

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1187 05-0009-0075

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 7-19-85
DATE FOR REVIEW 7-28-85
DATE DUE 8-2-85

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

Approved 7-30-85 myc Disapproved _____ Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State 7-31-85 Revisor approved _____ disapproved _____

✓ Rule as Adopted

_____ Rule as Proposed

✓ Order Adopting 7.18.85 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 contains small biz statement of diminished impact

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

✓ Mailing list Certificate

✓ Publication in State Register
6.12.85 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

_____ LCRAR Report or agency Affidavit

_____ Certificate of Board's Resolution Adopting Rules

_____ Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness includes small biz statement

N/A Petition for Adoption 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

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

Office Memorandum

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

DATE: 07/22/85

FROM: Carol Milligan, Management Analyst
Planning Division

PHONE: 296-6909

SUBJECT: Review of Rules Governing Charges Under the Minnesota Seed Law (Minnesota Rule 1510.0281)

The Department of Agriculture adopted the above-mentioned rules pursuant to Minnesota Statutes, sections 14.22-14.28. Enclosed with this memorandum 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.

The Department fulfilled the requirements of Minnesota Statutes, section 14.115, subd. 4, by notifying small businesses of the expected impact of the rule. Such notice was given in the Notice of Intent to Adopt Rules Without Public Hearing. The requirements of subd. 2 are dealt with in the Statement of Need and Reasonableness.

The Department did not receive any comments, requests for a public hearing or requests for notification when these documents were submitted to the Attorney General.

If you have questions, please contact me.

CM:cb

Attachment

cc: Jim Nichols, Commissioner
Rollin Dennistoun, Ph.D., Deputy Commissioner
Anne Kanten, Assistant Commissioner
Jon Murphy, Special Assistant Attorney General
Craig Lindeke, Office of Revisor of Statutes
Gerald Heil, Director, Planning Division
William O. Bulger, Director, Agronomy Services Division
Charles G. Dale, Supervisor, Agronomy Services Division

RECEIVED
JUL 19 1985
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

PLANNING DIVISION
DEPARTMENT OF AGRICULTURE

LIST OF ATTACHED DOCUMENTS

A. Rule as Adopted (Original and three copies).

B. Order Adopting the Rule (two copies).

C. Order for Notice of Intent to Adopt Rule Without Public Hearing (one copy).

D. Notice of Intent to Adopt a Rule Without Public Hearing (one copy).

E. Affidavit of Mailing Notice of Intent to Adopt a Rule Without Public Hearing (one copy).

F. Mailing List Certificate (one copy).

G. Rule as Proposed (one copy).

H. Statement of Need and Reasonableness (one copy).

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

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: JIM NICHOLS, Commissioner
Department of Agriculture

DATE: 7-31-85

ATTN: JON MURPHY
Special Assistant Attorney General

FROM: MARTHA J. CASSERLY MJC
Special Assistant Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Rule of the Department of Agriculture Governing Charges Under the Minnesota Seed Law (Minnesota Rule 1510.0281).

The above-referenced rule has been approved as to its legality by the Attorney General on July 30, 1985.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies of the approved rule with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth copy is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption 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.

MJC:sz

Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

Department of Agriculture

Planning Division

Adopted Amendment to Rule Governing Charges Under the Minnesota Seed Law

Rule as Adopted

1510.0281 CHARGES UNDER MINNESOTA SEED LAW.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Seed fee permits.** An initial labeler who wishes to sell seed in Minnesota must comply with Minnesota Statutes, section 21.89, subdivisions 1 and 2, and the procedures in this subpart.

A. [Unchanged.]

B. All seed fee permit holders must file semiannual reports with the commissioner, even if no seed was sold during the reporting period. Each semiannual report must be submitted within 30 days of the end of each reporting period. The reporting periods are October 1 to March 31 and April 1 to September 30 of each year.

C. [Unchanged.]

D. If a seed fee permit holder fails to submit a semiannual 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, calculated on an annual basis, of the fee due, whichever is greater, but no more than $100 for each late semiannual report. A $10 penalty will be charged when the semiannual 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.

Subp. 4. and 5. [Unchanged.]

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL 31 1985
Joan Anderson Growe
Secretary of State
10:10 AM

APPROVED AS TO FORM AND LEGALITY
July 30 1985
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Cassidy
SPECIAL ASSISTANT ATTORNEY GENERAL

Rule as Proposed

1510.0281 CHARGES UNDER MINNESOTA SEED LAW.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Seed fee permits.** An initial labeler who wishes to sell seed in Minnesota must comply with Minnesota Statutes, section 21.89, subdivisions 1 and 2, and the procedures in this subpart.

A. [Unchanged.]

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

C. [Unchanged.]

D. If a seed fee permit holder fails to submit a ~~quarterly~~ semiannual 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, calculated on an annual basis, of the fee due, whichever is greater, but no more than $100 for each late ~~quarterly~~ semiannual report. A $10 penalty will be charged when the ~~quarterly~~ semiannual 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.

Subp. 4. and 5. [Unchanged.]

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD778

Agency: Department of Agriculture

Division: Planning Division

Agency Contact: Carol Milligan 296-6906

Minnesota Rules: Part 1510.0281

Title: Proposed Amendment to Rule Governing Charges Under the Minnesota Seed Law

Type of Rules: Permanent

Incorporations by Reference: None

Steven C. Cross
Revisor of Statutes

Craig E. Lindeke
Senior Assistant Revisor
Phone: 296-0946
Date: May 23, 1985

STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

In the Matter of the Proposed Rule
of the Department of Agriculture
Governing Charges Under
The Minnesota Seed Law
(Minnesota Rule 1510.0281)

ORDER ADOPTING
RULES

Notice of the Commissioner's intent to adopt the above-entitled rule without a public hearing was published in the State Register on June 17, 1985, and was sent by United States mail to all persons on the list maintained by the department pursuant to Minnesota Statutes, Section 14.22 on June 12, 1985. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than 25 written requests for a public hearing within the 30 day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rule,

NOW, THEREFORE, IT IS ORDERED that this rule identified as the Rule Governing Charges Under The Minnesota Seed Law adopted this 18th day of July, 1985, pursuant to authority vested in me by Minnesota Statutes, section 21.85, subd. 11.

STATE OF MINNESOTA

Jim Nichols

JIM NICHOLS
COMMISSIONER
DEPARTMENT OF AGRICULTURE

STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

In the Matter of the Proposed
Amendment to the Rules of the
Department of Agriculture Governing
Seed Fee Permit Reports
(Minnesota Rules 1510.0281)

ORDER FOR NOTICE
OF INTENT TO ADOPT
RULES WITHOUT
PUBLIC HEARING

IT IS ORDERED this 29 day of May, 1985, that a Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the Minnesota Department of Agriculture for that purpose and be published in the State Register.

STATE OF MINNESOTA

Jim Nichols

Commissioner of Agriculture

Department of Agriculture

Agronomy Services Division

In the Matter of the Proposed Amendment to the Rule Governing Seed Fee Permit Reports

(Minnesota Rule 1510.0281).

Notice of Intent to Amend Rules Without a Public Hearing

Notice is hereby given that the Minnesota Department of Agriculture proposes to adopt the above-entitled amendment without a public hearing. The Commissioner of Agriculture has determined that the proposed adoption of this amendment will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, Sections 14.22-14.28.

Persons interested in this amendment are encouraged to submit comment in support of or in opposition to the proposed amendment, and shall have 30 days to do so. Each comment should identify the portion of the proposed amendment addressed, the reason for the comment, and any change proposed. The proposed amendment 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.

Unless 25 or more persons submit written requests for a public hearing on the proposed amendment within the 30-day comment period, a public hearing will not be held. Persons requesting a public hearing should state their name and address, and are encouraged to identify the portion of the proposed amendment addressed, the reason for the request, and any proposed change. In the event a public hearing is required, the department will proceed according to the provisions of Minnesota Statutes, Sections 14.11-14.20 (1982).

Persons who wish to submit comments or a written request for a public hearing should submit them to: Gerald Heil, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-1486.

Authority to adopt this rule is contained in Minnesota Statutes, Section 21.85, subd. 11. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed amendment and identifies the data and information relied upon to support the proposed amendment has been prepared and is available upon request from Mr. Heil.

Upon adoption of the final rule without a public hearing, the proposed rule, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. 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 final rule as adopted, should submit a written statement of such request to Mr. Heil.

The Department is authorized by Minnesota Statutes, Section 21.85, subd. 11, to adopt rules to properly enforce the seed law. The proposed amendment will change seed fee permit reporting periods from quarterly to semiannually. The proposed amendment is necessary as a result of the Department's previous commitment to reduce the seed fee permit reporting period frequency as soon as a reasonable reserve was present in the dedicated seed account.

The proposed amendment will have a positive impact on small business as defined in Minnesota Statutes, Section 14.115. The change would mean semiannual reporting instead of quarterly reporting of seed sold. Therefore, the cost for seed fee permit holders in making reports on seed sold would be reduced by up to 50 percent.

One free copy of this Notice and the proposed rule are available and may be obtained by contacting Mr. Heil.

STATE OF MINNESOTA

Date: 5/09/85

Jim Nichols

Commissioner of Agriculture

In the Matter of the Proposed
Amendment to the Rule of the
Department of Agriculture Governing
Seed Fee Permit Reports
(Minnesota Rules 1510.0281)

AFFIDAVIT OF
MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Marie Skerbitz, being first duly sworn, deposes and says:

That on the 12th day of June, 19 85, at the City of St. Paul, County of Ramsey, State of Minnesota, he/she served the attached Notice of Intent to Adopt Rules Without a Public Hearing 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 M. WINDHAM
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES NOVEMBER 1, 1990

Marie Skerbitz

Subscribed and sworn to before me
this 12th day of June, 19 85.

Diane M. Windham

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed
Amendment to the Rule of the
Department of Agriculture Governing
Seed Fee Permit Reports
(Minnesota Rules 1510.0281)

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 10 :00 a .m., this 12th day of June, 1985.

Carol Milligan

PROPOSED RULES

Pursuant to Minn. Stat. of 1982, §§ 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 Planning Division

Proposed Amendment to Rule Governing Charges Under the Minnesota Seed Law

Notice of Intent to Amend Rules without a Public Hearing

Notice is hereby given that the Minnesota Department of Agriculture proposes to adopt the above-entitled amendment without a public hearing. The Commissioner of Agriculture has determined that the proposed adoption of this amendment will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, Sections 14.22-14.28.

Persons interested in this amendment are encouraged to submit comment in support of or in opposition to the proposed amendment, and shall have 30 days to do so. Each comment should identify the portion of the proposed amendment addressed, the reason for the comment, and any change proposed. The proposed amendment 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.

Unless 25 or more persons submit written requests for a public hearing on the proposed amendment within the 30-day comment period, a public hearing will not be held. Persons requesting a public hearing should state their name and address, and are encouraged to identify the portion of the proposed amendment addressed, the reason for the request, and any proposed change. In the event a public hearing is required, the department will proceed according to the provisions of Minnesota Statutes, Sections 14.11-14.20 (1982).

Persons who wish to submit comments or a written request for a public hearing should submit them to: Gerald Heil, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-1486.

Authority to adopt this rule is contained in Minnesota Statutes, Section 21.85, subd. 11. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed amendment and identifies the data and information relied upon to support the proposed amendment has been prepared and is available upon request from Mr. Heil.

Upon adoption of the final rule without a public hearing, the proposed rule, this notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. 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 final rule as adopted, should submit a written statement of such request to Mr. Heil.

The Department is authorized by Minnesota Statutes, Section 21.85, subd. 11, to adopt rules to properly enforce the seed law. The proposed amendment will change seed fee permit reporting periods from quarterly to semiannually. The proposed amendment is necessary as a result of the Department's previous commitment to reduce the seed fee permit reporting period frequency as soon as a reasonable reserve was presented in the dedicated seed account.

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.

The proposed amendment will have a positive impact on small business as defined in Minnesota Statutes, Section 14.115. The change would mean semiannual reporting instead of quarterly reporting of seed sold. Therefore, the cost for seed fee permit holders in making reports on seed sold would be reduced by up to 50 percent.

One free copy of this notice and the proposed rule are available and may be obtained by contacting Mr. Heil.

May 29, 1985

Jim Nichols
Commissioner of Agriculture

Rule as Proposed

1510.0281 CHARGES UNDER MINNESOTA SEED LAW.

Subpart 1. and 2. [Unchanged.]

Subp. 3. Seed fee permits. An initial labeler who wishes to sell seed in Minnesota must comply with Minnesota Statutes, section 21.89, subdivisions 1 and 2, and the procedures in this subpart.

A. [Unchanged.]

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

C. [Unchanged.]

D. If a seed fee permit holder fails to submit a ~~quarterly~~ semiannual 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, calculated on an annual basis, of the fee due, whichever is greater, but no more than $100 for each late ~~quarterly~~ semiannual report. A $10 penalty will be charged when the ~~quarterly~~ semiannual 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.

Subp. 4. and 5. [Unchanged.]

Board of Dentistry

Proposed Rule Relating to Fees

Notice of Intent to Amend Rules without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Dentistry (hereinafter "Board") proposes to amend Minn. Rule pt. 3100.2000. A copy of the proposed amendments is attached to this notice.

Because Board fees are fixed by rule rather than by law, the procedures for adoption of noncontroversial rules will be used except that no public hearing may be held. See, *Minnesota Statutes*, section 16A.128, subdivision 2.a. (1984).

THE PUBLIC IS HEREBY ADVISED that:

1. They have 30 days in which to submit comment in support of or in opposition to the proposed amendments, and comment is encouraged;

2. Each comment should identify the portion of the proposed amendment addressed, the reason for the comment, and any change proposed;

3. All comments shall be submitted to Dale J. Forseth, Executive Secretary, Minnesota Board of Dentistry, Minnesota Department of Health Building, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440;

4. The proposed amendments may be modified if the modifications are supported by the data and views submitted and do not result in a substantial change in the proposed language;

5. Under the procedure for adopting noncontroversial rules, the Board must submit any action on its rules to the Attorney General for review of the form and legality of the rule change. Notice of the date of submission of the proposed amendments to the attorney general for review will be mailed to any person requesting to receive the notice. Requests to receive notice must be submitted to Mr. Forseth at the above address.

6. Authority to amend Minn. Rule pt. 3100.2000 is contained in Minn. Stat. §§ 16A.128, 150A.04, subd. 5, and 214.06, subd.

STATE OF MINNESOTA
DEPARTMENT OF AGRICULTURE

IN THE MATTER OF THE PROPOSED AMENDED)
RULE OF THE DEPARTMENT OF AGRICULTURE)
GOVERNING SEED FEE PERMIT)
REPORTING PERIODS)
(MINNESOTA RULES 1510.0281)

STATEMENT OF NEED
AND REASONABLENESS

I. INTRODUCTION

The subject of this rulemaking is the proposed amendment to a rule of the Minnesota Department of Agriculture governing seed fee permit reporting periods.

The amendment to the existing rule pertaining to seed fee permit reporting periods is proposed for adoption pursuant to Minnesota Statutes 21.85, subdivision 11, which authorizes the Department to make rules for the proper enforcement of the seed law.

The proposed amendment is necessary as a result of the Department's previous committment to reduce the seed fee permit reporting period frequency as soon as a reasonable reserve was present in the dedicated seed act account.

The specific item to be considered in the amendment to the existing rule pertains to a reduction in the frequency of reporting seed sales under the seed fee permit requirements. This amendment would change the reporting periods from quarterly to semi-annual.

The notice of intent to adopt rules without a public hearing was published in the State Register by the Department on June 17, 1985. The Commissioner of the Minnesota Department of Agriculture proposes that the rules are noncontroversial and be adopted in accordance with Minnesota Statutes 14.22 to 14.28. Responses to consultations with seed industry representatives indicate that the proposed rulemaking is noncontroversial.

The discussion provided in this statement is divided into the following parts:

II. Small Business Impact

III. General Overview

IV. Need For And Reasonableness Of The Proposed New And Amended Rules

V. Attachments

II. SMALL BUSINESS IMPACT

Minnesota Statutes 14.115 requires an assessment of the impact on small businesses when laws and rules are enacted that affect them.

The impact on small seed businesses would be beneficial if the proposed amendment is adopted to change the frequency of reporting periods under the seed fee permit requirements. This change would mean semi-annual reporting instead of quarterly reporting of seed sold. Therefore, the cost for seed fee permit holders in making reports on seed sold would be reduced by up to 50 percent. Additionally, this change would reduce the costs of the seed regulatory program in administering this provision of the seed law. By reducing program operating costs, small seed businesses can expect fees to remain at present levels or to increase more slowly in years to come.

III. GENERAL OVERVIEW

A. <u>The Need For Reducing The Frequency Of Seed Fee Permit Reports</u>

The present seed fee permit reporting system requires quarterly reports of seed sold to be made within 30 days after the last day of the quarters ending December 31, March 31, June 30, and September 30 of each year. The proposed amendment changes the reporting periods to semi-annual with the periods ending on March 31 and September 30 of each year. This will reduce the cost of filing these reports for permit holders and also reduce the Department's costs in the distribution and the processing of these reports. The fees collected will not change, but the times of the

year when they are collected will. The dedicated seed act account has sufficient reserve to cover operating costs of the seed regulatory program during a changeover from quarterly to semi-annual reporting. Attachment A at the end of this statement is a fiscal analysis of the effect on revenue collection that this change in reporting period frequency will bring about.

The proposed rulemaking is necessary and reasonable to improve the efficiency of the collection of revenue for the seed regulatory program and will benefit both consumers and sellers of seed by decreasing overhead costs to the seed industry.

B. Format Of The Proposed Amended Rule

The proposed amended rule is set forth in the following manner: Change in reporting period frequency under the seed fee permits part of the rule entitled "Charges Under Minnesota Seed Law."

In this statement, the contents of the proposed amendment will not be repeated for the sake of brevity. The number and title of the rule has been noted for reference purposes.

IV. NEED FOR AND REASONABLENESS OF THE PROPOSED AMENDMENT

The need for and reasonableness of the proposed amendment follows:

1510.0281 Charges Under Minnesota Seed Law. Subpart 3. Seed Fee Permits. Clauses B and D.

The existing rule specifies that seed fee permit reports be made on a quarterly basis. The amendment changes this reporting frequency to semi-annual. It is necessary to change the reporting frequency to reduce the costs of compliance for the permit holders. It is reasonable to make this change because it will also reduce the Department's operating costs for administering the seed fee permits. It is further reasonable because it will not change the amount of revenue collected from the seed fee permits and the seed regulatory program will continue to be adequately funded.

V. ATTACHMENTS

REVENUE-SEED ACT ACCOUNT

FISCAL YEARS 84 THROUGH 91

[1] F.Y. 84 (Quarterly Reporting)	
June 30, 1983	$ 97,000
September 30, 1983	25,000
December 31, 1983	132,000
March 31, 1984	254,000
total	$508,000

[2] F.Y. 85 (Quarterly Reporting)	
June 30, 1984	$ 95,000
September 30, 1984	22,000
December 31, 1984	112,000
March 31, 1985	208,000
total	$437,000

[3] F.Y. 86 (Semi-annual Reporting)	
September 30, 1985	$117,000
March 31, 1986	320,000
total	$437,000

F.Y. 87 (Semi-annual Reporting)	
September 30, 1986	$117,000
March 31, 1987	320,000
total	$437,000

F.Y. 88 (Semi-annual Reporting)	
September 30, 1987	$117,000
March 31, 1988	320,000
total	$437,000

F.Y. 89 (Semi-annual Reporting)	
September 30, 1988	$117,000
March 31, 1989	320,000
total	$437,000

F.Y. 90 (Semi-annual Reporting)	
September 30, 1989	$117,000
March 31, 1990	320,000
total	$437,000

F.Y. 91 (Semi-annual Reporting)	
September 30, 1990	$117,000
March 31, 1991	320,000
total	$437,000

[1] Actual Revenue

[2] F.Y. 85 and subsequent years, revenue is estimated

[3] Proposed change in reporting period

BUDGET EXPENSES-SEED ACT ACCOUNT

FISCAL YEARS 84 THROUGH 91

NOTE: Prior to Fiscal Year 84, the seed program was funded from general appropiration. July 1, 1983 marked the beginning of the dedicated Seed Act Account.

Fiscal Year	
84	354,000
[1]85	384,500
86	403,700
87	423,900
88	445,100
89	467,400
90	490,800
91	515,300

[1]Projected at annual rate of increase of 5%

FISCAL ANALYSIS-SEED ACT ACCOUNT

FISCAL YEARS 83 THROUGH 91

NOTE: Prior to Fiscal Year 1984 the seed program was funded from general appropriation. July 1, 1983 marked the beginning of the dedicated Seed Act Account.

Fiscal Year	Revenue	Budget Expense	Surplus or (Deficit)
[1]84	508,000	354,000	154,000
[2]85	437,000	384,500	206,500
86	437,000	403,700	239,800
87	437,000	423,900	252,900
88	437,000	445,100	244,800
89	437,000	467,400	214,400
90	437,000	490,800	160,600
91	437,000	515,300	82,300

[1]Actual data

[2]Projected through F.Y. 91

In the Matter of the Proposed
Rule of the Department of
Agriculture Governing Charges Under
The Minnesota Seed Law
(Minnesota Rule 1510.0281)

STATEMENT OF
COMPLIANCE WITH
RULEMAKING PROCEDURES

I, (Special Assistant Attorney General) Jon Murphy, do hereby declare that I have examined the rule 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: 7/18/85