

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 900 TEMP

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 9-30
DATE FOR REVIEW
DATE DUE 10-7

Adopted w/a hearing
Adopted w/o hearing
Temporary rule ✓

Approved ____ Disapproved ____ Returned to Agency ____

Resubmitted ____ Due ____
Approved ____ Disapproved ____ Returned to Agency ____

Date filed w/Secretary of State ____ Revisor approved 9/30/83 disapproved ____

✓ Rule as Adopted

✓ Rule as Proposed see SR

✓ Order Adopting 9.29.83 Date

N/A Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
N/A date of Hearing

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

✓ Affidavit of Mailing Notice or rulemaking
8.19.83 At least ~~30~~ 20 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
8.22.83 At least ~~30~~/20 days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

Chief Hearing Examiner's Report(s)
Approving H.E.'s Report
Approving agency action

✓ Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

Certificate of Board's Resolution Adopting Rules

Order Approving Incorporation by Reference

Statement of Need and Reasonableness

Petition for Adopting of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

N/A Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

✓ Dept. of Finance approval

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

Office Memorandum

TO : Judith Wehrwein
Administration - Finance Division
Office of the Attorney General

DATE: 09-29-83

FROM : Gerald Heil, Director GH
Planning Division

PHONE: 296-1486

SUBJECT: Review of Adopted Temporary Rules

The Department of Agriculture has adopted temporary Rules Governing Fees for Agricultural Seed Registration and Testing (3 MCAR S 1.0172) pursuant to Minnesota Statutes sections 14.29-14.36, including amendments contained in Laws of Minnesota 1983, chapter 210. The rules are being sent to your office for review and approval, as required by Minnesota Statutes section 14.32.

Accompanying this memorandum you will find the documents which are required to be submitted for your review. A list of these documents is attached.

The department did not elect to solicit outside opinion on these proposed rules. The Temporary Rules as Adopted reflect written and oral comments received during the 20 day comment period following publication of the proposed temporary rules in the State Register on August 22, 1983. Copies of the written comments received are included in this record.

It is our understanding that your office will be submitting one copy of these proposed temporary rules to the Revisor's Office for approval as to form, in accordance with Laws of Minnesota 1983, chapter 210, section 2.

If you have any questions, please call me.

GH:dw

Enclosures

cc: Craig Lindeke, Office of Revisor of Statutes
Anne Kanten, Assistant Commissioner
Darryl L. Anderson, Assistant Commissioner
Jon Murphy, Special Assistant Attorney General
William Bulger, Agronomy Services Director
Chuck Dale, Agronomy Services
Julie Smendzuik-O'Brien, Planning Division

PLANNING DIVISION
DEPARTMENT OF AGRICULTURE
TEMPORARY SEED FEE RULES

ATTACHMENT A

LIST OF ENCLOSED DOCUMENTS

A. Temporary Rules as Adopted (original and three copies). Each copy reflects amendments made in the rules since original publication.

B. Order Adopting the Temporary Rule (two copies).

C. Order for Publication of Temporary Rule (one copy).

D. Affidavit of Mailing Notice of Intent to Adopt Temporary Rules (one copy).

E. Mailing List Certificate (one copy).

F. Temporary Rule as Proposed (one copy).

G. Findings of Fact and Conclusions (one copy).

H. Written Comments on the Temporary Rule (one copy each).

I. Certificate of Compliance with Rulemaking Procedures (one copy).

J. Revenue and Expenditure Analysis (one copy).

SP-00006-02

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT OF AGRICULTURE

TO : Gordon Donhowe
Commissioner
Department of Finance

DATE: 9/27/83

FROM : Jim Nichols
Commissioner

PHONE: 296-9310

SUBJECT: Temporary Rule Establishing
Fees Governing Agricultural Seed

Attached is the rule establishing fees for agricultural seed sold in Minnesota or tested and inspected by the Department. Temporary rule-making authority was authorized by Laws of Minnesota for 1983, Chapter 293, Section 44 for the Seed Inspection Fund established by Section 51 of that same Chapter.

The rule was previously submitted during July for approval pursuant to Laws of Minnesota for 1983, Chapter 301, Section 91, along with a fee analysis that included estimates of revenues and expenditures. The fees were set to cover all inspection and regulatory costs of the fund. Department of Finance approval was given on July 29, and the rule was published in the State Register on August 22 (8 S.R. 257). Subsequent to publication, the Department has reassessed the fee schedule and modified it as shown in the attached rule. It is anticipated that the changes will not affect the revenue or expenditure estimates previously submitted for the Seed Inspection Fund.

The Department wishes to adopt and implement these rules as soon as possible, and your concurrence is requested.

If you have questions regarding these fees, please contact the Department at any time.

JN:dw

Attachment

Date 9/27/83 Approved

Allen A. Yozamp, Director
Budget Operations and Support

MINNESOTA DEPARTMENT OF AGRICULTURE

SEED INSPECTION FUND

REVENUE AND EXPENDITURE ANALYSIS

PROPOSED FEES TO RECOVER INSPECTION COSTS

	Estimated Revenue	$399,500
Less:	Estimated Expenditures	393,200
	Revenue In Excess of Expenditures	$ 6,300 (1)

(1) The $6,300 Revenue In Excess of Expenditures will be utilized to build a cash reserve in future years to a level of the estimated expenditures for first quarter which is $55,200.

Cash Flow Analysis

Month (FY 1984)	Projected Income	Projected Expense	Monthly Gain or (Loss)	Cumulative Gain or (Loss)
July	$ 50,000	$ 16,800	$33,200	$33,200
August	38,000	20,400	17,600	50,800
September	5,000	18,000	(13,000)	37,800
October	9,000	18,400	(9,400)	28,400
November	5,000	17,500	(12,500)	15,900
December	7,000	19,000	(12,000)	3,900
January	37,000	30,000	7,000	10,900
February	43,000	29,600	13,400	24,300
March	6,500	27,100	(20,600)	3,700
April	121,000	91,100	29,900	33,600
May	68,000	44,300	23,700	57,300
June	10,000	61,000	(51,000)	6,300
Totals	$399,500	$393,200	$ 6,300	

Prepared by: Accounting Division
Date: 9/27/83

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : Jim Nichols, Commissioner
Attn: JON K. MURPHY, Special Assistant Attorney General

DATE: 9/30/83

FROM : TED A. MARTINEZ TAM
Special Assistant Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Adoption of Temporary Rules of the Department of Agriculture Governing Fees for Agricultural Seed Registration and Testing (3 MCAR § 1.0172).

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register. This must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

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

Encs.
TAM/ls
cc: Ms. Kathy Burek
Mr. Duane Harves

Department of Agriculture

Agronomy Services Division

Adopted Temporary Rule Governing Fees for Agricultural Seed Registration and Testing

Temporary Rule as Adopted

3 MCAR S 1.0172 [Temporary] Charges for testing and identifying seed.

A. Definitions. As used in this rule, "commissioner" means the commissioner of agriculture or the commissioner's designee, "person" has the meaning given in Laws of Minnesota 1983, chapter 293, section 40, subdivision 18, and "initial labeler" has the meaning given in Laws of Minnesota 1983, chapter 293, section 40, subdivision 12, except that it does not include persons exempted from having seed fee permits by Laws of Minnesota 1983, chapter 293, section 48, subdivision 4.

B. Sampling export seed. In accordance with Laws of Minnesota 1983, chapter 293, section 44, subdivision 13, the commissioner will, if requested, sample seed destined for export to other countries. The fee for sampling export seed is $20 per hour per inspector. In addition, the person requesting the sampling service shall pay the actual cost of mileage, meals, lodging, mailing or copying, any materials used in furnishing the service, and any other expense reasonably related to and necessary for providing the service.

C. Seed fee permits. An initial labeler who wishes to sell seed in Minnesota must comply with the provisions of Laws of Minnesota 1983, chapter 293, section 48, subdivisions 1 and 2, and the procedures set in 1.-4.

1. Each initial labeler who wishes to label seed for sale in Minnesota must apply to the commissioner to obtain a permit. The application must contain the name and address of the applicant, the application date, the desired effective date for the permit, and the name and title of the applicant's contact person. The application must be accompanied by an application

fee of $10. Initial labelers holding seed fee permits on the effective date of this rule need not apply for a new permit or pay the application fee.

2. All seed permit holders must file quarterly reports with the commissioner, even if no seed was sold during the reporting period. Each quarterly report must be submitted within 30 days of the end of the reporting period along with a $5 filing fee. The reporting periods are January 1 to March 31, April 1 to June 30, July 1 to September 30, and October 1 to December 31 of each year.

3. The holder of a seed fee permit must pay fees on all seed covered by Laws of Minnesota 1983, chapter 293, sections 39 to 51 and sold during the reporting period.

a. For agricultural seed sold in containers up to 160 pounds net weight, the fees per container are as follows except for those seeds specified in b.:

(1) Less than 15-pound container, 5 cents each;

(2) 15- to 30-pound container, 7 cents each;

(3) 30- to 60-pound container, 8 cents each;

(4) 60- to 100-pound container, 9 cents each; and

(5) 100- to 160-pound container, 10 cents each.

b. For the following agricultural seed sold either in bulk or in containers ~~larger than 160 pounds net weight,~~ the fees are as follows:

(1) Oats, ~~field peas,~~ 5 3 cents per cwt.;

(2) Wheat, ~~barley, field beans,~~ 6 3 cents per cwt.;

(3) Barley, 3 cents per cwt.;

(4) Rye, ~~soybeans, buckwheat,~~ 7 3 cents per cwt.;

~~(4) Flax, vegetables grown for processing, 8 cents per cwt.;~~

(5) ~~Corn, forage grasses, millets~~ Buckwheat, 9 3 cents per cwt.;

(6) ~~Sorghum, sunflowers, legumes~~ Field beans, ~~10~~ 7 cents per cwt.;

(7) ~~All other agricultural seeds~~ Field peas, ~~10~~ 7 cents per cwt.; and

(8) ~~lawn-and-turf-grass-seeds~~ Soybeans, ~~1-cent~~ 7 cents per ~~lb.~~ cwt.;

(9) Flax, 7 cents per cwt.; and

(10) Vegetables grown for processing, 7 cents per cwt.

c. For vegetable and flower seeds packed for use by home gardeners in small containers or in bulk, the fees are as follows:

(1) Vegetable, each pound, 10 cents; and

(2) Flower, each pound, 15 cents.

4. If a seed fee permit holder fails to submit a quarterly report and pay the seed fee within 30 days after the end of each reporting period, the commissioner shall assess a penalty of $10 or eight percent of the fee due, whichever is greater, but no more than $100 for each late quarterly report. A $10 penalty will be charged when the quarterly report is late, even if no fee is due for the reporting period. Seed fee permits may be revoked for failure to comply with the applicable provisions of this rule or the Minnesota Seed Law.

D. Hybrid seed corn variety registration fee. In accordance with Laws of Minnesota 1983, chapter 293, section 49, subdivision 2, the annual fee for the registration of each hybrid seed corn variety is $27.50, and must be paid at the time of registration.

E. Service testing and identification. The fees in 1.-4. for purity, germination, identification, or other related tests of seeds or plants for farmers, dealers, and others are established pursuant to Laws of Minnesota 1983, chapter 293, section 44, subdivision 12.

1. General crops, including corn, cereals, soybeans, sorghum, millet, sunflowers, clovers, alfalfa, ryegrass, timothy, flax, rape, and other similar seeds:

			Noxious Weed	
Purity	Germination	Both	Seed Only	Tetrazolium
$8	$5	$11	$4	$10

2. Grasses, including bromes, fescues, orchardgrass, reed

canary wheat grasses, bluegrasses, bentgrasses, redtop, green needle grass, weeping lovegrass, sandlove, sanddrop seed, and other similar seeds:

			Noxious Weed	
Purity	Germination	Both	Seed Only	Tetrazolium
$12	$7	$17	$6	$12

3. Chaffy range grasses, including big bluestem, Indiangrass, side oats grama, gramagrass, little bluestem, meadow foxtail, and similar seeds:

			Noxious Weed	
Purity	Germination	Both	Seed Only	Tetrazolium
$20	$10	$28	$10	$18

4. Mixtures: A--Full price of highest priced species plus one-half the price of each additional species. B--One-half the price of the purity test on the highest priced species in the mixture.

			Noxious Weed	
Purity	Germination	Both	Seed Only	Tetrazolium
A	A	Not Applicable	B	A

5. A fee of $12 per hour will be charged for tests which are specially requested but not included in E., or which require excess time due to abnormal sample conditions, such as unusual amounts of dirt or foreign material.

6. An additional fee of $2 per sample will be charged for any sample for which special handling is requested, such as samples marked "RUSH."

7. An additional fee of $2 will be charged for each sample received during the period of March 15 through June 30.

8. Fees are payable within 30 days of the invoice date by the person requesting a service. Late payment will result in an eight percent monthly service charge assessed against the unpaid balance.

OFFICE OF THE REVISOR OF STATUTES

Certificate of Approval of Adopted Rules

AR0383T

Agency: Department of Agriculture

Division: Planning Division

Agency Contact: Gerald Heil 296-1486

Rule Number: 3 MCAR S 1.0172 [Temporary]

Title: Adopted Temporary Rule Governing Fees for Agricultural Seed Registration and Testing

Type of Rules: Temporary

Incorporations by Reference: None

Duplication of Statutory Language: None

The attached rules are approved as to form.

APPROVED AS TO LEGALITY
9/30 19 83
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY
SPECIAL ASSISTANT ATTORNEY GENERAL

Steven C. Cross
Revisor of Statutes

Craig E. Lindeke
Assistant Revisor
Phone: 296-0946
Date: September 30, 1983

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT - 6 1983
Joan Anderson Growe
Secretary of State
3:20 P.M.

STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

In the Matter of the Proposed
Adoption of Temporary Rules of
the Department of Agriculture
Governing Fees for Agricultural
Seed Registration and Testing
(3 MCAR S 1.0172)

ORDER ADOPTING
TEMPORARY RULES

The above-entitled matter was published in the State Register on August 22, 1983, as a proposed temporary rule pursuant to Minnesota Statutes section 14.30. After affording interested and affected persons an opportunity to submit written data and views for at least 20 days after the publication date, reviewing and considering the data and views, and determining that the above-captioned rules are needed and reasonable.

NOW THEREFORE, IT IS ORDERED that these rules identified as the temporary Rules Governing Fees for Agricultural Seed Registration and Testing are adopted this 29th day of September, 1983, pursuant to authority vested in me by Laws of Minnesota 1983, chapter 293, section 44, subdivision 11.

State of Minnesota

Jim Nichols

Jim Nichols
Commissioner of Agriculture

STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

In the Matter of the Proposed
Adoption of Temporary Rules
Governing Fees for Agricultural
Seed Registration and Testing
(3 MCAR S 1.0172)

ORDER FOR PUBLICATION
OF TEMPORARY RULES

IT IS ORDERED this 4th day of August, 1983, that the proposed temporary rules in the above-entitled matter be published in the State Register.

STATE OF MINNESOTA

Darryl L. Anderson, Asst. Commissione
for Jim Nichols
Commissioner of Agriculture

In the Matter of the Proposed Temporary Rule of the Department of Agriculture Governing Fees for Agricultural Seed Registration and Testing (3 MCAR S 1.0172)

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Diane Windham, being first duly sworn, deposes and says:

That on the 19th day of August, 1983, at the City of St. Paul, County of Ramsey, State of Minnesota, he/she served the attached Notice of Intent to Adopt Temporary Rules by depositing in the State of Minnesota Central Mail System for United States mailing at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the Minnesota Department of Agriculture for the purpose of receiving notice of the proposed adoption of rules by this Department.

Diane Windham

Subscribed and sworn to before me
this 19th day of August, 1983.

Christine Canaday

Christine Canaday
NOTARY PUBLIC — MINNESOTA
RAMSEY COUNTY
My commission expires June 25, 1986

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Temporary Rule of the Department of Agriculture Governing Fees for Agricultural Seed Registration and Testing (3 MCAR S 1.0172)

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. § 14.14, subd. 1, that their names be placed on file with and maintained by the Minnesota Department of Agriculture for the purpose of receiving notice of the proposed adoption of rules by this Department is accurate and complete as of 9:00 A.m., this 19th day of August, 1983.

Julie Smendzink-O'Brien

3.019, 3.030, 3.032, 3.034-3.038, 3.040-3.041, 3.050, 3.052-3.054, 3.0541, 3.055, 3.060, 3.062-3.063, 3.0641, 3.0651, 3.0661, 3.067-3.078 (adopted) 293
8 MCAR §§ 3.033, 3.039, 3.064-3.065 (repealed) 293

TITLE 11 PUBLIC SAFETY

Part 1 Department of Public Safety
11 MCAR §§ 1.2094, 1.2140 (proposed) 289
11 MCAR §§ 1.3060-1.3066 (adopted) 243

Part 2 Corrections Department
11 MCAR §§ 2.001-2.012 (proposed) 57

TITLE 12 SOCIAL SERVICE

Part 2 Public Welfare Department
12 MCAR § 2.027 (adopted) 161
12 MCAR §§ 2.05001 [Temp]-2.5016 [Temp] (proposed) 6
12 MCAR §§ 2.05401-2.05403 (proposed temporary) 150
12 MCAR § 2.164 (proposed temporary) 160
12 MCAR § 2.204 (proposed) 189
12 MCAR §§ 2.494, 2.840 (proposed) 273

Part 3 House Finance Agency
12 MCAR §§ 3.002 [Temp], 3.055 [Temp]-3.057 [Temp] (proposed) 5
12 MCAR §§ 3.002 [Temp], 3.133 [Temp], 3.134 [Temp] (adopted) 116
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12 MCAR §§ 3.160 [Temp]-3.165 [Temp] (proposed) 111

TITLE 13 TAXATION

Part 1 Revenue Department
13 MCAR § 1.6016 (proposed repeal) 292
13 MCAR §§ 1.6004, 1.6501-1.6503; and 2019 (adopted) 114

TITLE 14 TRANSPORTATION

Part 1 Transportation Department
14 MCAR §§ 1.7001, 1.7003, 1.7005, 1.7007-1.7009 (adopted) .. 30

PROPOSED RULES

Pursuant to Minn. Stat. of 1980, §§ 14.21, 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 seven 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 modifications are supported by the data and views submitted.

If, during the 30-day comment period, seven 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 §§ 14.13-14.20 which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

Pursuant to Minn. Stat. § 14.29, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Agriculture
Agronomy Services Division

Proposed Temporary Rule Governing Fees for Agricultural Seed Registration and Testing

Notice of Intent to Adopt Temporary Rules

Notice is hereby given that the Minnesota Department of Agriculture proposes to adopt the above entitled temporary rule. The Commissioner of Agriculture will follow the procedures set forth in Minnesota Statutes, sections 14.29-14.36 in adopting this rule.

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.

Persons interested in this temporary rule shall have 20 days from the date the rule is published in the *State Register* to submit comments on the proposed rule. The proposed rule may be modified if the modifications are supported by the data and views submitted to the department.

Persons who wish to submit oral or written comments should submit the comments to: Gerald Heil, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, Minnesota 55107, (612) 296-1486.

Authority to adopt the rule is contained in Laws of Minnesota 1983, chapter 293, section 44, subdivision 11. The commissioner is authorized by this section to adopt temporary rules for enforcement of the Minnesota Seed Law, including the establishment and collection of fees. The proposed temporary rule sets the fees for sampling export seed, sets application and other fees for seed permit holders, states reporting requirements for seed permit holders, sets registration fees for hybrid seed corn varieties, and sets fees for laboratory service and testing of agricultural seeds.

Upon adoption of the temporary rule, the proposed rule, this notice, all written comments received, and the temporary rule as adopted will be delivered to the Attorney General for review as to form and legality. As required by the Administrative Procedures Act, this temporary rule will beeffectivefor not more than 180 days after its adoption, and may be continued in effect for up to an additional 180 days.

One free copy of this notice and the proposed temporary rule may be obtained by contacting Mr. Heil. Persons who wish to receive a copy of the temporary rule as adopted should also request it from Mr. Heil.

Jim Nichols
Commissioner of Agriculture

Temporary Rule as Proposed (All new material)

3 MCAR § 1.0172 [Temporary] Charges for testing and identifying seed.

A. Definitions. As used in this rule, "commissioner" means the commissioner of agriculture or the commissioner's designee, "person" has the meaning given in Laws of Minnesota 1983, chapter 293, section 40, subdivision 18, and "initial labeler" has the meaning given in Laws of Minnesota 1983, chapter 293, section 40, subdivision 12, except that it does not include persons exempted from having seed fee permits by Laws of Minnesota 1983, chapter 293, section 48, subdivision 4.

B. Sampling export seed. In accordance with Laws of Minnesota 1983, chapter 293, section 44, subdivision 13, the commissioner will, if requested, sample seed destined for export to other countries. The fee for sampling export seed is $20 per hour per inspector. In addition, the person requesting the sampling service shall pay the actual cost of mileage, meals, lodging, mailing or copying, any materials used in furnishing the service, and any other expense reasonably related to and necessary for providing the service.

C. Seed fee permits. An initial labeler who wishes to sell seed in Minnesota must comply with the provisions of Laws of Minnesota 1983, chapter 293, section 48, subdivisions 1 and 2, and the procedures set in 1.-4.

1. Each initial labeler who wishes to label seed for sale in Minnesota must apply to the commissioner to obtain a permit. The application must contain the name and address of the applicant, the application date, the desired effective date for the permit, and the name and title of the applicant's contact person. The application must be accompanied by an application fee of $10. Initial labelers holding seed fee permits on the effective date of this rule need not apply for a new permit or pay the application fee.

2. All seed permit holders must file quarterly reports with the commissioner, even if no seed was sold during the reporting period. Each quarterly report must be submitted within 30 days of the end of the reporting period along with a $5 filing fee. The reporting periods are January 1 to March 31, April 1 to June 30, July 1 to September 30, and October 1 to December 31 of each year.

3. The holder of a seed fee permit must pay fees on all seed covered by Laws of Minnesota 1983, chapter 293, sections 39 to 51 and sold during the reporting period.

a. For agricultural seed sold in containers up to 160 pounds net weight, the fees per container are as follows:

(1) Less than 15-pound container, 5 cents each;

(2) 15- to 30-pound container, 7 cents each;

(3) 30- to 60-pound container, 8 cents each;

(4) 60- to 100-pound container, 9 cents each; and

(5) 100- to 160-pound container, 10 cents each.

b. For agricultural seed sold in bulk or in containers larger than 160 pounds net weight, the fees are as follows:

(1) Oats, field peas, 5 cents per cwt.;

(2) Wheat, barley, field beans, 6 cents per cwt.;

(3) Rye, soybeans, buckwheat, 7 cents per cwt.;

(4) Flax, vegetables grown for processing, 8 cents per cwt.;

(5) Corn, forage grasses, millets, 9 cents per cwt.;

(6) Sorghum, sunflowers, legumes, 10 cents per cwt.;

(7) All other agricultural seeds, 10 cents per cwt.; and

(8) Lawn and turf grass seeds, 1 cent per lb.

c. For vegetable and flower seeds packed for use by home gardeners in small containers or in bulk, the fees are as follows:

(1) Vegetable, each pound, 10 cents; and

(2) Flower, each pound, 15 cents.

4. If a seed fee permit holder fails to submit a quarterly report and pay the seed fee within 30 days after the end of each reporting period, the commissioner shall assess a penalty of $10 or eight percent of the fee due, whichever is greater, but no more than $100 for each late quarterly report. A $10 penalty will be charged when the quarterly report is late, even if no fee is due for the reporting period. Seed fee permits may be revoked for failure to comply with the applicable provisions of this rule or the Minnesota Seed Law.

D. Hybrid seed corn variety registration fee. In accordance with Laws of Minnesota 1983, chapter 293, section 49, subdivision 2, the annual fee for the registration of each hybrid seed corn variety is $27.50, and must be paid at the time of registration.

E. Service testing and identification. The fees in 1.-4. for purity, germination, identification, or other related tests of seeds or plants for farmers, dealers, and others are established pursuant to Laws of Minnesota 1983, chapter 293, section 44, subdivision 12.

1. General crops, including corn, cereals, soybeans, sorghum, millet, sunflowers, clovers, alfalfa, ryegrass, timothy, flax, rape, and other similar seeds:

Purity	Germination	Both	Noxious Weed Seed Only	Tetrazolium
$ 8	$ 5	$11	$ 4	$10

2. Grasses, including bromes, fescues, orchardgrass, reed canary wheat grasses, bluegrasses, bentgrasses, redtop, green needle grass, weeping lovegrass, sandlove, sanddrop seed, and other similar seeds:

Purity	Germination	Both	Noxious Weed Seed Only	Tetrazolium
$12	$ 7	$17	$ 6	$12

3. Chaffy range grasses, including big bluestem, Indiangrass, side oats grama, gramagrass, little bluestem, meadow foxtail, and similar seeds:

Purity	Germination	Both	Noxious Weed Seed Only	Tetrazolium
$20	$10	$28	$10	$18

4. Mixtures: A—Full price of highest priced species plus one-half the price of each additional species. B—One-half the price of the purity test on the highest priced species in the mixture.

Purity	Germination	Both	Noxious Weed Seed Only	Tetrazolium
A	A	Not Applicable	B	A

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.

5. A fee of $12 per hour will be charged for tests which are specially requested but not included in E., or which require excess time due to abnormal sample conditions, such as unusual amounts of dirt or foreign material.

6. An additional fee of $2 per sample will be charged for any sample for which special handling is requested, such as samples marked "RUSH."

7. An additional fee of $2 will be charged for each sample received during the period of March 15 through June 30.

8. Fees are payable within 30 days of the invoice date by the person requesting a service. Late payment will result in an eight percent monthly service charge assessed against the unpaid balance.

Department of Commerce

Proposed Temporary Rules Governing Auto Insurance Nonrenewals

Notice of Intent to Adopt Temporary Rules

Notice is hereby given that the Department of Commerce is proposing to adopt temporary rules to govern auto insurance nonrenewals as authorized by Ch. 203, sec. 2 of the Session Laws of 1983 (Minn. Stat. § 65B.17, subd. 2). The proposed temporary rules follow this notice.

All interested parties are hereby afforded the opportunity to submit data and views on the proposed temporary rules for 20 days immediately following publication of this material in the *State Register*. Comments should be submitted in writing to:

Dale L. McDonnell
Department of Commerce
500 Metro Square Building
St. Paul, MN 55101

The proposed temporary rules may be modified if the modifications are supported by the data and views submitted to the department.

After the 20 day comment period, the proposed temporary rules with modifications, if any, will be sent to the Office of the Attorney General for final approval as to form and legality. The temporary rules shall take effect immediately upon the Attorney General's approval.

The temporary rules shall remain in effect until permanent rules are adopted or for 180 days. The temporary rules may also be extended for an additional 180 days.

August 8, 1983

Reynaud L. Harp
Deputy Commissioner of Commerce

Temporary Rules as Proposed (all new material)

4 MCAR § 1.9081 [Temporary] Scope of Authority.

Rules 4 MCAR §§ 1.9081-1.90892 [Temporary] apply to all companies writing policies of automobile insurance. They are adopted pursuant to Minnesota Statutes, section 65B.17, subdivision 2.

4 MCAR § 1.9082 [Temporary] Purpose.

Rules 4 MCAR §§ 1.9081-1.90892 [Temporary] are designed to limit the reasons a policy of automobile insurance may not be renewed.

4 MCAR § 1.9083 [Temporary] Definitions.

A. Applicability. For the purposes of 4 MCAR §§ 1.9081-1.90892 [Temporary], the terms defined in this rule have the meanings given them.

B. Chargeable accident. "Chargeable accident" means an accident involvement in which the insurer nonrenewing the policy makes a payment under bodily injury, property damage, or collision coverages except under the following conditions:

1. In a collision loss, where the insurer recovers 80 percent or more of the insurers loss through subrogation.

2. The automobile was damaged through being struck while lawfully parked. An automobile rolling from a parked position would not be considered lawfully parked if the rolling caused the accident, that is, the rolling car struck another vehicle.

STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

In the Matter of the Proposed
Temporary Rule of the Department
of Agriculture Governing Fees
for Agricultural Seed
Registration and Testing
(3 MCAR S 1.0172)

FINDINGS OF FACT AND
CONCLUSIONS

The temporary rule promulgation procedures of Minnesota Statutes sections 14.29-14.36 have been followed in the above-entitled matter. Proper notice was served to all persons, associations, and other interested groups registered with the Department of Agriculture and notice was also published in the State Register.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having considered all of the evidence and testimony presented, I find and conclude the following:

FINDINGS

1. The 1983 Legislature enacted major revisions to previously existing seed inspection and testing statutes with the passage of the Minnesota Seed Law (Laws of Minnesota for 1983, Chapter 293, sections 39-51). The new law directed or allowed the Commissioner of Agriculture to establish agricultural seed fees for the following: sampling of export seed, seed fee permits, hybrid seed corn variety registration and seed service testing and identification. A Seed Inspection Fund was established by Section 51. All fees and penalties collected under the authority of the Minnesota Seed Law are dedicated to seed inspection activities and required to be paid into the Seed Inspection Fund.
2. The creation of the Seed Inspection Fund and the dedication of agricultural seed fee receipts require the Department to conduct seed inspection activities solely on the basis of fee receipts. The Department must establish fees adequate to produce the revenue required to administer and enforce properly the provisions of the Minnesota Seed Law as well as to maintain an adequate operating reserve.
3. The Department published a proposed temporary rule to establish agricultural seed fees for export seed sampling, seed fee permits, hybrid seed corn variety registration and seed service testing and identification. A Notice of Intent and the proposed rule were published in the State Register on August 22 (8 S.R. 257). The authority to promulgate the rule is contained in Laws of Minnesota for 1983, Chapter 293, section 44, subd. 11. Department of Finance approval on the proposed fee increases was obtained prior to publication.

4. The Department received both written and oral comments on the fees proposed for seed fee permits. While there was general support for an increase in fees for seed permits, objections were raised as to the percentage increases being proposed. Comments were also received that the proposed seed fee permit increases were not uniform; it was found that the fees for some permit holders increased while those for others decreased. Concern was also expressed that the rule was ambiguous regarding which of the two fee schedules contained in 3 MCAR S 1.0172 C.3. pertained to the commodities listed in 3 MCAR S 1.0172 C.3.b. but sold in containers.
5. The Department has reassessed the Revenue and Expenditure Analysis developed for and approved by the Department of Finance in July. The following has been determined:
   A. There has been an increase in the number of clientele requesting seed fee permits;
   B. The demand for service sample testing and identification has been greater than anticipated; and
   C. Due to the above findings, the fees as proposed may be decreased without affecting projected revenue and thereby impeding the ability of the Department to carry out its statutory mandate.
6. The Rule as Adopted to govern agricultural seed registration and testing has been modified from the Rule as Proposed. Changes were made to 3 MCAR S 1.0172 C.3. regarding seed fee permits in order to clarify fee schedule application as well as to reduce the percentage increase in fees for seed permits.
7. The approval of the Department of Finance has been sought and obtained for the changes in the seed permit fees contained in the Rules as Adopted. This approval is required by Laws of Minnesota for 1983, Chapter 301, section 91.

CONCLUSIONS

1. The Department concludes that the Rule as Adopted is reasonable and acceptable for the following reasons:
   A. No objections or comments were received regarding the fees proposed for export seed sampling, hybrid seed corn variety registration and seed service testing and registration;
   B. Department of Finance approval has been received regarding the Revenue and Expenditure Analysis;
   C. The Department has modified the seed fee permit schedule based on comments received. The proposed percentage increases were decreased substantially and the increases will apply uniformly to all seed permit holders;
   D. There is the recognition among permit holders that the services provided are necessary and helpful, and increases in fees are necessary to properly fund the activities;
   E. The modifications clarify the application of the two fee schedules; and
   F. The fees contained in the Rule as Adopted will raise revenue sufficient for the proper administration and enforcement of the Minnesota Seed Law.

2. The Department concludes the Rule as Adopted is both necessary and reasonable and in the long-term interest of the State of Minnesota. Therefore, I order the adoption of this rule, as evidenced by the Order Adopting Rules submitted with this record.

STATE OF MINNESOTA

Robin M. Densmore for

DATE: September 29, 1983

COMMISSIONER OF AGRICULTURE

In the Matter of the Proposed
Adoption of Temporary Rules
Governing Fees for Agricultural
Seed Registration and Testing
(3 MCAR S 1.0172)

STATEMENT OF
COMPLIANCE WITH
RULEMAKING PROCEDURES

I, (Special Assistant Attorney General) Jon K. Murphy, do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

Special Assistant Attorney General

Date: 7/30/53