

Minnesota Attorney General: Administrative Rules Proceedings

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SF-00006-05 (4/86)

DEPARTMENT : ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

DATE : April 5, 1990

TO : CAROL MILLIGAN
Agriculture, Planning Division
90 West Plato Blvd. (55107)

FROM : CHARLENE HATCHER
Special Assistant Attorney General
525 Park Street, Suite 404 (55103)

PHONE : 296-9422

SUBJECT : In the Matter of the Adopted Permanent Rule Relating to Buying and Storing of Grain

The above-referenced Permanent rule has been approved as to its legality by the Attorney General on April 4, 1990.

Enclosed is your 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, submissions or comments along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of the notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published 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.

CH:bbl
Enclosures
cc: William Brown, Chief Judge (memo only)
MaryAnn Hruby " "
Paul Strandberg " "

Department of Agriculture

Adopted Permanent Rules Relating to Buying and Storing of Grain

Rules as Adopted

1562.0100 DEFINITIONS.

[For text of subps 1 to 6, see M.R.]

Subp. 7. **Grain.** "Grain" means any cereal grain, coarse grain, or oilseed in unprocessed form for which a standard has been established by the United States Secretary of Agriculture or the Minnesota Board of Grain Standards, dry edible beans, or other agricultural crops designated by the commissioner by rule.

1562.0700 BOND.

Subpart 1. **Requirement.** Before a license to buy or store grain is issued, the applicant for the license must file with the commissioner a bond or acceptable security in lieu of a bond in an amount prescribed by this part. The bond or other acceptable security provides coverage at all licensed locations.

Subp. 1a. **Duration of bond.** The bond must be continuous until canceled. To cancel a bond, the surety must provide 90 days written notice of the bond's termination date to the licensee and the commissioner.

Subp. 1b. **Acceptable security in lieu of a bond.** In lieu of the bond required by this part, the license applicant may deposit with the state treasurer cash, or a certified check, cashier's check, money order, assignable bond or note of the United States, certificate of deposit, or an irrevocable bank letter of credit in the same amount as would be required for the bond.

[For text of subps 2 to 5, see M.R.]

APPROVED AS TO LEGALITY

April 4, 1990

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Charlene M. Hatcher
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

APR 4 1990

Joan Anderson Growe
Secretary of State

CH

[Revisor] RD1627

RULE REVIEW CHECKLIST

(agriculture)

File No. 1684 Docket No. 05 0009 0986

DATE RECEIVED 3-21-90 ADOPTED W/O HEARING X

REVIEW DATE 3-30-90 EMERGENCY RULE

DUE DATE 4-4-90 TO REVISOR: 3-22-90

REVISOR APPROVED 3-28-90

APPROVED 4-4-90 REVISOR DISAPPROVED

DISAPPROVED FILED W/SEC. OF STATE

WITHDRAWN RETURNED TO AGENCY

✓ Rule as adopted (4 copies)

___ Notice to Solicit Outside Information/Opinion (if applicable)
- ___ Date published in State Register
- ___ Comments

___ Petition for Adoption of a Rule (if applicable)

___ Board's Authorizing Resolution
- ___ Date adopted

✓ Proposed Rule
- ✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
- 223.19, 223.22 subd 3,4 Statutory Authority 232.24 subd 1, 236.08
- N/A Small Business Statement
- ___ Expenditure of public money statement
- 1-16-90 Signature

✓ Statement of Need and Reasonableness (if applicable)
- ✓ Small Business Statement
- ✓ Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
- Feb 8, 1990 Date 30/25 days before adoption
- ✓ Notice attached
- ___ Copy of rule or summary attached

✓ Publication in State Register
- Feb 12, 1990 Date 30/25 days before adoption

✓ 180-day deadline from:
- ✓ Effective date of law requiring rule (14.12) (both rules) not mandatory not new
- ✓ end of comment period (§ 14.26) (rules without hearing)
- ___ effective date of statutory authority (§ 14.29) (emergency rules)

___ Resolution Adopting
- ___ Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
- March 15, 1990 Date

___ Written requests, submissions or comments

✓ Declaration of attorney
- Strandberg Name of SAAG representing agency

___ Notice of Submission to Atty. Gen. (if applicable)

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

223.19
The commissioner may make emergency or permanent rules pursuant to Chapter 14

223.22, subd 3
Fees; grain buyers and storage fund

subd 4
Before a license is issued, the applicant for a public grain warehouse operator's license shall file with the commissioner a bond in a penal sum prescribed by the commissioner.

232.24 subd 1
The commissioner may, by rule, authorize one audit to be conducted by a qualified nongovernmental unit

236.08
The department is hereby authorized to promulgate in the manner provided by law such rules relative to grain bank operations as are reasonably necessary.

Department : AGRICULTURE

STATE OF MINNESOTA
Office Memorandum

Date : March 20, 1990

To : Rita Desmond
Attorney General's Office

From : Carol Milligan CM
Planning Division

Phone : 296-6906

Subject : **Review of Proposed Rule Governing Buying and Storing Grain**

The Department of Agriculture adopted the above-mentioned rule pursuant to Minnesota statutes, sections 14.22-14.28. Enclosed with this memo 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.

Please contact me if you have any question.

cc: Jim Nichols, Commissioner
Paul Strandberg, Special Assistant Attorney General
Craig Lindeke, Revisor of Statutes' Office
Gerald Heil, Planning Division
Ed Moline, Grain Inspection Division
Felix McGovern, Grain Inspection Division

LIST OF ATTACHED DOCUMENTS

A. Rule as Proposed

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

C. Statement of Need and Reasonableness

D. Affidavit of Mailing

E. Certificate of Mailing List

F. State Register Photocopy of Notice of Intent

G. Rule as Adopted (four copies)

H. Findings of Fact, Conclusions and Order Adopting

I. Declaration of Counsel

Department of Agriculture

Grain Inspection Division

In the Matter of the Proposed Adoption of Amendments to the Rule of the State Department of Agriculture Governing Buying and Storing Grain

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

(1) Notice is hereby given that the Minnesota Department of Agriculture intends to adopt the above-entitled amendments 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 amend this rule is Minnesota Statutes, sections 223.19; 232.22, subdivisions 3 and 4; 232.24, subdivision 1; and 236.08.

(2) 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 amendments. Comment is encouraged. (3) 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 amendments within the 30-day comment period. (4) 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. (6) 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. (7) If a public hearing is required, the department will proceed according to Minnesota Statutes, sections 14.131-14.20.

(5) 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.

(8) 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 amendments as noticed.

(11) A copy of the proposed amendments is attached to this notice.

(12) 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.

(14) Most of the grain buyers, grain bank operators and grain warehouse operators licensed by the state meet the definition of a small business in Minnesota Statutes, section 14.115. However, the amendments do not impose any additional regulations on these licensees. Instead, the amendments loosen the regulations or make the regulations less stringent for some licensees.

(9) If no hearing is required, upon adoption of the final amendments, the amendments and the required supporting documents will be submitted to Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule must submit a written request to Ms. Milligan.

STATE OF MINNESOTA

1-16-90
Date

Jim Nichols
Jim Nichols, Commissioner
Department of Agriculture

STATE OF MINNESOTA
Department of Agriculture

Proposed Amendment of Rules of the
Department of Agriculture Governing
Buying and Storing Grain

Minnesota Rules 1562.0100 - 1562.2200

STATEMENT OF NEED AND REASONABLENESS

I. General Need and Authority for Rules

The Minnesota Department of Agriculture is authorized by Minnesota Statutes, section 223.19, 232.22, subds. 3 and 4, 232.24, subd. 1 and 236.08 to make rules to carry out the provisions of the grain buyer's act (chapter 223), the grain storage act (chapter 232) and the grain bank law (chapter 236).

The proposed amendments to the rules address the bond requirements for persons buying and storing grain.

Before a license to buy or store grain can be issued, a person must obtain a bond. The proposed amendments to the rules explain the kind of bond that is acceptable, the procedure for terminating a bond and the kind of security acceptable in lieu of a bond.

In addition, the definition of "grain" in the rules was amended to be consistent with the statutory definition of "grain."

It is necessary and reasonable to adopt the proposed amendment to the rules so that:

1. sellers and depositors of grain and persons buying and storing grain are provided with information on bonding and the acceptable security which may be submitted in lieu of a bond, and

2. the department is provided with a means to implement the statutes relative to the requirements for bonding.

II. Need and Reasonableness of Each Rule Part

1562.0100 Definitions

Subp. 7. Grain. The Minnesota legislature in 1988 amended the definition of grain to include dry edible beans. The definition of grain was amended in both the grain buyers act and the grain storage act.

The current definition of grain in the rules is incorrect because it does not include dry edible beans. It is necessary and reasonable to amend the definition of grain in the rules so that it is consistent with the statutory definition.

1562.0700 Bond.

Before a license to buy or store grain can be issued the law requires that the applicant for the license obtain a bond for the protection of persons selling grain to or storing grain with the licensee.

The amended rules in this part provide for the acceptance of security in lieu of the bond and in the same amount as the bond.

For the license applicants who obtain a bond, the amended rules specify the duration of the bond and the procedure for terminating the bond.

It is necessary to provide an alternative to the bond because some license applicants who otherwise qualify for a bond are nevertheless refused a bond by the surety.

The department believes it is necessary and reasonable to accept the alternative security so that license applicants who may be buying or storing grain without benefit of bond coverage can be licensed, and so that the public is thus provided the security of an irrevocable letter of credit or other form of security.

With respect to the duration of the bond the amended rules provide for notification to the licensee and the commissioner by the surety of its intention to terminate the bond.

It is necessary and reasonable that adequate notification of a bond's cancellation be provided to the licensee and the commissioner so that steps may be taken to obtain a bond with another surety. And so that continuity of bond coverage is provided to the public.

III. Impact of the Proposed Rules on Small Businesses

Most of the grain buyers, grain bank operators and grain warehouse operators licensed by the state are a "small business" as defined at Minnesota Statutes, section 14.115, subd. 1.

The proposed amended rules do not impose any additional regulations on persons the state is licensing to buy or store grain. Instead, the rules loosen the regulations or make the regulations less stringent in that licensees who are refused a bond could submit an alternative form of security.

The rules do impose the reporting requirement on the surety or insurance company issuing a bond to provide 90 days notice of the bond's termination. This is the only additional "regulation" per se imposed by the rules. The insurance companies and sureties currently writing bonds are large businesses, and they could not be classified as "small businesses."

The department considered the impact of the proposed amendment rules on small businesses as follows:

A. The Establishment of Less Stringent Compliance or Reporting Requirements

The proposed rules would establish less stringent requirements. They offer the prospective licensee more flexibility and options to comply with the department's bonding requirement without in any way lessening the security or jeopardizing the position of the seller or depositor of grain.

B. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements

The proposed rules do not establish any schedules or deadlines for small businesses.

C. The Consolidation or Simplification of Compliance or Reporting Requirements

The proposed rules do not impose any new compliance or reporting requirements. The proposed rules would grant the licensee more flexibility in satisfying compliance or reporting requirements already enacted.

D. The Establishment of Performance Standards for Small Business to Replace Design or Operational Standards Required in the Rule

The proposed rules do not establish any design or operational standards.

E. The Exemption of Small Business from Any or All Requirements of the Rule

The proposed rules do not impose or establish any additional requirements. The rules instead allow the small business to more easily comply with the bonding requirement already enacted by statute.

IV. Conclusion

For the reasons stated, the Minnesota Department of Agriculture believes that each of the proposed rules is necessary and reasonable to effectively administer Minnesota Statutes, chapters 223, 232 and 236 relating to the buying and storing of grain.

In the Matter of the Proposed Adoption of Amendments to the Rule of the State Department of Agriculture Governing Buying and Storing Grain

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

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Marie Skerbitz, being sworn, says:

That on the 8th day of February, 1990, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt a Rule 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 who have requested, pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the Minnesota Department of Agriculture rulemaking mailing list.

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

Marie Skerbitz
Mail Room Clerk

Subscribed and sworn to before me
this 8th day of February, 1990.

Diane M. Windham

In the Matter of the Proposed Adoption
of Amendments to the Rule of the State
Department of Agriculture Governing
Buying and Storing Grain

CERTIFICATE OF MAILING

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 Minnesota Statutes, sections 14.14, subdivision 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 8th day of February, 1990.

Carol Milligan
Management Analyst

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

Subscribed and sworn to before me
this 8th day of February, 1990.

Diane M. Windham

Proposed Rules

Pursuant to Minn. Stat. §§ 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 Buying and Storing of Grain

Notice of Intent to Adopt a Rule without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Agriculture intends to adopt the above-entitled amendments 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 amend this rule is *Minnesota Statutes*, sections 223.19; 232.22, subdivisions 3 and 4; 232.24, subdivision 1; and 236.08.

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 amendments. 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 amendments 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 14.131-14.20.

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 amendments 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.

Most of the grain buyers, grain bank operators and grain warehouse operators licensed by the state meet the definition of a small business in *Minnesota Statutes*, section 14.115. However, the amendments do not impose any additional regulations on these licensees. Instead, the amendments loosen the regulations or make the regulations less stringent for some licensees.

If no hearing is required, upon adoption of the final amendments, the amendments and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule must submit a written request to Ms. Milligan.

Dated: 16 January 1990

Jim Nichols, Commissioner
Department of Agriculture

Rules as Proposed

1562.0100 DEFINITIONS.

[For text of subps 1 to 6, see M.R.]

Subp. 7. **Grain.** "Grain" means any cereal grain, coarse grain, or oilseed in unprocessed form for which a standard has been established by the United States Secretary of Agriculture or the Minnesota Board of Grain Standards, dry edible beans, or ~~any~~ other agricultural ~~crop which~~ crops designated by the commissioner ~~may designate~~ by rule.

1562.0700 BOND.

Subpart 1. **Requirement.** Before a license to buy or store grain is issued, the applicant for the license must file with the commissioner a bond or acceptable security in lieu of a bond in an amount prescribed by this part. The bond or other acceptable security provides coverage at all licensed locations.

Subp. 1a. **Duration of bond.** The bond must be continuous until canceled. To cancel a bond, the surety must provide 90 days written notice of the bond's termination date to the licensee and the commissioner.

Subp. 1b. **Acceptable security in lieu of a bond.** In lieu of the bond required by this part, the license applicant may deposit with the state treasurer cash, or a certified check, cashier's check, money order, assignable bond or note of the United States, certificate of deposit, or an irrevocable bank letter of credit in the same amount as would be required for the bond.

[For text of subps 2 to 5, see M.R.]

Department of Human Services

Proposed Permanent Rules Relating to Drop-In Child Care

Notice of Intent to Adopt a Rule without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Department of Human Services 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 *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule parts is *Minnesota Laws 1989*, chapter 282, article 2, section 211 and *Minnesota Statutes*, chapter 245A, the human services licensing act.

All persons have 30 days or until 4:30 p.m. on March 14, 1990 in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to Alice Weck, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816, telephone (612) 296-0626.

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

The three rule parts referenced above are part of a series (*Minnesota Rules*, parts 9503.0005 to 9503.0170) known informally as Rule 3. Rule 3 sets the standards that child care centers must meet to become and remain licensed. The proposed amendment to part 9503.0075 changes how drop-in child care is defined and regulated under present Rule 3. The changes affect providers that currently provide drop-in programs, the parents of children who attend these drop-in programs, and the children.

The changes are needed to bring part 9503.0075 into conformity with the requirements governing drop-in child care in *Minnesota Statutes*, 1989 Supplement, sections 245A.02, subdivision 6a and 245A.14, subdivision 6. The proposed amendments are essentially a restatement of the statutory requirements.

Those requirements specify that drop-in child care programs may not care for a child for more than five hours in a given day up to a maximum per child of 40 hours per month. Present Rule 3 has no per day limit and a maximum per child per month limit of 45

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 the Rule of the State Department of Agriculture Governing Buying and Storing Grain

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

(1) Notice of the Commissioner's intent to adopt the above-entitled rule was published in the *State Register* on February 12, 1990, and was sent by United States mail to all persons on the list maintained by the department pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 on February 8, 1990. (6) 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.

(4) All persons were given the opportunity to submit comment on the rule for 30 days after the notice of proposed rulemaking. (5) No requests for a public hearing on the rule were received by the department.

(7) 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.

(8) The above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as the rule governing buying and storing grain is adopted this 15th day of March, 1990, pursuant to authority vested in me by Minnesota Statutes, sections 223.19; 232.22, subdivisions 3 and 4; 232.24, subdivision 1; and 236.08.

(9)

Jim Nichols

Jim Nichols
Commissioner

In the Matter of the Adoption of the Rule of the State Department Agriculture Governing Buying and Storing Grain

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 0986.

Paul Strandberg
Special Assistant Attorney General

Dated: 3/16/90

Department of Agriculture

Proposed Permanent Rules Relating to Buying and Storing of Grain

Rules as Proposed

1562.0100 DEFINITIONS.

[For text of subps 1 to 6, see M.R.]

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[For text of subps 2 to 5, see M.R.]

Approved by Revisor

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Buying and Storing of Grain

AGENCY: Department of Agriculture

MINNESOTA RULES: Chapter 1562

The attached rules are approved for publication in the State Register

Craig E. Lindeke
Senior Assistant Revisor