

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

KVM
7-20-92

RULE REVIEW CHECKLIST

File No. 1931
DATE RECEIVED 7-17-92
REVIEW DATE 7-27-92 ~~7-26-92~~
DUE DATE 7-31-92
(DIS)APPROVED
WITHDRAWN

Docket No. 05 0009 2010
ADOPTED W/O HEARING
EMERGENCY RULE
TO REVISOR ON 7-20-92
REVISOR (DIS)APPROVED 7-20-92
FILED W/SEC. OF STATE 7-31-92
RETURNED TO AGENCY 7-31-92

✓ 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

Board's Authorizing Resolution
- Date adopted

✓ Proposed Rule
- ✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
- 21.118 Statutory Authority
- No statement Small Business Statement — is statement in published notice.
- no statement Expenditure of public money statement - not needed
- 5-19-92 Signature

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

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
- June 3, 1992 Dated 30/25 days before adoption
- ✓ Notice attached indicates it is attached
- Copy of rule or summary attached

✓ Publication in State Register
- June 8, 1992 Date 30/25 days before adoption

✓ 180-day deadline from:
- ✓ Effective date of law requiring rule (14.12) (both rules) amendments don't apply
- ✓ 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
- July 9, 1992 Date

Written Requests, Submissions or Comments

✓ Declaration of Attorney
- Paul Shandler Name of SAAG representing agency

Notice of Submission to Attorney General (if applicable)

Affidavit of Mailing Notice to Attorney General (if applicable)

STATE OF MINNESOTA

Office of the Attorney General

TO : CAROL MILLIGAN
Minnesota Department of Agriculture
90 West Plato Boulevard
St. Paul

DATE : July 31, 1992

FROM : AMY V. KVALSETH
Special Assistant
Attorney General

PHONE : 296-9422

SUBJECT : In the Matter of the Adopted Rule Relating to Certified Seed Potatoes

The above-referenced rule has been approved as to its legality by the Attorney General on July 31, 1992.

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.

Enclosures
cc: Paul Strandberg
William Brown, Chief Judge
MaryAnn Hruby

AVK:jj.rules.ay9

Department of Agriculture

Adopted Permanent Rules Relating to Certified Seed Potatoes

Rules as Adopted

1555.6810 MINNESOTA GROWERS.

From Minnesota growers: Primary Foundation certified seed potatoes; Foundation certified seed potatoes; Generation certified seed potatoes; or Certified seed potatoes. The commissioner may authorize growers to replant their own Certified seed potatoes if there is no source of Primary Foundation certified, Foundation certified, or Generation certified seed potatoes available to the grower.

1555.6820 NON-MINNESOTA GROWERS.

From non-Minnesota growers: seed potatoes approved for certification planting by the certifying agency in another state or a Canadian province may be planted if tolerances for certification meet Minnesota tolerances for Generation, Foundation, or Primary Foundation certified seed potatoes.

1555.6840 REQUIREMENTS FOR CERTIFIED SEED POTATO PRODUCTION.

[For text of subpart 1, see M.R.]

Subp. 2. **Field inspection.** Certification must be based upon information regarding the following: stand, general vigor, varietal purity, disease tolerances, and factors affecting field inspection. At least two field inspections must be made of each field during the growing season. Additional inspections may be made if deemed necessary by the commissioner.

[For text of items A to C, see M.R.]

D. Disease tolerances (percentage of infected plants). A field must be rejected if it contains percentages of diseased plants in excess of those listed in the following table. The disease percentages listed are based on symptoms that are visible in the sample being inspected.

Maximum Disease Tolerance Levels

Diseases	First Inspection	Second and Subsequent Inspections
Severe mosaic (potato virus Y)	1.0%	1.0%
Spindle tuber	0.1%	0.1%
Leafroll	0.5%	0.3%
Total of above diseases	1.0%	1.0%
Yellow dwarf	0.5%	0.5%
Calico	0.5%	0.5%
Haywire	0.5%	0.5%
Witches broom	0.5%	0.5%
Total of above 4 diseases	0.5%	0.5%
Mild mosaic	2.0%	1.0%
Bacterial ring rot, field rejected if found	0.0%	0.0%

[For text of item E, see M.R.]

[For text of subps 3 to 6, see M.R.]

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

JUL 11 1992

Secretary of State

2:25 PM
PRB

APPROVED AS TO FORM AND LEGALITY

July 31 19 92

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Amy V. Kvaloth
SPECIAL ASSISTANT ATTORNEY GENERAL

E. upon discovering that an incident has occurred, immediately report the incident to the commissioner.

1505.2600 COMMISSIONER'S RESPONSIBILITY.

The commissioner shall annually provide chemigation safety information to each chemigation system applicant.

1505.2700 INSTALLATION; MAINTENANCE; MODIFICATION.

Subpart 1. **Proper installation and maintenance.** Irrigation systems, antipollution devices and valves, and agricultural chemical injection units, pumps, and solution tanks used for chemigation purposes must be installed and maintained to ensure proper functioning during chemigation. Maintenance necessary to assure proper functioning of the device must be performed before introduction of agricultural chemicals.

Subp. 2. **Modification.** If modification or changes in design, technology, irrigation practices, or other similar reasons warrant the use or placement of equipment other than that specified in parts 1505.2100 to 1505.2800, the commissioner may allow the changes if protection to the water supply is at least equal to that provided by the equipment or equipment placement required in parts 1505.2100 to 1505.2800.

1505.2800 PROHIBITED ACTS.

It is a violation of *Minnesota Statutes*, chapters 18B and 18C, for a person to apply an agricultural chemical to land, crops, or plants in or with irrigation water in violation of parts 1505.2100 to 1505.2800. Parts 1505.2100 to 1505.2800 are enforceable under *Minnesota Statutes*, chapter 18D.

EFFECTIVE DATE. Parts 1505.2100 to 1505.2800 are effective January 1, 1994, except that an owner or operator may submit an application for a chemigation permit according to part 1505.2200 and the commissioner may collect the required fee and grant a chemigation permit before January 1, 1994.

REPEALER. *Minnesota Rules*, parts 1505.2000; 1505.2010; 1505.2020; 1505.2030; 1505.2040; 1505.2050; 1505.2060; 1505.2070; and 1505.2080, are repealed effective December 31, 1993.

Department of Agriculture

Proposed Permanent Rules Relating to Certified Seed Potatoes

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 adopt these amendments is *Minnesota Statutes*, section 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 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 comment period ends on July 8, 1992. All comments must be received by the department by 4:30 p.m. on that day.

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 are 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 department has determined that the proposed amendments will approve the workability of the present rule governing certified seed potatoes and place no additional administrative or economic restraints on producers. Therefore, no special provisions for small business have been incorporated into the amendments.

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 amendments must submit a written request to Ms. Milligan.

Dated: 19 May 1992

Elton Redalen, Commissioner
Department of Agriculture

Rules as Proposed

1555.6810 MINNESOTA GROWERS.

From Minnesota growers: Primary Foundation certified seed potatoes; Foundation certified seed potatoes; Generation certified seed potatoes; or Certified seed potatoes. ~~A grower may replant his own certified seed potatoes.~~ The commissioner may authorize ~~the planting of purchased~~ growers to replant their own Certified seed potatoes if there is no source of Primary Foundation certified ~~or~~, Foundation certified, or Generation certified seed potatoes available to the grower.

1555.6820 NON-MINNESOTA GROWERS.

From non-Minnesota growers: seed potatoes approved for certification planting by the certifying agency in another state or a Canadian province may be planted if tolerances for certification meet Minnesota tolerances for Generation, Foundation, or Primary Foundation certified seed potatoes.

1555.6840 REQUIREMENTS FOR CERTIFIED SEED POTATO PRODUCTION.

[For text of subpart 1, see M.R.]

Subp. 2. **Field inspection.** Certification ~~shall~~ must be based upon information regarding the following: stand, general vigor, varietal purity, disease tolerances, and factors affecting field inspection. At least two field inspections ~~shall~~ must be made of each field during the growing season. Additional inspections may be made if deemed necessary by the commissioner.

[For text of items A to C, see M.R.]

D. Disease tolerances (percentage of infected plants). A field ~~shall~~ must be rejected if it contains percentages of diseased plants in excess of those listed in the following table. The disease percentages listed are based on symptoms ~~which~~ that are visible in the sample being inspected.

Maximum Disease Tolerance Levels

Diseases	First Inspection	Second and Subsequent Inspections
Severe mosaic (~~rugose, crinkle and leafrolling~~ potato virus Y)	~~0.5%~~ 1.0%	~~0.3%~~ 1.0%
Spindle tuber	0.1%	0.1%
Leafroll	0.5%	0.3%
Total of above diseases	1.0%	~~0.5%~~ 1.0%
Yellow dwarf	0.5%	0.5%
Calico	0.5%	0.5%
Haywire	0.5%	0.5%
Witches broom	0.5%	0.5%
Total of above 4 diseases	0.5%	0.5%
Mild mosaic	2.0%	1.0%
Bacterial ring rot, field rejected if found	0.0%	0.0%

[For text of item E, see M.R.]

[For text of subps 3 to 6, see M.R.]

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.

Stat Authority 21.118

It shall be the duty of the Commissioner to promulgate reasonable rules for carrying out the purposes and enforcing the provisions of sections 21.111 to 21.152.

end of comment period July 8, 1952

Department : AGRICULTURE

STATE OF MINNESOTA
Office Memorandum

Date : July 15, 1992

To : Patty Nolte
Attorney General's Office

From : Carol Milligan CM
Agriculture Planning Division

Rec 7-17-92

Phone : 296-6906

Subject : **Review of Proposed Rule Governing Certified Seed Potatoes**

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 questions.

cc: Newell Searle, Deputy Commissioner
Paul Strandberg, Special Assistant Attorney General
Art Mason, Plant Protection
Richard Zink, Plant Protection

LIST OF ATTACHED DOCUMENTS

A. Rule as Proposed

B. Notice of Intent

C. Memo to LCRAR that accompanied the Statement of Need

D. Statement of Need

E. Affidavit of Mailing

F. Mailing List Certificate

G. *State Register* Photocopy of Notice of Intent

H. Rule as Adopted (four copies)

I. Findings of Fact

J. Declaration of Counsel

Department of Agriculture

Proposed Permanent Rules Relating to Certified Seed Potatoes

Rules as Proposed

1555.6810 MINNESOTA GROWERS.

From Minnesota growers: Primary Foundation certified seed potatoes; Foundation certified seed potatoes; Generation certified seed potatoes; or Certified seed potatoes. ~~A grower may replant his own certified seed potatoes.~~ The commissioner may authorize ~~the planting of purchased~~ growers to replant their own Certified seed potatoes if there is no source of Primary Foundation certified ~~or~~, Foundation certified, or Generation certified seed potatoes available to the grower.

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[For text of subpart 1, see M.R.]

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[For text of items A to C, see M.R.]

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Approved
by Revisor _____

symptoms ~~which~~ that are visible in the sample being inspected.

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Diseases	First Inspection	Second and Subsequent Inspections
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Spindle tuber	0.1%	0.1%
Leafroll	0.5%	0.3%
Total of above diseases	1.0%	~~0.5%~~ 1.0%
Yellow dwarf	0.5%	0.5%
Calico	0.5%	0.5%
Haywire	0.5%	0.5%
Witches broom	0.5%	0.5%
Total of above 4 diseases	0.5%	0.5%
Mild mosaic	2.0%	1.0%
Bacterial ring rot, field rejected if found	0.0%	0.0%

[For text of item E, see M.R.]

[For text of subps 3 to 6, see M.R.]

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Certified Seed Potatoes

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

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 RULE 1555.6810, 1555.6820 and 1555.6840

STATEMENT OF NEED AND REASONABLENESS

I. INTRODUCTION

The subject of this rule making 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, sections 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 amendments are noncontroversial in nature because they are 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 these amendments the department has directed that the rule making proceedings be conducted in accordance with the statutory provisions governing the adoption of noncontroversial rules, Minnesota Statues, section 14.22 to 14.28. Accordingly, the rule making proceedings on the proposed amendments are governed by the statute and no hearing will be conducted on the proposed amendments unless 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 by the State Register.

II. GENERAL OVERVIEW

Rule 1555.6810 Minnesota Growers

This rule allows seed potato growers to replant certified seed potatoes produced during the previous growing season within their farming operation without regard for the winter test requirement. This rule also allows the Commissioner to authorize growers to plant purchased Certified seed potatoes, thereby waiving the winter test requirement on seed being entered for recertification. Allowing a seed potato grower to replant his own certified seed potatoes without a winter test requirement, has on many occasions resulted in serious disease problems within individual farming operations. Few seed potato growers utilize this option and no other seed potato certification programs in the U.S. allow it due to the threat of disease. The purchasing of non winter tested Certified seed for replanting by seed growers carries an even greater risk of disease and is not allowed in other states. To correct this weakness and inconsistency in Minnesota's seed potato certification rules, MDA is proposing to amend rule 1555.6810 such that growers may only replant their own Certified seed potatoes if authorized by the Commissioner, and that planting of purchased Certified seed potatoes is not allowed under any circumstances.

Rule 1555.6840 Requirements for Certified Seed Potato Production

This rule states the tolerance levels for various potato diseases and basic requirements that must be met by a seed grower in order to produce certified seed potatoes. The rule covers field inspection, maximum disease tolerances, rogueing, storage, tags, bulk certificates, and seals and grading. There are four classes of Minnesota certified seed potatoes: Primary Foundation, Foundation, Generation and Certified. The Certified class of seed potato has the highest disease tolerances, is not winter tested, and generally not planted for recertification. The Certified class of seed potato is covered under Rule 1555.6840. With the exception of disease tolerances, Rule 1555.6840 is fairly consistent with seed potato certification

requirements across the U.S. Disease tolerances for certification are not standard and vary considerably from state to state. This is due to the fact that different areas of the country have different endemic disease problems. Consequently, disease tolerances for seed potato certification have evolved independently, from state to state, depending on what the seed industry in a particular state can live with. Historically, Minnesota has had the most stringent disease tolerances for certified seed potatoes in the country. The dynamics of potato diseases, however, are always changing and over the past six years Minnesota has seen a marked increase in the incidence severe mosaic. The causal agent of severe mosaic is potato virus Y (PVY). PVY is endemic to Minnesota and has been an irritant for seed growers for decades. Recently, however, due to numerous changes in seed production practices, there has been a substantial increase in PVY, so much so that levels of PVY in Minnesota are now much the same as in other seed producing states. At this time, Minnesota's tolerance for PVY is 0.3% while in other states such as Wisconsin, Michigan, and Maine the tolerance is 1.0% or more. This discrepancy puts Minnesota seed growers at a considerable disadvantage in the marketplace. For example, a potato grower in Florida, required by law to plant certified seed, could purchase certified seed from a grower in Maine that may be carrying 1.0% or more PVY. While at the same time, a seed potato grower in Minnesota is excluded from the Florida market because his seed potatoes weree rejected for carrying perhaps 0.5% PVY. To help minimize this discrepancy between Minnesota's tolerance for PVY and certification tolerances imposed on seed in other states, MDA is proposing to amend Rule 1555.6840 Subpart 2.D. such that the term severe mosaic refers specifically to potato virus Y and that upon first, second, and subsequent inspections, the tolerance for PVY is 1.0%.

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

1555.6810 Minnesota Growers

This proposed amendment is reasonable because it will help reduce the threat of disease in seed potato production. Historically, few seed growers have replanted their own Certified seed, and when it has occurred it has usually resulted in serious disease problems. In some cases, however, where there is a drastic shortage of Primary Foundation, Foundation, and Generation certified seed, replanting of Certified seed would be allowed but only under the close scrutiny of the Commissioner. This amendment will make Minnesota's requirements for certification consistent with those in neighboring states. The term Generation certified is being added to this section so that it is consistent with other sections of the current rules relating to certified seed potatoes.

1555.6820 Non-Minnesota Growers

The term Generation certified seed is being added to this section so that it is consistent with other sections of the current rules relating to certified seed potatoes.

1555.6840 Requirements for Certified Seed Potato Production Subpart 2.D. Disease Tolerances.

The proposed amendment to this rule is reasonable because it will not substantially diminish the general quality of Minnesota Certified Seed Potatoes. This amendment affects only the Certified class of certified seed potatoes. The tolerance for PVY for all other classes of certified seed would remain unchanged. The Certified class is the lowest of the four classifications of seed potatoes certified by the State and is marketed exclusively to commercial potato growers. A 1.0% level of PVY in seed potatoes destined for commercial production does not pose a threat. There is no research data to indicate that a 1.0% PVY infection level in seed potatoes significantly reduces their productivity under commercial conditions. The proposed amendments would bring Minnesota into conformity with other states and allow Minnesota seed growers to compete more effectively in the national marketplace.

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 changes will have on the certified seed potato industry.

The Department has determined that the proposed amendments will improve the workability of the present rules addressing certified seed potatoes and place no additional economic restraints or demands on producers. These amendments will be a positive benefit to Minnesota certified seed potato growers.

X442

Department : Agriculture

STATE OF MINNESOTA

Office Memorandum

Date : May 22, 1992

To : Maryanne Hruby, Director
LCRAR

From : Carol Milligan
Agriculture Planning Division

Phone : 296-6906

Subject : **Rule Governing Certified Seed Potatoes**

As required by Minnesota Statutes, sections 14.131 and 14.23, attached is the Statement of Need and Reasonableness for the above-captioned rule. The Notice of Intent to Adopt and the rule will be published in the *State Register* on 6/8/92.

Attachment

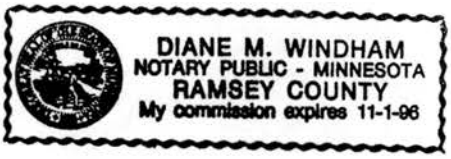
In the Matter of the Proposed Adoption of the Rule of the State Department of Agriculture Governing Certified Seed Potatoes

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 3rd day of June, 1992, 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.



Marie Skerbitz
Mail Room Manager

Subscribed and sworn to before me
this 3rd day of June, 1992.

Diane M. Windham

In the Matter of the Proposed Rule
of the State Department of Agriculture
Governing Certified Seed Potatoes

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 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 3rd day of June, 1992.

Carol Milligan
Management Analyst

DIANE M. WINDHAM
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My commission expires 11-1-96

Subscribed and sworn to before me
this 3rd day of June, 1992.

Diane M. Windham

Department of Agriculture

Plant Industry Division

In the Matter of the Proposed Amendments to the Rule of the State Department of Agriculture Governing Certified Seed Potatoes	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 adopt these amendments is Minnesota Statutes, section 21.118.

(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. The comment period ends on July 8, 1992. All comments must be received by the department by 4:30pm on that day.

(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 are 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.

The department has determined the the proposed amendments will approve the workability of the present rule governing certified seed potatoes and place no additional administrative or economic restraints on producers. Therefore, no special provisions for small business have been incorporated into the amendments.

(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 amendments must submit a written request to Ms. Milligan.

5-19-92

Date

STATE OF MINNESOTA

Elton Redalen

Elton Redalen, Commissioner
Department of Agriculture

STATE OF MINNESOTA
DEPARTMENT OF AGRICULTURE

In the Matter of the Proposed Adoption of the Rule of the State Department of Agriculture Governing Certified Seed Potatoes

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 June 8, 1992, 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 June 3, 1992.

(2) 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 certified seed potatoes is adopted this 9th day of July, 1992, pursuant to authority vested in me by Minnesota Statutes, section 21.118.

(9)

Elton Redalen

Elton Redalen
Commissioner

In the Matter of the Adoption of the Rule of the State Department Agriculture Governing Certified Seed Potatoes

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: 7/10/92