

CHAPTER 1510
DEPARTMENT OF AGRICULTURE
SEEDS, FERTILIZERS, FEEDS

1510.0281 CHARGES UNDER MINNESOTA
 SEED LAW

1510.0281 CHARGES UNDER MINNESOTA SEED LAW.

[For text of subs 1 and 2, see M.R.]

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. Each initial labeler who wishes to sell seed 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, 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 subpart need not apply for a new permit or pay the application fee.

(1) If, for reasons beyond the control and knowledge of the initial labeler, seed is shipped into Minnesota by a person other than the initial labeler, the responsibility for the seed fees is transferred to the shipper. An application for a transfer of this responsibility must be made to the commissioner. Upon approval by the commissioner of the transfer, the shipper is responsible for payment of the seed permit fees.

[For text of subitem (2), see M.R.]

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 or July 1 to December 31, and January 1 to June 30 of each year. Permit holders may change their reporting periods with approval of the commissioner.

C. The holder of a seed fee permit must pay fees on all seed for which the permit holder is the initial labeler and which are covered by Minnesota Statutes, sections 21.80 to 21.92, and sold during the reporting period.

(1) For the following kinds of agricultural seed sold either in bulk or containers, the fees are:

- (a) oats, wheat, barley, 4.5 cents per cwt.;
- (b) rye, field beans, soybeans, 6 cents per cwt.;
- (c) buckwheat, flax, 8 cents per cwt.;
- (d) field corn, 21 cents per cwt.;
- (e) forage, lawn and turf grasses, and legumes, 35 cents per cwt.;
- (f) sunflower, \$1 per cwt.;
- (g) sugar beet, \$2.35 per cwt.; and
- (h) other agricultural seeds except vegetables grown for processing, 20 cents per cwt.

(2) For vegetable and flower seeds packed in small containers or in bulk for use by home gardeners, the fee is 30 cents per \$100 of net sales of these seeds.

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 part or the Minnesota seed law.

Subp. 4. Hybrid seed corn variety registration fee. In accordance with Minnesota Statutes, section 21.90, subdivision 2, the annual fee for the registration of each hybrid seed corn variety or blend is \$30, which must be paid at the time of registration. Hybrid seed corn variety registrations received after February 1 of each year will have an annual registration fee of \$35 per variety.

Subp. 5. Service testing and identification. The fees in items A to D for purity, germination, identification, or other related tests of seeds or plants for farmers, dealers, and others are established pursuant to Minnesota Statutes, section 21.85, subdivision 12.

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

- (1) Purity, \$10 (includes a Minnesota noxious weed seed test);
- (2) Germination, \$6.50;
- (3) United States noxious weed seed only, \$8;
- (4) Minnesota noxious weed seed only, \$6; and
- (5) Tetrazolium, \$15 (includes germination test).

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

- (1) Purity, \$15 (includes a Minnesota noxious weed seed test);
- (2) Germination, \$9;
- (3) United States noxious weed seed only, \$11;
- (4) Minnesota noxious weed seed only, \$9; and
- (5) Tetrazolium, \$18 (includes germination test).

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

- (1) Purity, \$25 (includes a Minnesota noxious weed seed test);
- (2) Germination, \$13;
- (3) United States noxious weed seed only, \$17;
- (4) Minnesota noxious weed seed only, \$15; and
- (5) Tetrazolium, \$24 (includes germination test).

D. Mixtures. "A" means the full price of the highest-priced species plus one-half the price of each additional species. "B" means one-half of the price of the purity test on the highest-priced species in the mixture. "C" means the full price of the purity test on the highest priced species in the mixture.

- (1) Purity, A (includes a Minnesota noxious weed seed test);
- (2) Germination, A;
- (3) United States noxious weed seed only, C;
- (4) Minnesota noxious weed seed only, B; and
- (5) Tetrazolium, A (includes germination test).

E. A fee of \$20 per hour will be charged for tests which are specially requested but not included in items A to D, or which require excess time due to abnormal sample conditions, such as unusual amounts of dirt or foreign material.

F. An additional fee of \$10 per sample will be charged for any sample for which special handling is requested, such as samples marked "RUSH."

[For text of items G and H, see M.R.]

Statutory Authority: *MS s 21.85; 21.89; 21.90*

History: *14 SR 2711*