

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

AVK 9/16/92

Problem with authority see below AVK

RULE REVIEW CHECKLIST

File No. 1950
DATE RECEIVED 9-15-92
REVIEW DATE 9-24-92
DUE DATE 9-29-92
(DIS)APPROVED 9-29-92
WITHDRAWN _____

Docket No. 05 0009 0986
ADOPTED W/O HEARING _____
EMERGENCY RULE _____
TO REVISOR ON 9-16-92
REVISOR (DIS)APPROVED ~~9-16-92~~ 9/21/92
FILED W/SEC. OF STATE 9-29-92
RETURNED TO AGENCY 9-29-92

✓ 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
16A.128 Statutory Authority Problem no authority to do rules only authority to do fees.
_____ Small Business Statement
_____ Expenditure of public money statement
6-16-92 Signature

Has auth. under 16A.128, subds. 1 & 2 & 14.06. AVK

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

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
July 22, 1992 Dated (30/25 days before adoption
_____ Notice attached indicates it is attached
_____ Copy of rule or summary attached

✓ Publication in State Register
July 27, 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
August 27, 1992 Date

✓ Written Requests, Submissions or Comments

✓ Declaration of Attorney
Paul Strandlers 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 : September 29, 1992

FROM : AMY V. KVALSETH AVK
Special Assistant
Attorney General

PHONE : 296-9422

SUBJECT : In the Matter of the Adopted Rule Relating to Advocate Fees

The above-referenced rule has been approved as to its legality by the Attorney General on September 29, 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.bb4

Department of Agriculture

Adopted Permanent Rules Relating to Advocate Fees

Rules as Adopted

1502.0027 ADVOCATE SERVICES FEES.

As allowed in Minnesota Statutes, section 17.03, subdivision 9, the Department of Agriculture shall charge $15 per hour following a free two-hour consultation for farm advocate services. The department shall waive the fees upon proof that the farm advocate's client has a reportable federal adjusted gross income of $15,000 or less and a debt to asset ratio of greater than 50 percent.

APPROVED AS TO FORM AND LEGALITY

9-29 19 92

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Amy V. Kvåleth
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

SEP 29 1992

Joan Anderson Growe
Secretary of State

1:38P
RA

STATE OF MINNESOTA
DEPARTMENT OF AGRICULTURE

In the Matter of the Proposed Adoption of the Rule of the State Department of Agriculture Governing Advocate Fees

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 July 27, 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 July 22, 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. (3) Before the notice was submitted to the *State Register*, a copy of the notice of intent to adopt rules without a public hearing and the proposed rule was sent to the chairs of the house appropriations committee and senate finance committee.

(4) All persons were given the opportunity to submit comment on the rule for 30 days after the notice of proposed rulemaking. (5) The department received 2 requests for a public hearing. Therefore the department did not receive request for a public hearing from 25 or more persons which were not withdrawn.

(7) No requests for notice of submission to the attorney general were received by the agency.

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

(9) NOW, THEREFORE, IT IS ORDERED that the rule identified as the rule governing advocate fees is adopted this 27th day of August, 1992, pursuant to authority vested in me by Minnesota Laws 1992, chapter 513, article 2, section 12 and section 6, subdivision 4.

Elton Redalen
Commissioner

Rep. Loren G. Jennings

District 19B

Chisago, Isanti, Kanabec,
Pine Counties

Minnesota House of Representatives

COMMITTEES: APPROPRIATIONS, HEALTH AND HUMAN SERVICES DIVISION;
ENVIRONMENT AND NATURAL RESOURCES; LABOR-MANAGEMENT RELATIONS; REGULATED INDUSTRIES

RECEIVED
AUG 20 1992
PLANNING DIVISION

August 19, 1992

Ms. Carol Milligan
Minnesota Department of Agriculture
90 West Plato Blvd.
St. Paul, MN 55107

Dear Ms. Milligan:

I am writing to request that a public hearing be held on the proposal to charge a $15 per hour fee for the services of farm advocates. I believe this will pose an incredible hardship on the farmers of our area, and therefore should not be instituted.

I would also appreciate being notified of the hearing when it is scheduled.

Sincerely,

Loren Jennings
State Representative

LJ/bcm

Box 27, Rush City, Minnesota 55069 (612) 358-4063
State Office Building, St. Paul, Minnesota 55155 House Fax (612) 296-1563 (612) 296-0518

STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

In the Matter of the Proposed Rule of the Department of Agriculture Setting Fees for Farm Advocate Services

Statement of Need and Reasonableness

Introduction

Farm Advocate services fees established under Laws 1992, Chapter 513, article 2, section 12 and section 6, subdivision 4, are expected to increase non-dedicated general fund revenues by $100,000 in fiscal year 1993. M.S., section 16A.128 requires that certain fees be established by rule. The Department of Finance has determined that this fee must be set by rule.

Small Business Impact

The farmers affected by these fees are small businesses as defined by Minnesota Statutes, section 14.115. These farmers must now pay a fee for services that were previously offered for free. However, a fee waiver is provided for extreme financial hardship. The methods for lessening impact under items (a) through (d) of section 14.115, subdivision 2 do not apply because there are no standards or reporting requirements. In regard to item (e) of subdivision 2, farmers meeting certain income and debt requirements are exempt from the requirements of the rule.

Need for and Reasonableness of the Proposed Rule

The rule is necessary because the Finance Department will not allow fees required by Laws 1992, Chapter 513 to be collected unless the fee is set by rule. $15.00 per hour is reasonable because it will increase non-dedicated general fund revenues by $100,000 as expected in Laws 1992, Chapter 513, article 2, section 6, subdivision 4.

The gross income and debt to asset ratio set for the waiver is reasonable because it is based on financial guidelines used by Minnesota Legal Services who also assist farmers who cannot pay for legal counsel.

SF-00006-05 (4/86)

DEPARTMENT : OF AGRICULTURE

STATE OF MINNESOTA

Office Memorandum

DATE : June 15, 1992

TO : John Gunyou
Commissioner of Finance

FROM : Elton R. Redalen
Commissioner

PHONE : 297-3219

SUBJECT : Establishment of Fee; Farm Crisis Assistance

As per State of Minnesota Laws of 1992, Chapter 513, Section 12 authorizing the Department of Agriculture to charge a fee for farm crisis assistance services provided to persons outside of the department, we are submitting a fee review. After discussions with the Division Director and review of the Farm Advocate Program, the Department is proposing a fee of $15.00 per hour. Attached for approval by the Department of Finance in accordance with Minnesota Statute 16A.128, is an Order for Adjustment of Fees which are set by the Commissioner of Agriculture under Minnesota Statute 17.03, Subd. 9.

Attachment

cc: Joseph Komro, Director, Financial Administration Division
Arthur Mason, Director, Plant Industry Division

Minnesota Department of Agriculture

(612) 296-2857

ORDER FOR ADJUSTMENT OF FEES

Pursuant to the authority vested in me under Minnesota Statutes, Section 16A.128 and 17.03, Subd. 9, I hereby find the need for fees and hereby order that the following fees be set for farm crisis assistance services. These fees shall be effective on or after July 1, 1992.

These fees are payable by the parties requesting farm crisis assistance service to the Commissioner of Agriculture pursuant to law.

SCHEDULE OF FEES

Type	Fee
Farm Crisis Assistance Fee	$15.00 per hour

6-15-92
Date

Elton Redalen
Elton Redalen
Commissioner

APPROVED: Commissioner of Finance

By: Thos. H. Martin for Bruce Reddiman

30-Jun-92
Date

• 90 West Plato Boulevard • Saint Paul, Minnesota 55107-2094 • (612) 297-2200 • Fax (612) 297-5522 •

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FI-00195-02 (3/90)

Department of Finance

FEE REVIEW - Details of Cost

Date Prepared: 06/06/92

Department/Agancy: AGRICULTURE, DEPARTMENT OF

Budget Activity: FARM CRISIS ASSISTANCE

Fee Name: FARM CRISIS ASSISTANCE FEE

Detailed Listing of Items Included as Costs on Fee Review Form FI-00194-07 Dollars in Thousands (137,522 = 138)

Fiscal Year:	Actual F.Y. 89	Actual F.Y. 90	Actual F.Y. 91	Estimated F.Y. 92	Requested F.Y. 93
Agency Direct Expenditures					200
Salary Increase	XXXXXXXXXXXX	XXXXXXXXXXXX	XXXXXXXXXXXX		-0-
Attorney General			-0-	-0-	-0-
Statewide Indirect 1.31%					2
Agency Indirect 4.32%					9
Totals: must agree with cost on Fee Review Form					211

Remarks:

Estimated Farmer Clients Served	780
Clients served at no charge	- 200
Clients subject to billing	580
Projected Billable Hours per Client	x 11.50 Hours
Total Projected Billable Hours	6,670
Proposed Hourly Fee	x $15.00
	$100,060.00

SCHEDULE OF FEES

Farm Crisis Assistance Fee	$15.00/Hour

Department of Finance

FEE REVIEW

Date Prepared: 06/06/92

Department/Agency:	Budget Activity:
AGRICULTURE, DEPARTMENT OF	FARM CRISIS ASSISTANCE

Fee Name: FARM CRISIS ASSISTANCE FEE

Legal Citation:	Fee Set By: ☐ Law ☒ Agency
Laws of 1992, Chapter 513, Sec. 12	

Purpose of Fee:
To provide funding for the Farm Advocate Services provided to persons outside the Department of Agriculture.

☐ Dedicated ☒ Non-Dedicated	Revenue Code: 300

APID:	Fund:	Accumulated Difference Thru 1988:	Dollars in Thousands (137,522 = 138)
30000:99-10	10	-0-	

Fiscal Year:	Actual F.Y. 89	Actual F.Y. 90	Actual F.Y. 91	Estimated F.Y. 92	Requested F.Y. 93
Actual/Anticipated Receipts					100
Less Actual/Anticipated Costs					211
Current Difference					(111)
Accumulated Difference					(111)
Number Paying Fee	NEW FEE				
Present Fee	SEE ATTACHMENT				
Date Fee Last Changed 07-01-92					

Remarks:

This is a new fee and receipts will start 7-1-92.

Funds will be deposited to APID# 30000:99-10 and expenditures will be made through APID# 30001:38-10.

Department Authorized Signature: [signature]

Finance Department Recommendation:

I recommend approval of this fee. It was executive branch and legislative intent that this fee recover $100,000 a year, roughly half the costs of the Farm Advocate program.

Executive Budget Officer Signature: James M. Knox

Problem Stat Authority 16A. 128-

That is authority to do fees but what about authority to do rules. Should have cited both authority - Harmless Error

end of comment period - Aug 26, 1992

Send letters and obtain approval from Finance

Department : AGRICULTURE

STATE OF MINNESOTA
Office Memorandum

Date : September 11, 1992

To : Patty Nolte
Attorney General's Office

From : Carol Milligan
Agriculture Planning Division

Phone : 296-6906

Subject : **Review of Proposed Rule Governing Advocate Fees**

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: Herb Halvorson, Assistant Commissioner
Paul Strandberg, Special Assistant Attorney General
Pat Schuna, Farm Advocates

RECEIVED
SEP 13 1992
Office of the Attorney General
Government Services Section
Capitol Office Bldg. - Suite 500
525 Park Street
Saint Paul MN 5510-

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. Notice to chairs of Finance & Appropriations Committees of fee setting by rule

H. *State Register* Photocopy of Notice of Intent

I. Rule as Adopted (four copies)

J. Findings of Fact

K. Submissions and Comments

L. Declaration of Counsel

Department of Agriculture

Proposed Permanent Rules Relating to Advocate Fees

Rules as Proposed (all new material)

1502.0027 ADVOCATE SERVICES FEES.

As allowed in Minnesota Statutes, section 17.03, subdivision 9, the Department of Agriculture shall charge $15 per hour following a free two-hour consultation for farm advocate services. The department shall waive the fees upon proof that the farm advocate's client has a reportable federal adjusted gross income of $15,000 or less and a debt to asset ratio of greater than 50 percent.

Approved by Revisor Craig

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Advocate Fees

AGENCY: Department of Agriculture

MINNESOTA RULES: Chapter 1502

The attached rules are approved for
publication in the State Register

Craig E. Lindeke
Senior Assistant Revisor

Department of Agriculture

Farm Advocate Program

In the Matter of the Proposed Rule	NOTICE OF INTENT TO ADOPT
of the State Department of Agriculture	A RULE WITHOUT A PUBLIC
Governing Farm Advocate Services Fees	HEARING

(1) Notice is hereby given that the Minnesota Department of Agriculture intends to adopt the above-entitled rule 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 this rule is Minnesota Statutes, section 16A.128.

(2) All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. (3) 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. (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 rule 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 August 26, 1992. All comments must be received by the department by 4:30pm on that day.

The proposed rule 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 rule as noticed. (8)

A copy of the proposed rule are attached to this notice. (11)

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available upon request from Ms. Milligan. (12)

(14) The department has determined that the farmers affected by the rule are small business as defined by Minnesota Statutes, section 14.115. Farmers will have to pay a fee for a service that was previously offered for free. However, the rule provides for a fee waiver in cases of financial hardship.

(9) If no hearing is required, upon adoption of the final rule, the rule 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.

6-16-92
Date

STATE OF MINNESOTA
Elton Redalen
Elton Redalen, Commissioner
Department of Agriculture

Department : Agriculture

STATE OF MINNESOTA
Office Memorandum

Date : July 9, 1992

To : Maryanne Hruby, Director
LCRAR

From : Carol Milligan
Agriculture Planning Division

Phone : 296-6906

Subject : **Rule Governing Advocate Fees**

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 7/27/92.

Attachment

In the Matter of the Proposed Adoption
of the Rule of the State Department of
Agriculture Governing Advocate
Fees

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 22nd day of July, 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.

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

Marie Skerbitz
Mail Room Manager

Subscribed and sworn to before me
this 22nd day of July, 1992.

Diane M. Windham

In the Matter of the Proposed Rule
of the State Department of Agriculture
Governing Advocate Fees

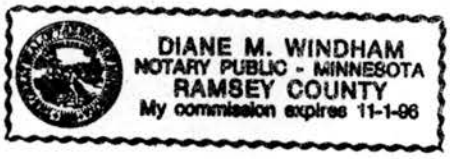
CERTIFICATE OF MAILING LIST

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 22nd day of July, 1992.

Carol Milligan
Management Analyst



Subscribed and sworn to before me
this 22nd day of July, 1992.

Diane Windham

Minnesota Department of Agriculture

July 22, 1992

TO: Representative Wayne Simoneau
Appropriations Committee Chairman

FROM: Carol Milligan, Management Analyst
Agriculture Planning Division

SUBJ: Proposed Rule of the Department of Agriculture

Enclosed you will find a "Notice of Intent to Adopt a Rule Without a Public Hearing" and proposed rule governing advocate fees. The Notice explains the procedures that will be followed in adopting the rule including opportunities for public comment.

The Notice and the proposed rule will be published in the *Minnesota State Register* on Monday, July 27, 1992. The 30-day comment provided for by the Administrative Procedures Act will extend from that date until August 26, 1992.

Please call if you have any questions.

CM:dw

Enclosure

• 90 West Plato Boulevard • Saint Paul, Minnesota 55107-2094 • (612) 297-2200 • Fax (612) 297-5522 •

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Minnesota Department of Agriculture

July 22, 1992

TO: Senator Gene Merriam
Finance Committee Chairman

FROM: Carol Milligan, Management Analyst
Agriculture Planning Division

SUBJ: Proposed Rule of the Department of Agriculture

Enclosed you will find a "Notice of Intent to Adopt a Rule Without a Public Hearing" and proposed rule governing advocate fees. The Notice explains the procedures that will be followed in adopting the rule including opportunities for public comment.

The Notice and the proposed rule will be published in the *Minnesota State Register* on Monday, Juluy 27, 1992. The 30-day comment provided for by the Administrative Procedures Act will extend from that date until August 26, 1992.

Please call me at 296-6906 if you have any questions.

CM:dw

Enclosure

• 90 West Plato Boulevard • Saint Paul, Minnesota 55107-2094 • (612) 297-2200 • Fax (612) 297-5522 •

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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 Advocate Fees

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 rule 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 this rule is *Minnesota Statutes*, section 16A.128.

All persons have 30 days 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 their name and address, and is encouraged to identify the portion of the proposed rule 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 August 26, 1992. All comments must be received by the department by 4:30 p.m. on that day.

The proposed rule 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 rule as noticed.

A copy of the proposed rule are attached to this notice.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available upon request from Ms. Milligan.

The department has determined that the farmers affected by the rule are small business as defined by *Minnesota Statutes*, section 14.115. Farmers will have to pay a fee for a service that was previously offered for free. However, the rule provides for a fee waiver in cases of financial hardship.

If no hearing is required, upon adoption of the final rule, the rule 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,

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.

General, or who wish to receive a copy of the adopted rule must submit a written request to Ms. Milligan.

Dated: 16 June 1992

State of Minnesota
Elton Redalen, Commissioner
Department of Agriculture

Rules as Proposed (all new material)

1502.0027 ADVOCATE SERVICES FEES.

As allowed in *Minnesota Statutes*, section 17.03, subdivision 9, the Department of Agriculture shall charge $15 per hour following a free two-hour consultation for farm advocate services. The department shall waive the fees upon proof that the farm advocate's client has a reportable federal adjusted gross income of $15,000 or less and a debt to asset ratio of greater than 50 percent.

Department of Health

Proposed Permanent Rules Relating to Health; Traumatic Brain Injury and Spinal Cord Injury Registry

Notice of Intent to Adopt Rules Without a Public Hearing, Notice of Intent to Adopt Rules With a Public Heaing if 25 or More Persons Request a Hearing, and Notice of Intent to Cancel Hearing if Fewer Than 25 Persons Request a Hearing

I.

EXPLANATION OF ALTERNATIVE NOTICES.

The Minnesota Department of Health (hereinafter "Department") **is hereby giving notice** of its intent to adopt rules without a public hearing under the noncontroversial rulemaking procedure of *Minnesota Statutes* §§ 14.22 to 14.28 (1990). However, in case 25 or more persons request a hearing, thus necessitating that one be held pursuant to *Minnesota Statutes* § 14.25 (1990), and in order to expedite the rulemaking process should that occur, the Department is at the same time hereby giving notice of the hearing on the proposed rules pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1990). The hearing will be cancelled if 25 or more people do not request that one be held. The hearing will also be cancelled if a sufficient number of people withdraw their requests for a hearing. With the comment period closing on August 26, 1992, there will be 14 days before the scheduled hearing date which is September 9, 1992. This 14-day period will give interested persons ample time to contact the Department to find out whether the hearing will be cancelled and to plan accordingly.

II.

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING.

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health (hereinafter "Department") proposes to adopt the above-captioned rules without a public hearing unless 25 or more persons submit written requests for a public hearing. The Department has determined that the proposed rules will be noncontroversial in nature and has elected to follow procedures set forth in *Minnesota Statutes* §§ 14.22 to 14.28 (1990).

Interested persons shall have until August 26, 1992 to submit comments in support of or in opposition to the proposed rules. Comment is encouraged. Each comment should identify the portion of the proposed rules being addressed, the reason for the comment, and any change proposed to the rules by the comment. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change in the proposed language.

In addition to submitting comments, interested persons may request in writing, during the comment period, that a hearing be held on the proposed rules. Any person requesting a hearing should state his or her name, address, and telephone number and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any changes they want made to the proposed rules. If a person desires that a hearing be held on only a portion of the proposed rules, it is requested that the Department be informed of the specific rules on which a hearing is being requested at the time that the hearing request is made. This will enable the Department to limit the hearing, if one is held, to the specific issues of concern. A public hearing will be held only if 25 or more persons submit in writing requests for a hearing on the proposed rules or a portion thereof by August 26, 1992. If a hearing is required, it will be held in accordance with the provisions of *Minnesota Statutes* §§ 14.131 to 14.20 (1990) and the hearing notice provided in Part III below.

Comments or written requests for a public hearing should be submitted to: Mark Kinde, Minnesota Department of Health, Health Promotion and Education Division, 717 Southeast Delaware Street, P.O. Box 9441, Minneapolis, MN 55440, (612) 623-5782.

In the Matter of the Adoption of
the Rule of the State Department
Agriculture Governing Advocate Fees

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: 8/31/92

Becky Lourey
State Representative

District 14B
Pine, Aitkin, Carlton
and Kanabec Counties

Minnesota House of Representatives

COMMITTEES: HEALTH & HUMAN SERVICES, ECONOMIC DEVELOPMENT, FINANCIAL INSTITUTIONS AND INSURANCE, BANKING DIVISION AND GOVERNMENTAL OPERATIONS

RECEIVED
AUG 21 1992
PLANNING DIVISION

August 20, 1992

Ms. Carol Milligan
Minnesota Department of Agriculture
90 West Plato Blvd.
St. Paul, MN 55107

Dear Ms. Milligan:

I am writing to ask that the Department hold a public hearing regarding the proposal to charge $15 per hour for farm advocacy services.

Farm advocate services are an essential element in the rural economy and I believe that we should not be putting up barriers to the use of these services. I also fear that the fees could pose a real difficulty for our farmers in accessing the information they need to be successful. In a bad economy, this is the last thing we need.

If and when such hearings are scheduled, could you also please let me know so that I can plan to attend? Thank you for your assistance.

Sincerely,

BECKY LOUREY
State Representative

lo0200xx.1s

Box 100, Star Route, Kerrick, Minnesota 55756 (218) 496-5528
State Office Building, St. Paul, Minnesota 55155 House Fax (612) 296-1563 (612) 296-4308