

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Proposed Repeal of  
Obsolete Rules of the Department of  
Agriculture Relating to Grain Warehouse  
Examinations, Wholesale Produce  
Bonding, and Seed Tolerances and  
Requirements, Minn. R. Parts 1562.1100,  
subps. 1-3; 1510.0050-.0100; 1510.0231;  
1510.0261; 1510.0271; 1510.0320;  
1500.0201, subp. 2; 1500.0601;  
1500.0801; and 1500.1900

**ORDER ON REVIEW OF  
ADDITIONAL NOTICE PLAN**

This matter came before Chief Administrative Law Judge Jenny Starr upon the request for review of an Additional Notice Plan for the proposed repeal of obsolete rules pursuant to Minn. Stat. § 14.3895, subd. 2 (2020), filed by the Minnesota Department of Agriculture (Department). The Department's request was filed on October 25, 2021.

In its submissions, the Department included the following:

- the Department's Proposed Notice Plan for Repeal of Obsolete Rules;
- a proposed Notice of Intent to Repeal Obsolete Rules;
- the repealer and certification from the Minnesota Office of Revisor of Statutes, identifying the rules to be repealed; and
- the Department's Annual Rules Report, dated November 20, 2020.

The revised Additional Notice Plan states that the following groups and individuals will be served with a copy of the Notice of Intent to Repeal Obsolete Rules:

- the Minnesota Grain and Feed Association;
- the Co-op Network;
- all entities holding Minnesota licenses for grain buying and storing;
- the American Seed Trade Association;
- the Minnesota Seed Program Advisory Group;
- all entities holding permits to label seeds for sale in Minnesota;
- the Department Wholesale Produce Advisory Group, which includes the Minnesota Grocer's Association, the Minnesota Farmer's Market Association, The Good Acre, the Minnesota Milk Producer's Association,

the Minnesota State Poultry Association, and the University of Minnesota Extension;

- all entities “recently”<sup>1</sup> licensed by the Department under the wholesale produce statute, Minn. Stat. ch. 27;
- the Department’s rulemaking list; and
- the chairs and ranking minority party members of the legislative policy and budget committees with jurisdiction over the subject matter of the proposed rule repeals, as required by Minn. Stat. § 14.3895, subd. 3 (2020).

In addition, the Department noted that it will post the Notice of Intent to Repeal Obsolete Rules on its website for public viewing and will publish the Notice of Intent to Repeal Obsolete Rules in the *State Register*.

The Chief Administrative Law Judge finds that the Department’s Notice Plan is legally sufficient and, therefore,

**IT IS HEREBY ORDERED THAT:**

The Additional Notice Plan is **APPROVED** subject to service of notice on all entities who were licensed by the Department under the wholesale produce statute, Minn. Stat. § 27.04 (2019),<sup>2</sup> as opposed to all entities “recently licensed” by the Department under Minn. Stat. ch. 27.

Dated: October 28, 2021

A handwritten signature in black ink, appearing to be 'Jenny Starr', written over a horizontal line.

JENNY STARR  
Chief Administrative Law Judge

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<sup>1</sup> The Notice Plan states that it will serve all “entities recently licensed” by the Department under the wholesale produce statute, Minn. Stat. ch. 27, with notice of the proposed repeals. The Department explained that it used the words “recently licensed” because a license is no longer required for wholesale produce dealers under recent law changes.

<sup>2</sup> Minn. Stat. § 27.04, which required a license for wholesale produce dealers, was repealed in 2020. See 2020 Minn. Laws, ch. 89, art. 1, § 1. Therefore, there are no entities currently licensed under that statute. The intent of this requirement is to ensure that all entities holding a license prior to the law change receive notice of the proposed repeal of obsolete rules.