstances, such as natural disasters, which make it impractical or impossible for planting to be completed by the deadline and which affect an area or large number of growers.

Subp. 2. **Shipping point inspection certificates, bulk seed certificates, or certificates of origin.** An application for the inspection of a field planted with purchased certified seed potatoes must include copies of either the shipping point inspection certificates, bulk seed certificates, or certificates of origin for the total amount of purchased certified seed potatoes planted. Use of certificates of origin requires approval of both the seller and the purchaser and is restricted to intrastate shipments between certified seed potato producers. The certificate of origin must contain information considered necessary by the commissioner and must at a minimum identify seed potatoes as to the producer, variety, classification, and lot. The limitation of warranty in part 1555.6740, subpart 7, must be further limited to exclude any representation as to condition of the potatoes at the time of shipment.

Subp. 3. **Separate application.** A separate application must be completed for each field planted.

Subp. 4. **Sufficient acreage.** No application for inspection may be accepted from a grower in a community or county in which there is not sufficient acreage for the total inspection fee charges to cover the cost of wages and expenses of the inspectors providing the inspection service. Determination of sufficient acreage must be made by the commissioner.

REPEALER. Minnesota Rules, parts 1555.6770, 1555.6780, and 1555.6790 are repealed.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 30 1987
Joan Anderson Growe
Secretary of State
2:10PM

APPROVED AS TO FORM AND LEGALITY
4/27 1987
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY _____
ASSISTANT ATTORNEY GENERAL

Department of Agriculture

Proposed Permanent Rules Relating to Seed Potato Field Inspection

Rules as Proposed

1555.6760 APPLICATION FOR INSPECTION.

Subpart 1. **Eligibility; procedure.** All potatoes planted on a farm ~~shall be eligible and shall~~ must be entered for certification. Application for inspection ~~shall~~ must be made before June 16 each year on forms furnished by the commissioner ~~or a seed potato certification inspector~~. Applications postmarked after June 15 but before July 1 ~~shall~~ must be charged a 50 cents per acre late registration fee. No applications ~~shall~~ may be accepted that are postmarked later than June 30. The commissioner may extend the deadline due to special circumstances, such as natural disasters, which make it impractical or impossible for planting to be completed by the deadline and which affect an area or large number of growers.

Subp. 2. **Shipping point inspection certificates, bulk seed certificates, or certificates of origin.** An application for the inspection of a field planted with purchased certified seed potatoes must include copies of either the shipping point inspection certificates, bulk seed certificates, or certificates of origin for the total amount of purchased certified seed potatoes planted. Use of certificates of origin requires approval of both the seller and the purchaser and is restricted to intrastate shipments between certified seed potato producers. The certificate of origin must contain information considered necessary by the commissioner and must at a minimum identify seed potatoes as to the producer, variety, classification, and lot. The limitation of warranty in part 1555.6740, subpart 7, must be further limited to exclude any representation as to condition of the potatoes at the time of shipment.

Approved by Revisor

Subp. 3. **Separate application.** A separate application must be completed for each field planted.

Subp. 4. **Sufficient acreage.** No application for inspection may be accepted from a grower in a community or county in which there is not sufficient acreage for the total inspection fee charges to cover the cost of wages and expenses of the inspectors providing the inspection service. Determination of sufficient acreage must be made by the commissioner.

REPEALER. Minnesota Rules, parts 1555.6770, 1555.6780, and 1555.6790 are repealed.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Seed Potato Field Inspection

AGENCY: Department of Agriculture

MINNESOTA RULES: Chapter 1555

The attached rules are approved for publication in the State Register

Craig E. Lindeke
Senior Assistant Revisor

Department of Agriculture
Plant Industry Division

In the Matter of the Proposed Amendments to the Rules of the Department of Agriculture Governing Seed Potato Field Inspection

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Notice is hereby given that the Minnesota Department of Agriculture intends to amend the above-entitled rules without a public hearing, following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in Minnesota Statutes, Sections 14.22-14.28.[1] The statutory authority to adopt these rules is Minnesota Statutes, Sections 21.113 and 21.118.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed amendments or any part or subpart of the amendment. Comment is encouraged.[2] Each comment should identify the portion of the proposed amendments addressed, the reason for the comment, and any change proposed.[3]

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25[4] 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 their name and address, and is encouraged to identify the portion of the proposed amendments addressed, the reason for the request, and any proposed change.[6] If a public hearing is required, the department will proceed according to Minnesota Statutes, Sections 14.131 to 14.20.[7]

Comments or written requests for a public hearing must be submitted to:[5] Carol Milligan, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-6906.

The proposed amendments may be modified if the modifications[8] are supported by the data and views submitted to the department and do not result in a substantial change in the proposed rules as noticed.

A copy of the proposed amendments is attached to this Notice.[10]

A Statement of Need and Reasonableness[11] that describes the need for and reasonableness of each provision of the proposed amendments and identifies the data and information relied upon to support the proposed amendments has been prepared and is available upon request from Ms. Milligan.

The proposed amendments will not have a negative impact upon small business[14] as defined in Minnesota Statutes, Section 14.115, because these amendments would simplify application and inspection procedures and place no additional economic restraints or demands on producers.

If no hearing is required, upon adoption of the final rules, the rules and the required supporting documents will be submitted to the Attorney General[9] 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 rules must submit a written request to Ms. Milligan.

STATE OF MINNESOTA

Date: Jan 2, 1987

Jim Nichols
Commissioner, Department of Agriculture

STATE OF MINNESOTA
DEPARTMENT OF AGRICULTURE

IN THE MATTER OF PROPOSED AMENDMENTS TO)
THE RULES OF THE DEPARTMENT OF AGRICULTURE)
GOVERNING SEED POTATO CERTIFICATION)
MINNESOTA RULES 1555.6760

STATEMENT OF NEED
AND REASONABLENESS

I. INTRODUCTION

The subject of this rulemaking is the proposed adoption by the Minnesota Department of Agriculture (MDA) of amendments to the rules governing requirements for certification of seed potatoes. Minnesota Statutes, section 21.113 to 21.118, authorize the Minnesota Department of Agriculture to adopt rules for the efficient administration and enforcement of the Minnesota Seed Potato Certification Law.

The department has determined that the proposed amendment is noncontroversial in nature because it is supported by the industry, and will bring Minnesota's requirements for certified seed potato production into conformity with other states. Because of the noncontroversial nature of this amendment, the department has directed that the rulemaking proceedings be conducted in accordance with the statutory provisions governing the adoption of noncontroversial rules, Minnesota Statutes, sections 14.22 to 14.28. Accordingly, the rulemaking proceedings on the proposed amendment are governed by that statute and no hearing will be conducted on the proposed amendment unless, on or before April 8, 1987, 25 or more persons submit to the department a written request for such hearing. In accordance with the requirements of Minnesota Statutes, section 14.23, this Statement of Need and Reasonableness was prepared and completed prior to the date that the proposed rule was published in the State Register.

II. GENERAL OVERVIEW

In 1951, the State of Minnesota adopted rule 1555.6770 Shipping Point Certificates or Bulk Seed Certificates. This rule states that an application for the inspection of a field planted with purchased certified seed potatoes shall include a copy of the shipping point certificate or bulk seed certificates for the total amount of purchased certified seed potatoes planted.

Simply put, this rule requires, for the sole purpose of identifying seed source at the time of application, that every load of seed potatoes that exchanges hands between certified seed potato growers must receive a Federal-State shipping point inspection. While at the same time, if growers choose to replant some of their own certified seed potatoes, no shipping point inspection certificates are required when making application for inspection. Other states, such as North Dakota and Wisconsin, address this situation by giving their growers the option of using an affidavit of seed lot identification or a

waiver of shipping point inspection. In this way, seed potatoes that are eligible for recertification may be exchanged between consenting parties without the added cost and inconvenience of a Federal-State shipping point inspection.

Within the Seed Potato Certification Law, MS21.113 is the only provision that addresses the timing of inspections. It states that seed potatoes must be inspected while growing in the field and again after harvest. No provision explicitly requires a shipping point inspection at the time that potatoes leave the custody of the certified grower. At the present, all seed potatoes are inspected while growing in the field and again after harvest during a storage inspection. The storage inspection documents yield per field, that the seed potatoes are properly stored, bins are labeled, only certified seed potatoes are present and there is no potential for disease contamination. At that point, the requirements of the law are met. Therefore, this rule clearly places an unjustified restriction on the local instate movement of certified seed potatoes between certified seed potato growers.

Another important consideration is sanitation. The movement of seed potatoes between the different classes of certified growers is in one direction: from Primary Foundation to Foundation to Certified. During the peak demand period for shipping point inspection, inspectors are required to repeatedly go from one potato storage to another. Often this is from a Certified class storage to a Primary Foundation class storage. This creates a very undesirable situation with great potential for introducng disease into a Primary Foundation class operation. Primary Foundation growers are aware of this and have expressed their discontent with the situation. In fact, the sanitation issue is the basis for other states giving certified growers the option to exchange seed without a shipping point inspection.

Enforcement of the present rule is at times very difficult to impossible. It is impractical and far too costly to maintain a staff of trained inspectors large enough to inspect every load of seed potatoes sold during the peak period in the spring. Consequently, the quality of inspections is compromised and this places unnecessary liability on the State. The proposed amendment would give a certified seed potato grower the option to forego the shipping point inspection and submit a Certificate of Origin when making application for inspection on a field planted with purchased seed potatoes. This amendment would free inspectors, during peak demand periods, to concentrate on critical inspections where seed is being shipped out of state or between growers that are demanding a shipping point inspection. Moreover, the potential for spead of disease, via the inspector's tools, would be greatly reduced. This change would aslo bring Minnesota into conformity with neighboring states.

III. NEED FOR REASONABLENESS OF THE PROPOSED AMENDMENT TO RULES

A. 1555.6760, subparts 1 and 2. Application for Inspection and Shipping Point Inspection Certificates, Bulk Seed Certificates, or Certificates of Origin.

The proposed amendment to the rules is reasonable because it will not diminish the quality of Minnesota certified seed potatoes or place additional restrictions on producers. The current rules require that each application for the inspection of a field planted with purchased certified seed shall include a copy of the shipping point certificate or bulk seed certificate for the total amount of purchased certified seed potatoes planted. This amendment would give the certified seed potato growers the option of purchasing seed potatoes without a Federal-State shipping point inspection and submitting a Certificate of Origin to satisfy the requirements for application. The proposed amendment will have no bearing on part 1555.6950 Minnesota Certified Seed Potato Grades. When a Certificate of Origin would require approval of the commissioner, the seller and the purchaser and would be restricted to intrastate shipments of certified seed potatoes that are eligible for recertification between certified seed potato producers. This procedure is followed in other states that certify seed potatoes, and it greatly facilitates the movement of seed between growers. The objective of the present rule is to identify the source of the purchased seed potatoes being entered for certification. This amendment would continue to meet this requirement while simplifying the process for the seller and purchaser if they agree to sue a Certificate of Origin. Subpart 2 is the recodification of 1555.6770 being repealed, plus amendments.

B. 1555.6760, subparts 3 and 4 are the recodification of 1555.6780 and 1555.6790 which are being repealed.

IV. SMALL BUSINESS IMPACT OF THE PROPOSED AMENDMENT

As prescribed by Minnesota Statutes, section 14.115, subdivision 1 and 2, the Department of Agriculture has considered the degree of impact the proposed rule change will have on the certified seed potato industry.

The department has determined that the proposed amendment would simplify the present rules regarding application for inspection and places no additional economic restraints or demands on producers. This amendment would be a positive benefit to Minnesota certified seed potato producers.

In the Matter of the proposed
Adoption of Amendments to the
Rules of the Department of Agriculture
Governing Seed Potato Field Inspection

AFFIDAVIT OF MAILING
THE NOTICE OF INTENT
TO ADOPT A RULE
WITHOUT A PUBLIC
HEARING AND
CERTIFICATE OF
MAILING LIST

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Carol Milligan, being sworn, says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minn. State § 14.14, subd. 1a, and 14.22 or 14.30, that their names be placed on the Minnesota Department of Agriculture rulemaking mailing list is accurate, complete and current as of this 4th day of March, 1987.

That on the 4th day of March, 1987, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt Rules Without a Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Carol Milligan
(Name)

Management Analyst
(Title)

DIANE M. WINDHAM
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES NOVEMBER 1, 1990

Subscribed and sworn to before me
this 4th day of March, 1987.

Diane M. Windham

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.

Department of Agriculture

Proposed Permanent Rules Relating to Seed Potato Field Inspection

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Department of Agriculture intends to amend the above-entitled rules without a public hearing, following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in Minnesota Statutes, Sections 14.22-14.28. The statutory authority to adopt these rules is Minnesota Statutes, Sections 21.113 and 21.118.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed amendments or any part or subpart of the amendment. Comment is encouraged. Each comment should identify the portion of the proposed amendments 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 their name and address, and is encouraged to identify the portion of the proposed amendments addressed, the reason for the request, and any proposed change. If a public hearing is required, the department will proceed according to Minnesota Statutes, Sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Carol Milligan, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-6906.

The proposed amendments 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 rules as noticed.

A copy of the proposed amendments is attached to this Notice.

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

The proposed amendments will not have a negative impact upon small business as defined in Minnesota Statutes, Section 14.115, because these amendments would simplify application and inspection procedures and place no additional economic restraints or demands on producers.

If no hearing is required, upon adoption of the final rules, the rules 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 rules must submit a written request to Ms. Milligan.

Dated: 2 January 1987

Jim Nichols
Commissioner, Department of Agriculture

Rules as Proposed

1555.6760 APPLICATION FOR INSPECTION.

Subpart 1. **Eligibility; procedure.** All potatoes planted on a farm ~~shall be eligible and shall~~ must be entered for certification. Application for inspection ~~shall~~ must be made before June 16 each year on forms furnished by the commissioner ~~or a seed potato certification inspector~~. Applications postmarked after June 15 but before July 1 ~~shall~~ must be charged a 50 cents per acre late registration fee. No applications ~~shall~~ may be accepted that are postmarked later than June 30. The commissioner may extend the deadline due to special circumstances, such as natural disasters, which make it impractical or impossible for planting to be completed by the deadline and which affect an area or large number of growers.

Subp. 2. **Shipping point inspection certificates, bulk seed certificates, or certificates of origin.** An application for the inspection of a field planted with purchased certified seed potatoes must include copies of either the shipping point inspection certificates, bulk seed certificates, or certificates of origin for the total amount of purchased certified seed potatoes planted. Use of certificates of origin requires approval of both the seller and the purchaser and is restricted to intrastate shipments between certified seed potato producers. The certificate of origin must contain information considered necessary by the commissioner and must at a minimum identify seed potatoes as to the producer, variety, classification, and lot. The limitation of warranty in part 1555.6740, subpart 7, must be further limited to exclude any representation as to condition of the potatoes at the time of shipment.

Subp. 3. **Separate application.** A separate application must be completed for each field planted.

Subp. 4. **Sufficient acreage.** No application for inspection may be accepted from a grower in a community or county in which there is not sufficient acreage for the total inspection fee charges to cover the cost of wages and expenses of the inspectors providing the inspection service. Determination of sufficient acreage must be made by the commissioner.

REPEALER. Minnesota Rules, parts 1555.6770, 1555.6780, and 1555.6790 are repealed.

Pollution Control Agency

Proposed Permanent Rules Relating to Hazardous Waste; Closure, Post-closure, and Financial Assurance

Notice of Intent to Adopt a Rule without a Public Hearing

Notice is hereby given that the State of Minnesota intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minn. Stat. §§ 14.22 to 14.28. The statutory authority to adopt the rules is Minn. Stat. § 116.07, subd. 4 (1986).

All persons have 30 days in which to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. Interested persons have until 4:30 p.m. on April 8, 1987 to submit comments on the proposed rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules 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 rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the Minnesota Pollution Control Agency (MPCA) will proceed pursuant to Minn. Stat. §§ 14.131 to 14.20.

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

Nancy Larson
Minnesota Pollution Control Agency
Solid and Hazardous Waste Division
520 Lafayette Road
St. Paul, Minnesota 55155

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

STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

IN THE MATTER OF THE PROPOSED ADOPTION OF AMENDMENTS TO RULES OF THE MINNESOTA DEPARTMENT OF AGRICULTURE GOVERNING SEED POTATO FIELD INSPECTION

FINDINGS OF FACT, CONCLUSIONS AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

Notice of the Commissioner's intent to adopt the above-entitled rule was published in the State Register on March 9, 1987, and was sent by United States mail to all persons on the list maintained by the department pursuant to Minnesota Statutes, section 14.14, subd. 1a and 14.22 on March 4, 1987. The Statement of Need and Reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public.

All persons were given the opportunity to submit comments on the rule for 30 days after notice of proposed rulemaking. No requests for a public hearing on the rule were received by the department.

No submissions or comments on the rule were received by the department. No requests for notice of submission to the attorney general were received by the department.

The above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that these amendments identified as amendments to the Rule Governing Seed Potato Field Inspection are adopted this 9th day of April, 1987, pursuant to authority vested in me by Minnesota Statutes, sections 21.113 and 21.118.

STATE OF MINNESOTA

Jim Nichols

JIM NICHOLS
COMMISSIONER OF AGRICULTURE

In the Matter of the Adoption of Amendments to
Rules of the Minnesota Department of
Agriculture Governing Seed Potato
Field Inspection

DECLARATION
OF COUNSEL

I, Paul 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 0976.

Paul Strandberg
Special Assistant Attorney General

Date: 4/10/87

PLANNING DIVISION
DEPARTMENT OF AGRICULTURE

LIST OF ATTACHED DOCUMENTS

A. Rule as Adopted (Original and three copies).

B. Findings of Fact and Conclusions, and Order Adopting.

C. Notice of Intent to Adopt a Rule Without Public Hearing.

D. Affidavit of Mailing Notice of Intent to Adopt a Rule Without Public Hearing.

E. Rule as Proposed.

F. Statement of Need and Reasonableness.

G. Declaration of Counsel.

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : OF AGRICULTURE

DATE : April 10, 1987

TO : Rita Desmond
Administration - Finance Division
Office of the Attorney General

RECEIVED
ATTORNEY GENERAL'S OFFICE
APR 13 1987
204 ADMINISTRATION BLDG.
50 SHERBURNE AVENUE
ST. PAUL, MN 55155

FROM : Carol Milligan, Management Analyst
Planning Division

PHONE : 296-6909

SUBJECT : Review of Rules Governing Seed Potato Field Inspection

The Department of Agriculture adopted the above-mentioned rules pursuant to Minnesota Statutes, sections 14.22-14.28. Enclosed with this memorandum are the documents which are required to be submitted to the Attorney General for review prior to final approval of the rule. A list of the documents is attached for your convenience.

The Department has fulfilled the requirements of Minnesota Statutes, section 14.115, subd. 4, by notifying small businesses of the expected impact of the rule in the Notice of Intent to Adopt Rules Without a Public Hearing.

The Department did not receive any written comments or requests for a public hearing.

If you have questions, please contact me.

CM:cb

Attachment

cc: Jim Nichols, Commissioner
Anne Kanten, Assistant Commissioner
Paul Strandberg, Special Assistant Attorney General
Craig Lindeke, Office of Revisor of Statutes
Gerald Heil, Director, Planning Division
Art Mason, Director, Plant Industry
Richard Zink, Supervisor, Seed Potato Certification