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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 1071

03/04/2013 Authored by Poppe
The bill was read for the first time and referred to the Committee on Agriculture Policy

1.1 A bill for an act
1.2 relating to agriculture; making policy, technical, conforming, and clarifying
1.3 changes to provisions related to agricultural law; modifying provisions related
1.4 to pesticide control, agricultural resource loan and ethanol development, the
1.5 Rural Finance Authority, grain buyers, and other agriculture-related provisions;
1.6 establishing the Minnesota agricultural water quality program; modifying
1.7 noxious weed law; modifying definition of E85; authorizing rulemaking;
1.8 amending Minnesota Statutes 2012, sections 17.118, subdivision 2; 18.77,
1.9 subdivisions 3, 4, 10, 12; 18.78, subdivision 3; 18.79, subdivisions 6, 13; 18.82,
1.10 subdivision 1; 18.91, subdivisions 1, 2; 18B.01, by adding a subdivision;
1.11 18B.065, subdivision 2a; 18B.07, subdivisions 4, 5, 7; 18B.26, subdivision 3;
1.12 18B.316, subdivisions 1, 3, 4, 8, 9; 18B.37, subdivision 4; 31.94; 41A.105,
1.13 subdivision 5; 41A.12, by adding a subdivision; 41B.04, subdivision 9; 223.17,
1.14 by adding a subdivision; 232.22, by adding a subdivision; 296A.01, subdivision
1.15 19; proposing coding for new law in Minnesota Statutes, chapters 17; 18;
1.16 repealing Minnesota Statutes 2012, sections 18.91, subdivisions 3, 5; 18B.07,
1.17 subdivision 6; Minnesota Rules, parts 1505.0751, subparts 7, 8; 1510.0011,
1.18 subparts 1, 4; 1510.0020; 1510.0030; 1510.0040; 1510.0050; 1510.0060;
1.19 1510.0070; 1510.0080; 1510.0090; 1510.0100; 1510.0111; 1510.0161;
1.20 1510.0171; 1510.0180; 1510.0200; 1510.0210; 1510.0220; 1510.0231;
1.21 1510.0241; 1510.0261; 1510.0340; 1510.0350; 1510.0360.

1.22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.23 ARTICLE 1

1.24 POLICY AND TECHNICAL CHANGES

1.25 Section 1. Minnesota Statutes 2012, section 17.118, subdivision 2, is amended to read:

1.26 Subd. 2. **Definitions.** (a) For the purposes of this section, the terms defined in this
1.27 subdivision have the meanings given them.

1.28 (b) "Livestock" means beef cattle, dairy cattle, swine, poultry, goats, mules, farmed
1.29 cervidae, ratitae, bison, sheep, horses, and llamas.

1.30 (c) "Qualifying expenditures" means the amount spent for:

- 2.1 (1) the acquisition, construction, or improvement of buildings or facilities for the
 2.2 production of livestock or livestock products;
- 2.3 (2) the development of pasture for use by livestock including, but not limited to, the
 2.4 acquisition, development, or improvement of:
- 2.5 (i) lanes used by livestock that connect pastures to a central location;
- 2.6 (ii) watering systems for livestock on pasture including water lines, booster pumps,
 2.7 and well installations;
- 2.8 (iii) livestock stream crossing stabilization; and
- 2.9 (iv) fences; or
- 2.10 (3) the acquisition of equipment for livestock housing, confinement, feeding, and
 2.11 waste management including, but not limited to, the following:
- 2.12 (i) freestall barns;
- 2.13 (ii) watering facilities;
- 2.14 (iii) feed storage and handling equipment;
- 2.15 (iv) milking parlors;
- 2.16 (v) robotic equipment;
- 2.17 (vi) scales;
- 2.18 (vii) milk storage and cooling facilities;
- 2.19 (viii) bulk tanks;
- 2.20 (ix) computer hardware and software and associated equipment used to monitor
 2.21 the productivity and feeding of livestock;
- 2.22 (x) manure pumping and storage facilities;
- 2.23 (xi) swine farrowing facilities;
- 2.24 (xii) swine and cattle finishing barns;
- 2.25 (xiii) calving facilities;
- 2.26 (xiv) digesters;
- 2.27 (xv) equipment used to produce energy;
- 2.28 (xvi) on-farm processing facilities equipment;
- 2.29 (xvii) fences; and
- 2.30 (xviii) livestock pens and corrals and sorting, restraining, and loading chutes.

2.31 Except for qualifying pasture development expenditures under clause (2), qualifying
 2.32 expenditures only include amounts that are allowed to be capitalized and deducted under
 2.33 either section 167 or 179 of the Internal Revenue Code in computing federal taxable
 2.34 income. Qualifying expenditures do not include an amount paid to refinance existing debt.

2.35 ~~(d) "Qualifying period" means, for a grant awarded during a fiscal year, that full~~
 2.36 ~~calendar year of which the first six months precede the first day of the current fiscal year. For~~

3.1 ~~example, an eligible person who makes qualifying expenditures during calendar year 2008~~
3.2 ~~is eligible to receive a livestock investment grant between July 1, 2008, and June 30, 2009.~~

3.3 Sec. 2. Minnesota Statutes 2012, section 18B.01, is amended by adding a subdivision
3.4 to read:

3.5 Subd. 4a. **Bulk pesticide storage facility.** "Bulk pesticide storage facility" means a
3.6 facility that is required to have a permit under section 18B.14.

3.7 Sec. 3. Minnesota Statutes 2012, section 18B.065, subdivision 2a, is amended to read:

3.8 Subd. 2a. **Disposal site requirement.** (a) For agricultural waste pesticides, the
3.9 commissioner must designate a place in each county of the state that is available at least
3.10 every other year for persons to dispose of unused portions of agricultural pesticides. The
3.11 commissioner shall consult with the person responsible for solid waste management
3.12 and disposal in each county to determine an appropriate location and to advertise each
3.13 collection event. The commissioner may provide a collection opportunity in a county
3.14 more frequently if the commissioner determines that a collection is warranted.

3.15 (b) For nonagricultural waste pesticides, the commissioner must provide a disposal
3.16 opportunity each year in each county or enter into a contract with a group of counties
3.17 under a joint powers agreement or contract for household hazardous waste disposal.

3.18 (c) As provided under subdivision 7, the commissioner may enter into cooperative
3.19 agreements with local units of government to provide the collections required under
3.20 paragraph (a) or (b) and shall provide a local unit of government, as part of the cooperative
3.21 agreement, with funding for reasonable costs incurred including, but not limited to, related
3.22 supplies, transportation, advertising, and disposal costs as well as reasonable overhead
3.23 costs.

3.24 (d) A person who collects waste pesticide under this section shall, on a form
3.25 provided or in a method approved by the commissioner, record information on each
3.26 waste pesticide product collected including, but not limited to, the quantity collected
3.27 and either the product name and its active ingredient or ingredients or the United States
3.28 Environmental Protection Agency registration number. The person must submit this
3.29 information to the commissioner at least annually by January 30.

3.30 (e) Notwithstanding the recording and reporting requirements of paragraph (d),
3.31 persons are not required to record or report agricultural or nonagricultural waste pesticide
3.32 collected in 2014 and 2015. The commissioner shall analyze existing collection data
3.33 to identify trends that will inform future collection strategies to better meet the needs
3.34 and nature of current waste pesticide streams. By January 15, 2015, the commissioner

4.1 shall report analysis, recommendations, and proposed policy changes to this program to
 4.2 legislative committees with jurisdiction over agriculture finance and policy.

4.3 Sec. 4. Minnesota Statutes 2012, section 18B.07, subdivision 4, is amended to read:

4.4 Subd. 4. **Pesticide storage safeguards at application sites.** A person may not
 4.5 allow a pesticide, rinsate, or unrinsed pesticide container to be stored, kept, or to remain in
 4.6 or on any site without safeguards adequate to prevent an incident. Pesticides may not be
 4.7 stored in any location with an open drain.

4.8 Sec. 5. Minnesota Statutes 2012, section 18B.07, subdivision 5, is amended to read:

4.9 Subd. 5. **Use of public water supplies for filling application equipment.** (a) A
 4.10 person may not fill pesticide application equipment directly from a public water supply,
 4.11 as defined in section 144.382, or from public waters, as defined in section 103G.005,
 4.12 subdivision 15, unless the outlet from the public water supply is equipped with a backflow
 4.13 prevention device that complies with and is installed in accordance with the Minnesota
 4.14 Plumbing Code under Minnesota Rules, parts 4715.2000 to 4715.2280. A nurse tank not
 4.15 connected to the water supply, an atmospheric vacuum breaker (AVB), and air gap that is
 4.16 2.0 times the effective diameter of the outlet, a pressurized vacuum breaker (PVB), or
 4.17 a reduced pressure principle backflow prevention device (RPZ) must also comply with
 4.18 the requirements under the Minnesota Plumbing Code under Minnesota Rules, parts
 4.19 4715.2000 to 4715.2280.

4.20 (b) Cross connections between a water supply use for filling pesticide application
 4.21 equipment are prohibited.

4.22 (c) This subdivision does not apply to permitted applications of aquatic pesticides to
 4.23 public waters.

4.24 Sec. 6. Minnesota Statutes 2012, section 18B.07, subdivision 7, is amended to read:

4.25 Subd. 7. **~~Cleaning equipment in or near surface water~~ Pesticide handling**
 4.26 **~~restrictions.~~** (a) A person may not: fill, clean, unload, or park pesticide application
 4.27 equipment where pesticides or materials contaminated with pesticides could enter ditches,
 4.28 surface water, groundwater, wells, drains, or sewers. For wells, the setbacks established in
 4.29 Minnesota Rules, part 4725.4450, apply.

4.30 (1) ~~clean pesticide application equipment in surface waters of the state; or~~

4.31 (2) ~~fill or clean pesticide application equipment adjacent to surface waters,~~

4.32 ~~ditches, or wells where, because of the slope or other conditions, pesticides or materials~~

5.1 ~~contaminated with pesticides could enter or contaminate the surface waters, groundwater,~~
5.2 ~~or wells, as a result of overflow, leakage, or other causes.~~

5.3 (b) This subdivision does not apply to permitted application of aquatic pesticides to
5.4 public waters.

5.5 Sec. 7. Minnesota Statutes 2012, section 18B.26, subdivision 3, is amended to read:

5.6 Subd. 3. **Registration application and gross sales fee.** (a) For an agricultural
5.7 pesticide, a registrant shall pay an annual registration application fee for each agricultural
5.8 pesticide of \$350. The fee is due by December 31 preceding the year for which the
5.9 application for registration is made. The fee is nonrefundable.

5.10 (b) For a nonagricultural pesticide, a registrant shall pay a minimum annual
5.11 registration application fee for each nonagricultural pesticide of \$350. The fee is due by
5.12 December 31 preceding the year for which the application for registration is made. The
5.13 fee is nonrefundable. The registrant of a nonagricultural pesticide shall pay, in addition to
5.14 the \$350 minimum fee, a fee of 0.5 percent of annual gross sales of the nonagricultural
5.15 pesticide in the state and the annual gross sales of the nonagricultural pesticide sold into
5.16 the state for use in this state. ~~The commissioner may not assess a fee under this paragraph~~
5.17 ~~if the amount due based on percent of annual gross sales is less than \$10~~ No fee is required
5.18 if the fee due amount based on percent of annual gross sales of a nonagricultural pesticide
5.19 is less than \$10. The registrant shall secure sufficient sales information of nonagricultural
5.20 pesticides distributed into this state from distributors and dealers, regardless of distributor
5.21 location, to make a determination. Sales of nonagricultural pesticides in this state and
5.22 sales of nonagricultural pesticides for use in this state by out-of-state distributors are not
5.23 exempt and must be included in the registrant's annual report, as required under paragraph
5.24 (g), and fees shall be paid by the registrant based upon those reported sales. Sales of
5.25 nonagricultural pesticides in the state for use outside of the state are exempt from the
5.26 gross sales fee in this paragraph if the registrant properly documents the sale location and
5.27 distributors. A registrant paying more than the minimum fee shall pay the balance due by
5.28 March 1 based on the gross sales of the nonagricultural pesticide by the registrant for the
5.29 preceding calendar year. A pesticide determined by the commissioner to be a sanitizer or
5.30 disinfectant is exempt from the gross sales fee.

5.31 (c) For agricultural pesticides, a licensed agricultural pesticide dealer or licensed
5.32 pesticide dealer shall pay a gross sales fee of 0.55 percent of annual gross sales of the
5.33 agricultural pesticide in the state and the annual gross sales of the agricultural pesticide
5.34 sold into the state for use in this state.

6.1 (d) In those cases where a registrant first sells an agricultural pesticide in or into the
6.2 state to a pesticide end user, the registrant must first obtain an agricultural pesticide dealer
6.3 license and is responsible for payment of the annual gross sales fee under paragraph (c),
6.4 record keeping under paragraph (i), and all other requirements of section 18B.316.

6.5 (e) If the total annual revenue from fees collected in fiscal year 2011, 2012, or 2013,
6.6 by the commissioner on the registration and sale of pesticides is less than \$6,600,000, the
6.7 commissioner, after a public hearing, may increase proportionally the pesticide sales and
6.8 product registration fees under this chapter by the amount necessary to ensure this level
6.9 of revenue is achieved. The authority under this section expires on June 30, 2014. The
6.10 commissioner shall report any fee increases under this paragraph 60 days before the fee
6.11 change is effective to the senate and house of representatives agriculture budget divisions.

6.12 (f) An additional fee of 50 percent of the registration application fee must be paid by
6.13 the applicant for each pesticide to be registered if the application is a renewal application
6.14 that is submitted after December 31.

6.15 (g) A registrant must annually report to the commissioner the amount, type and
6.16 annual gross sales of each registered nonagricultural pesticide sold, offered for sale, or
6.17 otherwise distributed in the state. The report shall be filed by March 1 for the previous
6.18 year's registration. The commissioner shall specify the form of the report or approve
6.19 the method for submittal of the report and may require additional information deemed
6.20 necessary to determine the amount and type of nonagricultural pesticide annually
6.21 distributed in the state. The information required shall include the brand name, United
6.22 States Environmental Protection Agency registration number, and amount of each
6.23 nonagricultural pesticide sold, offered for sale, or otherwise distributed in the state, but
6.24 the information collected, if made public, shall be reported in a manner which does not
6.25 identify a specific brand name in the report.

6.26 (h) A licensed agricultural pesticide dealer or licensed pesticide dealer must annually
6.27 report to the commissioner the amount, type, and annual gross sales of each registered
6.28 agricultural pesticide sold, offered for sale, or otherwise distributed in the state or into the
6.29 state for use in the state. The report must be filed by January 31 for the previous year's
6.30 sales. The commissioner shall specify the form, contents, and approved electronic method
6.31 for submittal of the report and may require additional information deemed necessary to
6.32 determine the amount and type of agricultural pesticide annually distributed within the
6.33 state or into the state. The information required must include the brand name, United States
6.34 Environmental Protection Agency registration number, and amount of each agricultural
6.35 pesticide sold, offered for sale, or otherwise distributed in the state or into the state.

7.1 (i) A person who registers a pesticide with the commissioner under paragraph (b),
 7.2 or a registrant under paragraph (d), shall keep accurate records for five years detailing
 7.3 all distribution or sales transactions into the state or in the state and subject to a fee and
 7.4 surcharge under this section.

7.5 (j) The records are subject to inspection, copying, and audit by the commissioner
 7.6 and must clearly demonstrate proof of payment of all applicable fees and surcharges
 7.7 for each registered pesticide product sold for use in this state. A person who is located
 7.8 outside of this state must maintain and make available records required by this subdivision
 7.9 in this state or pay all costs incurred by the commissioner in the inspecting, copying, or
 7.10 auditing of the records.

7.11 (k) The commissioner may adopt by rule regulations that require persons subject
 7.12 to audit under this section to provide information determined by the commissioner to be
 7.13 necessary to enable the commissioner to perform the audit.

7.14 (l) A registrant who is required to pay more than the minimum fee for any pesticide
 7.15 under paragraph (b) must pay a late fee penalty of \$100 for each pesticide application fee
 7.16 paid after March 1 in the year for which the license is to be issued.

7.17 Sec. 8. Minnesota Statutes 2012, section 18B.316, subdivision 1, is amended to read:

7.18 Subdivision 1. **Requirement.** (a) A person must not ~~distribute~~ offer for sale or sell
 7.19 an agricultural pesticide in the state or into the state without first obtaining an agricultural
 7.20 pesticide dealer license.

7.21 (b) Each location or place of business from which an agricultural pesticide is
 7.22 ~~distributed~~ offered for sale or sold in the state or into the state is required to have a
 7.23 separate agricultural pesticide dealer license.

7.24 (c) A person who is a licensed pesticide dealer under section 18B.31 is not required
 7.25 to also be licensed under this subdivision.

7.26 Sec. 9. Minnesota Statutes 2012, section 18B.316, subdivision 3, is amended to read:

7.27 Subd. 3. **Resident agent.** A person required to be licensed under subdivisions 1
 7.28 and 2, or a person licensed as a pesticide dealer pursuant to section 18B.31 and who
 7.29 operates from a location or place of business outside the state and who ~~distributes~~ offers
 7.30 for sale or sells an agricultural pesticide into the state, must continuously maintain in
 7.31 this state the following:

7.32 (1) a registered office; and

7.33 (2) a registered agent, who may be either a resident of this state whose business
 7.34 office or residence is identical with the registered office under clause (1), a domestic

8.1 corporation or limited liability company, or a foreign corporation of limited liability
8.2 company authorized to transact business in this state and having a business office identical
8.3 with the registered office.

8.4 A person licensed under this section or section 18B.31 shall annually file with the
8.5 commissioner, either at the time of initial licensing or as part of license renewal, the name,
8.6 address, telephone number, and e-mail address of the licensee's registered agent.

8.7 For licensees under section 18B.31 who are located in the state, the licensee is
8.8 the registered agent.

8.9 Sec. 10. Minnesota Statutes 2012, section 18B.316, subdivision 4, is amended to read:

8.10 Subd. 4. **Responsibility.** The resident agent is responsible for the acts of a licensed
8.11 agricultural pesticide dealer, or of a licensed pesticide dealer under section 18B.31 who
8.12 operates from a location or place of business outside the state and who ~~distributes~~ offers
8.13 for sale or sells an agricultural pesticide into the state, as well as the acts of the employees
8.14 of those licensees.

8.15 Sec. 11. Minnesota Statutes 2012, section 18B.316, subdivision 8, is amended to read:

8.16 Subd. 8. **Report of sales and payment to commissioner.** A person who is an
8.17 agricultural pesticide dealer, or is a licensed pesticide dealer under section 18B.31, who
8.18 ~~distributes~~ offers for sale or sells an agricultural pesticide in or into the state, and a
8.19 pesticide registrant pursuant to section 18B.26, subdivision 3, paragraph (d), shall no
8.20 later than January 31 of each year report and pay applicable fees on annual gross sales
8.21 of agricultural pesticides to the commissioner pursuant to requirements under section
8.22 18B.26, subdivision 3, paragraphs (c) and (h).

8.23 Sec. 12. Minnesota Statutes 2012, section 18B.316, subdivision 9, is amended to read:

8.24 Subd. 9. **Application.** (a) A person must apply to the commissioner for an
8.25 agricultural pesticide dealer license on forms and in a manner approved by the
8.26 commissioner.

8.27 (b) The applicant must be the person in charge of each location or place of business
8.28 from which agricultural pesticides are ~~distributed~~ offered for sale or sold in or into the state.

8.29 (c) The commissioner may require that the applicant provide information regarding
8.30 the applicant's proposed operations and other information considered pertinent by the
8.31 commissioner.

9.1 (d) The commissioner may require additional demonstration of licensee qualification
 9.2 if the licensee has had a license suspended or revoked, or has otherwise had a history of
 9.3 violations in another state or violations of this chapter.

9.4 (e) A licensed agricultural pesticide dealer who changes the dealer's address or place
 9.5 of business must immediately notify the commissioner of the change.

9.6 (f) Beginning January 1, 2011, an application for renewal of an agricultural pesticide
 9.7 dealer license is complete only when a report and any applicable payment of fees under
 9.8 subdivision 8 are received by the commissioner.

9.9 Sec. 13. Minnesota Statutes 2012, section 18B.37, subdivision 4, is amended to read:

9.10 Subd. 4. ~~Storage, handling, Incident response, and disposal plan.~~ A pesticide
 9.11 dealer, agricultural pesticide dealer, or a commercial, noncommercial, or structural pest
 9.12 control applicator ~~or the business that the applicator is employed by~~ business must develop
 9.13 and maintain a an incident response plan that describes its pesticide storage, handling,
 9.14 ~~incident response, and disposal practices~~ the actions that will be taken to prevent and
 9.15 respond to pesticide incidents. The plan must contain the same information as forms
 9.16 provided by the commissioner. The plan must be kept at a principal business site or location
 9.17 within this state and must be submitted to the commissioner upon request ~~on forms provided~~
 9.18 ~~by the commissioner. The plan must be available for inspection by the commissioner.~~

9.19 Sec. 14. Minnesota Statutes 2012, section 31.94, is amended to read:

9.20 **31.94 COMMISSIONER DUTIES.**

9.21 (a) In order to promote opportunities for organic agriculture in Minnesota, the
 9.22 commissioner shall:

9.23 (1) survey producers and support services and organizations to determine
 9.24 information and research needs in the area of organic agriculture practices;

9.25 (2) work with the University of Minnesota to demonstrate the on-farm applicability
 9.26 of organic agriculture practices to conditions in this state;

9.27 (3) direct the programs of the department so as to work toward the promotion of
 9.28 organic agriculture in this state;

9.29 (4) inform agencies of how state or federal programs could utilize and support
 9.30 organic agriculture practices; and

9.31 (5) work closely with producers, the University of Minnesota, the Minnesota Trade
 9.32 Office, and other appropriate organizations to identify opportunities and needs as well
 9.33 as ensure coordination and avoid duplication of state agency efforts regarding research,
 9.34 teaching, marketing, and extension work relating to organic agriculture.

10.1 (b) By November 15 of each year that ends in a zero or a five, the commissioner,
 10.2 in conjunction with the task force created in paragraph (c), shall report on the status of
 10.3 organic agriculture in Minnesota to the legislative policy and finance committees and
 10.4 divisions with jurisdiction over agriculture. The report must include available data on
 10.5 organic acreage and production, available data on the sales or market performance of
 10.6 organic products, and recommendations regarding programs, policies, and research efforts
 10.7 that will benefit Minnesota's organic agriculture sector.

10.8 (c) A Minnesota Organic Advisory Task Force shall advise the commissioner and the
 10.9 University of Minnesota on policies and programs that will improve organic agriculture in
 10.10 Minnesota, including how available resources can most effectively be used for outreach,
 10.11 education, research, and technical assistance that meet the needs of the organic agriculture
 10.12 community. The task force must consist of the following residents of the state:

- 10.13 (1) three organic farmers ~~using organic agriculture methods~~;
- 10.14 (2) one wholesaler or distributor of organic products;
- 10.15 (3) one representative of organic certification agencies;
- 10.16 (4) two organic processors;
- 10.17 (5) one representative from University of Minnesota Extension;
- 10.18 (6) one University of Minnesota faculty member;
- 10.19 (7) one representative from a nonprofit organization representing producers;
- 10.20 (8) two public members;
- 10.21 (9) one representative from the United States Department of Agriculture;
- 10.22 (10) one retailer of organic products; and
- 10.23 (11) one organic consumer representative.

10.24 The commissioner, in consultation with the director of the Minnesota Agricultural
 10.25 Experiment Station; the dean and director of University of Minnesota Extension; and the
 10.26 dean of the College of Food, Agricultural and Natural Resource Sciences, shall appoint
 10.27 members to serve ~~staggered two~~ three-year terms.

10.28 Compensation and removal of members are governed by section 15.059, subdivision
 10.29 6. The task force must meet at least twice each year and expires on June 30, ~~2013~~ 2016.

10.30 (d) For the purposes of expanding, improving, and developing production and
 10.31 marketing of the organic products of Minnesota agriculture, the commissioner may
 10.32 receive funds from state and federal sources and spend them, including through grants or
 10.33 contracts, to assist producers and processors to achieve certification, to conduct education
 10.34 or marketing activities, to enter into research and development partnerships, or to address
 10.35 production or marketing obstacles to the growth and well-being of the industry.

11.1 (e) The commissioner may facilitate the registration of state organic production
 11.2 and handling operations including those exempt from organic certification according to
 11.3 Code of Federal Regulations, title 7, section 205.101, and certification agents operating
 11.4 within the state.

11.5 Sec. 15. Minnesota Statutes 2012, section 41A.105, subdivision 5, is amended to read:

11.6 Subd. 5. **Expiration.** This section expires June 30, ~~2014~~ 2015.

11.7 Sec. 16. Minnesota Statutes 2012, section 41A.12, is amended by adding a subdivision
 11.8 to read:

11.9 Subd. 3a. **Grant awards.** Grant projects may continue for up to three years.

11.10 Multiyear projects must be reevaluated by the commissioner before second- and third-year
 11.11 funding is approved. A project is limited to one grant for its funding.

11.12 Sec. 17. Minnesota Statutes 2012, section 41B.04, subdivision 9, is amended to read:

11.13 Subd. 9. **Restructured loan agreement.** (a) For a deferred restructured loan, all
 11.14 payments on the primary and secondary principal, all payments of interest on the secondary
 11.15 principal, and an agreed portion of the interest payable to the eligible agricultural lender
 11.16 on the primary principal must be deferred to the end of the term of the loan.

11.17 (b) Interest on secondary principal must accrue at a below market interest rate.

11.18 (c) At the conclusion of the term of the restructured loan, the borrower owes primary
 11.19 principal, secondary principal, and deferred interest on primary and secondary principal.
 11.20 However, part of this balloon payment may be forgiven following an appraisal by the
 11.21 lender and the authority to determine the current market value of the real estate subject to
 11.22 the mortgage. If the current market value of the land after appraisal is less than the amount
 11.23 of debt owed by the borrower to the lender and authority on this obligation, that portion of
 11.24 the obligation that exceeds the current market value of the real property must be forgiven
 11.25 by the lender and the authority in the following order:

11.26 (1) deferred interest on secondary principal;

11.27 (2) secondary principal;

11.28 (3) deferred interest on primary principal;

11.29 (4) primary principal as provided in an agreement between the authority and the
 11.30 lender; and

11.31 (5) accrued but not deferred interest on primary principal.

11.32 (d) For an amortized restructured loan, payments must include installments on
 11.33 primary principal and interest on the primary principal. An amortized restructured loan

12.1 must be amortized over a time period and upon terms to be established by the authority by
 12.2 rule.

12.3 (e) A borrower may prepay the restructured loan, with all primary and secondary
 12.4 principal and interest and deferred interest at any time ~~without prepayment penalty~~.

12.5 (f) The authority may not participate in refinancing a restructured loan at the
 12.6 conclusion of the restructured loan.

12.7 Sec. 18. Minnesota Statutes 2012, section 223.17, is amended by adding a subdivision
 12.8 to read:

12.9 Subd. 7a. **Bond requirements; claims.** For entities licensed under this chapter
 12.10 and chapter 232, the bond requirements and claims against the bond are governed under
 12.11 section 232.22, subdivision 6a.

12.12 Sec. 19. Minnesota Statutes 2012, section 232.22, is amended by adding a subdivision
 12.13 to read:

12.14 Subd. 6a. **Bond determinations.** If a public grain warehouse operator is licensed
 12.15 under both this chapter and chapter 223, the warehouse shall have its bond determined
 12.16 by its gross annual grain purchase amount or its annual average grain storage value,
 12.17 whichever is greater. For those entities licensed under this chapter and chapter 223, the
 12.18 entire bond shall be available to any claims against the bond for claims filed under this
 12.19 chapter and chapter 223.

12.20 Sec. 20. Minnesota Statutes 2012, section 296A.01, subdivision 19, is amended to read:

12.21 Subd. 19. **E85.** "E85" means a petroleum product that is a blend of agriculturally
 12.22 derived denatured ethanol and gasoline or natural gasoline that typically contains not more
 12.23 than 85 percent ethanol by volume, but at a minimum must contain 60 greater than 50
 12.24 percent ethanol by volume. For the purposes of this chapter, the energy content of E85
 12.25 will be considered to be 82,000 BTUs per gallon. E85 produced for use as a motor fuel in
 12.26 alternative fuel vehicles as defined in subdivision 5 must comply with ASTM specification
 12.27 ~~D5798-07~~ D5798-11.

12.28 **EFFECTIVE DATE.** This section is effective the day following final enactment.

12.29 Sec. 21. **REVISOR'S INSTRUCTION.**

12.30 The revisor of statutes shall renumber Minnesota Statutes, section 18B.01,
 12.31 subdivision 4a, as subdivision 4b and correct any cross-references.

13.1 Sec. 22. **REPEALER.**

13.2 (a) Minnesota Statutes 2012, section 18B.07, subdivision 6, is repealed.

13.3 (b) Minnesota Rules, parts 1505.0751, subparts 7 and 8; 1510.0011, subparts 1 and
 13.4 4; 1510.0020; 1510.0030; 1510.0040; 1510.0050; 1510.0060; 1510.0070; 1510.0080;
 13.5 1510.0090; 1510.0100; 1510.0111; 1510.0161; 1510.0171; 1510.0180; 1510.0200;
 13.6 1510.0210; 1510.0220; 1510.0231; 1510.0241; 1510.0261; 1510.0340; 1510.0350; and
 13.7 1510.0360, are repealed.

13.8 **ARTICLE 2**

13.9 **MINNESOTA AGRICULTURAL WATER QUALITY PROGRAM**

13.10 Section 1. **[17.9891] PURPOSE.**

13.11 The commissioner, in consultation with the Pollution Control Agency (PCA),
 13.12 Department of Natural Resources (DNR), and Board of Water and Soil Resources
 13.13 (BWSR), may implement a Minnesota agricultural water quality certification program
 13.14 (MAWQCP) whereby once a producer demonstrates practices and management sufficient
 13.15 to protect and enhance water quality, the producer is exempt from having to comply with
 13.16 new rules affecting agricultural or land management practices that could affect water
 13.17 quality for up to ten years. The program shall be a voluntary program that is first piloted in
 13.18 selected watersheds across the state, until such time as the commissioner, in consultation
 13.19 with the PCA, DNR, and BWSR, determines the program is ready to be expanded.

13.20 Sec. 2. **[17.9892] DEFINITIONS.**

13.21 Subdivision 1. **Technical assistance.** "Technical assistance" means professional,
 13.22 advisory, or cost-share assistance provided to individuals that is designed to achieve
 13.23 MAWQCP certification.

13.24 Subd. 2. **Certifying agent.** "Certifying agent" means a person who is authorized
 13.25 by the commissioner to assess producers to determine whether a producer satisfies the
 13.26 standards of the Minnesota agricultural water quality certification program.

13.27 Subd. 3. **Conflict of interest.** "Conflict of interest" means an occurrence of a
 13.28 certifying agent also providing technical assistance to the same producer.

13.29 Subd. 4. **Certification.** "Certification" means a producer has demonstrated
 13.30 compliance with all applicable environmental rules and statutes for all of the producer's
 13.31 owned and rented agricultural land, and has achieved a satisfactory score through the
 13.32 certification instrument and verified by a certifying agent. A certification is valid for up to
 13.33 ten years, as long as the producer maintains compliance with original certification practices.

14.1 Subd. 5. **Eligible land.** "Eligible land" means all acres of an agricultural operation
 14.2 of a producer, whether or not contiguous, that are under the effective control of the
 14.3 producer at the time the producer enters into the certification program, and is operated
 14.4 by the producer with equipment, labor, and management.

14.5 Subd. 6. **Effective control.** "Effective control" means possession of the land
 14.6 by ownership, written lease, or other legal agreement and authority to act as decision
 14.7 maker for the day-to-day management of the operation at the time the producer achieves
 14.8 certification and for the required period of the certification.

14.9 **Sec. 3. [17.9893] CERTIFICATION INSTRUMENT.**

14.10 The commissioner, in consultation with the PCA, DNR, and BSWR, shall develop an
 14.11 analytical instrument to assess the water quality practices and management of agricultural
 14.12 operations. This instrument shall be used to certify the water quality practices and
 14.13 management of an agricultural operation are consistent with state water quality goals and
 14.14 standards. The commissioner shall define a satisfactory score for certification purposes.

14.15 The certification instrument tool shall:

- 14.16 (1) integrate applicable existing regulatory requirements;
 14.17 (2) utilize technology and prioritize ease of use;
 14.18 (3) utilize a water quality index or score applicable to the landscape;
 14.19 (4) incorporate a process for updates and revisions as practices, management, and
 14.20 technology changes become established and approved; and
 14.21 (5) comprehensively address water quality impacts.

14.22 **Sec. 4. [17.9894] LICENSE.**

14.23 Subdivision 1. **License.** Any person who offers certification services to producers
 14.24 as part of this program must satisfy all criteria in subdivision 2 and be licensed by
 14.25 the commissioner. A certifying agent is ineligible to provide certification services to
 14.26 any producer to whom the certifying agent has also provided technical assistance. The
 14.27 department may set fees for such license.

14.28 Subd. 2. **Certifying agent requirements.** In order to be licensed as a certifying
 14.29 agent, a person must:

- 14.30 (1) be an agricultural conservation professional employed by the state of Minnesota, a
 14.31 Soil and Water Conservation District, the Natural Resources Conservation Service, or be a
 14.32 Minnesota certified crop advisor as recognized by the American Society of Agronomy; and

- 15.1 (2) have passed a comprehensive exam, as set by the commissioner, evaluating
 15.2 knowledge of water quality, soil health, best farm management techniques, and the
 15.3 certification instrument; and
 15.4 (3) maintain continuing education requirements as set by the commissioner.

15.5 **Sec. 5. [17.9895] DUTIES OF A CERTIFYING AGENT.**

15.6 Subdivision 1. **Duties of certifying agent.** A certifying agent shall conduct formal
 15.7 certification assessment utilizing the certification instrument to determine whether a
 15.8 producer meets the criteria set forth in the program. If a producer satisfies all requirements,
 15.9 the certifying agent shall notify the commissioner of the producer's eligibility and request
 15.10 that the state issue a certificate. All records and documents used in the assessment shall be
 15.11 compiled by the certifying agent and submitted to the commissioner.

15.12 Subd. 2. **Violations.** In the event a certifying agent violates any provision of this
 15.13 chapter or an order of the commissioner, the commissioner may issue a written warning,
 15.14 or a correction order, and may suspend or revoke a license. If a license or certificate is
 15.15 suspended or revoked, the certifying agent has ten days from the suspension or revocation
 15.16 to appeal. If a certifying agent appeals, the commissioner shall hold an administrative
 15.17 hearing within 30 days of the suspension or revocation of the license, or longer by
 15.18 agreement of the parties, to determine whether the license is revoked or suspended. The
 15.19 commissioner shall issue an opinion within 30 days. An appeal of the commissioner's
 15.20 decision shall be made pursuant to Minnesota Statutes, sections 14.63 to 14.68.

15.21 **Sec. 6. [17.9896] CERTIFICATION PROCEDURES.**

15.22 A producer who seeks certification of eligible land shall conduct an initial
 15.23 assessment using the certification instrument, obtain technical assistance, if necessary,
 15.24 to achieve a satisfactory score on the certification instrument, and apply for certification
 15.25 from a licensed certifying agent. Once certified, if a producer obtains effective control
 15.26 in additional agricultural land, the producer must notify a certifying agent and obtain
 15.27 certification on the additional land within one year in order to maintain the producer's
 15.28 original certification. The commissioner may terminate a certification if the producer fails
 15.29 to obtain certification on any additional land for which the producer obtains effective
 15.30 control. The commissioner may revoke a certification and seek reimbursement of any
 15.31 monetary benefit a producer may have received due to certification from a producer who
 15.32 fails to maintain certification criteria. The commissioner shall revoke a certification
 15.33 through the hearing process outlined in section 17.9895, subdivision 2.

16.1 Sec. 7. **[17.9897] CERTIFICATION CERTAINTY.**

16.2 Once a producer is certified, the producer:

16.3 (1) is exempt from any new state rules pertaining to water quality protection for up
16.4 to ten years from the date of certification;

16.5 (2) is considered to be meeting the producer's contributions to any targeted
16.6 reductions of pollutants during the period of certification;

16.7 (3) is required to continue implementation of practices that maintain the producer's
16.8 certification; and

16.9 (4) is required to retain all records pertaining to certification.

16.10 Sec. 8. **[17.9898] AUDITS.**

16.11 The commissioner shall perform random audits of the producers and certifying
16.12 agents to ensure compliance with the program. All producers and certifying agents shall
16.13 cooperate with the commissioner during these audits, and provide all relevant documents
16.14 to the commissioner for inspection and copying. Any delay, obstruction, or refusal to
16.15 cooperate with the commissioner's audit, or falsification of or failure to provide required
16.16 data or information, is a violation subject to the provisions of section 17.9895, subdivision
16.17 2, or 17.9896.

16.18 Sec. 9. **[17.9899] DATA.**

16.19 All data collected under this program that identifies the producer or the producer's
16.20 location shall be considered nonpublic data as defined in section 13.02, subdivision 9, or
16.21 private data on individuals as defined in section 13.02, subdivision 12. The commissioner
16.22 shall make available summary data of program outcomes.

16.23 Sec. 10. **[17.991] RULEMAKING.**

16.24 The commissioner may develop rules to implement this program.

16.25 Sec. 11. **[17.992] REPORTS.**

16.26 The commissioner, in consultation with the DNR, BWSR, and PCA, shall issue a
16.27 biennial report to the chairs and ranking minority members of the legislative committees
16.28 with jurisdiction over agricultural policy on the status of the program.

16.29 Sec. 12. **[17.993] GRANTING.**

17.1 The commissioner may use contributions from gifts or other state accounts, provided
 17.2 that the purposes of the expenditures are consistent with the purpose of the accounts, for
 17.3 grants, loans, or other financial assistance.

17.4 **ARTICLE 3**

17.5 **MINNESOTA NOXIOUS WEED LAW**

17.6 Section 1. Minnesota Statutes 2012, section 18.77, subdivision 3, is amended to read:

17.7 Subd. 3. **Control.** "Control" means to ~~destroy all or part of the aboveground~~
 17.8 ~~growth of noxious weeds~~ manage or prevent the maturation and spread of propagating
 17.9 parts of noxious weeds from one area to another by a lawful method that does not cause
 17.10 unreasonable adverse effects on the environment as defined in section 18B.01, subdivision
 17.11 31, ~~and prevents the maturation and spread of noxious weed propagating parts from one~~
 17.12 ~~area to another.~~

17.13 Sec. 2. Minnesota Statutes 2012, section 18.77, subdivision 4, is amended to read:

17.14 Subd. 4. **Eradicate.** "Eradicate" means to destroy the aboveground ~~growth and the~~
 17.15 ~~roots~~ and belowground plant parts of noxious weeds by a lawful method ~~that~~ which prevents
 17.16 the maturation and spread of noxious weed propagating parts from one area to another.

17.17 Sec. 3. Minnesota Statutes 2012, section 18.77, subdivision 10, is amended to read:

17.18 Subd. 10. **Permanent pasture, hay meadow, woodlot, and or other noncrop**
 17.19 **area.** "Permanent pasture, hay meadow, woodlot, ~~and~~ or other noncrop area" means an
 17.20 area of predominantly native or seeded perennial plants that can be used for grazing or hay
 17.21 purposes but is not harvested on a regular basis and is not considered to be a growing crop.

17.22 Sec. 4. Minnesota Statutes 2012, section 18.77, subdivision 12, is amended to read:

17.23 Subd. 12. **Propagating parts.** "Propagating parts" means all plant parts, including
 17.24 seeds, that are capable of producing new plants.

17.25 Sec. 5. **[18.771] NOXIOUS WEED CATEGORIES.**

17.26 (a) For purposes of this section, noxious weed category includes each of the
 17.27 following categories.

17.28 (b) "Prohibited noxious weed" includes noxious weeds that must be controlled or
 17.29 eradicated on all lands within the state. Transportation of a prohibited noxious weed's
 17.30 propagating parts shall be restricted by permit except as allowed by section 18.82.

18.1 Prohibited noxious weeds cannot be sold or propagated in Minnesota. There are two
 18.2 regulatory listings for prohibited noxious weeds in Minnesota:

18.3 (1) The "Noxious Weed Eradicate List" is established. Prohibited noxious weeds
 18.4 placed on the Noxious Weed Eradicate List are plants that are not currently known to be
 18.5 present in Minnesota or are not widely established. These species must be eradicated.

18.6 (2) The "Noxious Weed Control List" is established. Prohibited noxious weeds
 18.7 placed on the Noxious Weed Control List are plants that are already established throughout
 18.8 Minnesota or regions of the state. Species on this list must at least be controlled.

18.9 (c) "Restricted noxious weeds" includes noxious weeds that are widely distributed
 18.10 in Minnesota, but whose only feasible means of control is to prevent their spread by
 18.11 prohibiting the importation, sale, and transportation of their propagating parts in the state
 18.12 except as allowed by section 18.82.

18.13 (d) "Specially regulated plants" includes noxious weeds that may be native
 18.14 species or have demonstrated economic value, but also have the potential to cause harm
 18.15 in noncontrolled environments. Plants designated as specially regulated have been
 18.16 determined to pose ecological, economical, or human or animal health concerns. Species
 18.17 specific management plans or rules that define the use and management requirements
 18.18 for these plants must be developed by the commissioner of agriculture for each plant
 18.19 designated as specially regulated. The commissioner must also take measures to minimize
 18.20 the potential for harm caused by these plants.

18.21 (e) "County noxious weeds" includes noxious weeds that are designated by
 18.22 individual county boards to be enforced as prohibited noxious weeds within the county's
 18.23 jurisdiction and must be approved by the commissioner of agriculture, in consultation with
 18.24 the Noxious Weed Advisory Committee. Each county board must submit newly proposed
 18.25 county noxious weeds to the commissioner of agriculture for review. Approved county
 18.26 noxious weeds shall also be posted with the county's general weed notice prior to May 15
 18.27 each year. Counties are solely responsible for developing county noxious weed lists and
 18.28 their enforcement.

18.29 Sec. 6. Minnesota Statutes 2012, section 18.78, subdivision 3, is amended to read:

18.30 Subd. 3. **Cooperative Weed control agreement.** The commissioner, municipality,
 18.31 or county agricultural inspector or county-designated employee may enter into a
 18.32 cooperative weed control agreement with a landowner or weed management area
 18.33 group to establish a mutually agreed-upon noxious weed management plan for up to
 18.34 three years duration, whereby a noxious weed problem will be controlled without

19.1 additional enforcement action. If a property owner fails to comply with the noxious weed
 19.2 management plan, an individual notice may be served.

19.3 Sec. 7. Minnesota Statutes 2012, section 18.79, subdivision 6, is amended to read:

19.4 Subd. 6. **Training for control or eradication of noxious weeds.** The commissioner
 19.5 shall conduct initial training considered necessary for inspectors and county-designated
 19.6 employees in the enforcement of the Minnesota Noxious Weed Law. The director of
 19.7 the Minnesota Extension Service may conduct educational programs for the general
 19.8 public that will aid compliance with the Minnesota Noxious Weed Law. Upon request,
 19.9 the commissioner may provide information and other technical assistance to the county
 19.10 agricultural inspector or county-designated employee to aid in the performance of
 19.11 responsibilities specified by the county board under section 18.81, subdivisions 1a and 1b.

19.12 Sec. 8. Minnesota Statutes 2012, section 18.79, subdivision 13, is amended to read:

19.13 Subd. 13. **Noxious weed designation.** The commissioner, in consultation with the
 19.14 Noxious Weed Advisory Committee, shall determine which plants are noxious weeds
 19.15 subject to ~~control~~ regulation under sections 18.76 to 18.91. The commissioner shall
 19.16 prepare, publish, and revise as necessary, but at least once every three years, a list of
 19.17 noxious weeds and their designated classification. The list must be distributed to the public
 19.18 by the commissioner who may request the help of the University of Minnesota Extension,
 19.19 the county agricultural inspectors, and any other organization the commissioner considers
 19.20 appropriate to assist in the distribution. The commissioner may, in consultation with
 19.21 the Noxious Weed Advisory Committee, accept and consider noxious weed designation
 19.22 petitions from Minnesota citizens or Minnesota organizations or associations.

19.23 Sec. 9. Minnesota Statutes 2012, section 18.82, subdivision 1, is amended to read:

19.24 Subdivision 1. **Permits.** Except as provided in section 21.74, if a person wants to
 19.25 transport along a public highway materials or equipment containing the propagating parts of
 19.26 weeds designated as noxious by the commissioner, the person must secure a written permit
 19.27 for transportation of the material or equipment from an inspector or county-designated
 19.28 employee. Inspectors or county-designated employees may issue permits to persons
 19.29 residing or operating within their jurisdiction. ~~If the noxious weed propagating parts are
 19.30 removed from materials and equipment or devitalized before being transported, a permit is
 19.31 not needed~~ A permit is not required for the transport of noxious weeds for the purpose
 19.32 of destroying propagating parts at a Department of Agriculture-approved disposal site.

20.1 Anyone transporting noxious weed propagating parts for this purpose shall ensure that all
 20.2 materials are contained in a manner that prevents escape during transport.

20.3 Sec. 10. Minnesota Statutes 2012, section 18.91, subdivision 1, is amended to read:

20.4 Subdivision 1. **Duties.** The commissioner shall consult with the Noxious Weed
 20.5 Advisory Committee to advise the commissioner concerning responsibilities under
 20.6 the noxious weed control program. The committee shall also evaluate species for
 20.7 invasiveness, difficulty of control, cost of control, benefits, and amount of injury caused
 20.8 by them. For each species evaluated, the committee shall recommend to the commissioner
 20.9 on which noxious weed list or lists, if any, the species should be placed. Species ~~currently~~
 20.10 designated as prohibited or restricted noxious weeds or specially regulated plants must
 20.11 be reevaluated every three years for a recommendation on whether or not they need to
 20.12 remain on the noxious weed lists. The committee shall also advise the commissioner on
 20.13 the implementation of the Minnesota Noxious Weed Law and assist the commissioner in
 20.14 the development of management criteria for each noxious weed category. Members of
 20.15 the committee are not entitled to reimbursement of expenses nor payment of per diem.
 20.16 Members shall serve two-year terms with subsequent reappointment by the commissioner.

20.17 Sec. 11. Minnesota Statutes 2012, section 18.91, subdivision 2, is amended to read:

20.18 Subd. 2. **Membership.** The commissioner shall appoint members, which shall
 20.19 include representatives from the following:

- 20.20 (1) horticultural science, agronomy, and forestry at the University of Minnesota;
- 20.21 (2) the nursery and landscape industry in Minnesota;
- 20.22 (3) the seed industry in Minnesota;
- 20.23 (4) the Department of Agriculture;
- 20.24 (5) the Department of Natural Resources;
- 20.25 (6) a conservation organization;
- 20.26 (7) an environmental organization;
- 20.27 (8) at least two farm organizations;
- 20.28 (9) the county agricultural inspectors;
- 20.29 (10) city, township, and county governments;
- 20.30 (11) the Department of Transportation;
- 20.31 (12) the University of Minnesota Extension;
- 20.32 (13) the timber and forestry industry in Minnesota;
- 20.33 (14) the Board of Water and Soil Resources; ~~and~~
- 20.34 (15) soil and water conservation districts;

- 21.1 (16) Minnesota Association of County Land Commissioners; and
- 21.2 (17) members as needed.

21.3 Sec. 12. **REPEALER.**

21.4 Minnesota Statutes 2012, section 18.91, subdivisions 3 and 5, are repealed.

APPENDIX
Article locations in 13-0130

ARTICLE 1	POLICY AND TECHNICAL CHANGES	Page.Ln 1.23
ARTICLE 2	MINNESOTA AGRICULTURAL WATER QUALITY PROGRAM ..	Page.Ln 13.8
ARTICLE 3	MINNESOTA NOXIOUS WEED LAW	Page.Ln 17.4

18.91 ADVISORY COMMITTEE; MEMBERSHIP.

Subd. 3. **Additional duties.** The committee shall conduct evaluations of terrestrial plant species to recommend if they need to be designated as noxious weeds and into which noxious weed classification they should be designated, advise the commissioner on the implementation of the Minnesota Noxious Weed Law, and assist the commissioner in the development of management criteria for each noxious weed category.

Subd. 5. **Expiration.** Notwithstanding section 15.059, subdivision 5, the committee expires June 30, 2013.

18B.07 PESTICIDE USE, APPLICATION, AND EQUIPMENT CLEANING.

Subd. 6. **Use of public waters for filling equipment.** (a) A person may not fill pesticide application equipment directly from public or other waters of the state, as defined in section 103G.005, subdivision 15, unless the equipment contains proper and functioning anti-backsiphoning mechanisms. The person may not introduce pesticides into the application equipment until after filling the equipment from the public waters.

(b) This subdivision does not apply to permitted applications of aquatic pesticides to public waters.

1505.0751 DEFINITIONS.

Subp. 7. **Municipality.** "Municipality" means a home rule charter or statutory city or a township.

1505.0751 DEFINITIONS.

Subp. 8. **Noxious weed.** "Noxious weed" means an annual, biennial, or perennial plant that the commissioner designates to be injurious to public health, the environment, public roads, crops, livestock, or other property.

1510.0011 LABELING VARIETY, VARIETY NOT STATED, AND BRAND; EXAMPLES.

Subpart 1. **Definition; brand.** As used in this part, "brand" means a word, mark, or picture representing a trademark or a term taken from a trademark which indicates the owner, originator, or labeler of the seed and does not indicate the genetic identity of the seed.

1510.0011 LABELING VARIETY, VARIETY NOT STATED, AND BRAND; EXAMPLES.

Subp. 4. **Labeling brands.** When agricultural seed is labeled with a brand, trademark, or term taken from a brand or trademark, the seed label must clearly identify the term with the word "brand" and as being other than part of the variety name.

1510.0020 DISCLAIMER CLAUSE.

It shall be unlawful for vendors or sellers of agricultural seed to print upon the seed labels or tags, or to use, attach, or print upon literature, or state in any manner, any form of wording designed as a disclaimer or statement that purposes to disclaim responsibility of the vendor or seller for the data on the label required by law.

1510.0030 LABEL SHOWING PERCENT OF HARD SEED.

The label required on all agricultural seed containers shall show the percent of hard seed, when present, separately from the germination percent. It is permissible to combine these percentages and list them on the label as "total percent germination and hard seed." They shall not be stated as "total live seed," "total germination," or in any other unauthorized manner.

1510.0040 LABELING OF SEED BINS AND OTHER BULK CONTAINERS.

When agricultural seeds are sold out of the farmers' or seed vendors' bins or other bulk containers which are in retail sales rooms or to which the consumer buyers have access before buying for the purpose of examining the seed and the label thereof, a complete label shall be attached to such bin or other bulk container in a conspicuous place on the exterior of the container, where the buyer may read it conveniently before making a purchase of the seed. Seed labels and label data in the records or files of the seed seller do not meet the requirements of this part.

1510.0050 TOLERANCES.

The following tolerances shall be recognized between the percentages or rates of occurrence found by analysis, test, or examination in the administration of the law and percentages or rates of occurrence required or stated as required by the law. Unless otherwise provided, tolerances shall be determined by applying the formulas in parts 1510.0060 to 1510.0100 to the percentages or rates of occurrence found in the administration of the law.

1510.0060 PURITY TOLERANCES.

In determination of the tolerance for the percentage of the distinguishable kind, type, or variety (pure seed), weed seeds, other crop seeds, and inert matter, the sample shall be first considered as made up of two parts:

A. the percentage of the component (pure seed, weed seed, crop seed, or inert matter as the case may be) being considered; and

B. the difference between that percentage and 100.

The number represented by item A is then multiplied by the number represented by item B and the product is divided by 100. The resulting number is then multiplied by 0.2 (2/10) and the resulting product added to 0.2 or 0.6 as indicated in the following formulas:

APPENDIX
Repealed Minnesota Rule: 13-0130

$$\text{Pure seed tolerance} = 0.6 + (0.2 \times a \times b)$$

100

$$\text{Weed seeds, other crop seeds and inert matter tolerance} = 0.2 + (0.2 \times a \times b)$$

100

1510.0070 ADDITIONAL TOLERANCE.

An additional tolerance shall be allowed for the following kinds of seeds and mixtures containing any of these kinds of seeds singly or combined in excess of 50 percent. The tolerance is to be obtained by adding to the regular tolerance mentioned above the product obtained by multiplying the regular tolerance by the lesser of part 1510.0060, items A and B divided by 100.

Agrostis spp.
Andropogon spp.
Bermuda grass
Bouteloua spp.
Brome grass
Buffalo grass
Carpet grass
Dallis grass
Festuca spp.
Guinea grass
Indian grass, yellow
Meadow foxtail
Molasses grass
Oatgrass, tall
Orchard grass
Panic grass, blue
Poa spp.
Rhodes grass
Ricegrass, Indian
Sweet vernal grass
Switch grass
Vasey grass
Velvet grass
Wheatgrass, crested
Wheatgrass, western
Wild-rye, Canada

1510.0080 NOXIOUS WEED SEED TOLERANCES.

The following tolerances for rates of occurrence of noxious weed seeds (prohibited and restricted) shall be recognized and shall be applied to the number of noxious weed seeds found by analysis in the quantity of seed specified by the state seed laboratory. Representations showing the rate of occurrence indicated in columns 2 and 4 shall be considered within the tolerance if no more than the accompanying number in columns 1 and 3 are found by analysis in the administration of the law. For rates of occurrence higher than those shown in the table and in case of additional or more extensive analysis, a tolerance based on a degree of certainty of five percent ($P = 0.05$) will be recognized.

APPENDIX
Repealed Minnesota Rule: 13-0130

Number Found By Analysis	The Following Are Within The Tolerance
2	0
4	1
6	2
8	3
9	4
11	5
12	6
13	7
14	8
16	9
17	10
18	11
20	12
21	13
22	14
23	15
24	16
25	17
27	18
28	19
29	20
30	21

1510.0090 GERMINATION.

The following tolerances are applicable to the percentage of germination and also to the sum of the germination plus the hard seed when 400 or more seeds are tested.

Found by test	Tolerance
96 or over	5
90 or over but less than 96	6
80 or over but less than 90	7
70 or over but less than 80	8
60 or over but less than 70	9
Less than 60	10

When only 200 seeds of a component in a mixture are tested, two percent shall be added to the above germination tolerances.

1510.0100 PURE LIVE SEED.

The tolerance for pure live seed shall be determined by applying the respective tolerances to the germination plus the hard seed and the pure seed.

1510.0111 INFORMATION REQUIRED ON HYBRID SEED CORN LABELS.

Seed labels for hybrid corn varieties or blends of varieties for either grain or forage purposes must include the day classification listed under the heading "Relative Maturity." The labeled day classification must be within three days of the actual maturity rating determined in comparative trials by the Minnesota agricultural experiment station. For hybrid seed corn blends, the relative maturity and the germination percentage must be derived by averaging the relative maturities and germination percentages according to the proportion of each component in the blend.

1510.0161 KINDS OF LAWN AND TURF GRASS SEEDS EXEMPT FROM TEN PERCENT INERT MATTER LIMITATION.

In accordance with Minnesota Statutes, section 21.82, subdivision 5, paragraph (a), Kentucky bluegrass is a kind of lawn and turf grass seed for which the ten percent inert matter limitation does not apply.

1510.0171 STANDARDS, REQUIREMENTS, AND CONDITIONS FOR LABELING HERMETICALLY SEALED SEEDS.

In accordance with Minnesota Statutes, section 21.86, subdivision 1, paragraph (a), the following standards, requirements, and conditions must be met before seed is considered to be hermetically sealed:

A. The seed must be packed within nine months after harvest.

B. The container used must not allow water vapor penetration through any wall, including the seals, greater than 0.05 grams of water per 24 hours per 100 square inches of surface at 100 degrees Fahrenheit with a relative humidity on one side of 90 percent and on the other side of zero percent. Water vapor penetration or WVP is measured by the standards of the United States Bureau of Standards as:

$$\text{gm. H}_2\text{O}/24 \text{ hr.}/100 \text{ sq. in.}/100^\circ\text{F.}/90\%\text{RHV.}0\%\text{RH}$$

C. The agricultural seed in the container must not exceed the following percentages of moisture, on a wet weight basis:

- (1) beet, field, 7.5 percent;
- (2) beet, sugar, 7.5 percent;
- (3) bluegrass, kentucky, 6.0 percent;
- (4) clover, crimson, 8.0 percent;
- (5) fescue, red, 8.0 percent;
- (6) ryegrass, annual, 8.0 percent;
- (7) ryegrass, perennial, 8.0 percent;
- (8) all others, 6.0 percent; and
- (9) mixture of above, 8.0 percent.

D. The vegetable seeds in the container must not exceed the following percentages of moisture, on a wet weight basis:

- (1) bean, garden, 7.0 percent;
- (2) bean, lima, 7.0 percent;
- (3) beet, 7.5 percent;
- (4) broccoli, 5.0 percent;
- (5) brussels sprout, 5.0 percent;
- (6) cabbage, 5.0 percent;
- (7) carrot, 7.0 percent;
- (8) cauliflower, 5.0 percent;
- (9) celeriac, 7.0 percent;
- (10) celery, 7.0 percent;
- (11) chard, Swiss, 7.5 percent;
- (12) Chinese cabbage, 5.0 percent;
- (13) chives, 6.5 percent;
- (14) collards, 5.0 percent;
- (15) corn, sweet, 8.0 percent;
- (16) cucumber, 6.0 percent;
- (17) eggplant, 6.0 percent;
- (18) kale, 5.0 percent;
- (19) kohlrabi, 5.0 percent;
- (20) leek, 6.5 percent;
- (21) lettuce, 5.5 percent;
- (22) muskmelon, 6.0 percent;

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- (23) mustard, India, 5.0 percent;
- (24) onion, 6.5 percent;
- (25) onion, Welsh, 6.5 percent;
- (26) parsley, 6.5 percent;
- (27) parsnip, 6.0 percent;
- (28) pea, 7.0 percent;
- (29) pepper, 4.5 percent;
- (30) pumpkin, 6.0 percent;
- (31) radish, 5.0 percent;
- (32) rutabaga, 5.0 percent;
- (33) spinach, 8.0 percent;
- (34) squash, 6.0 percent;
- (35) tomato, 5.5 percent;
- (36) turnip, 5.0 percent;
- (37) watermelon, 6.5 percent; and
- (38) all others, 6.0 percent.

E. The container must be conspicuously labeled in not less than 8-point type to indicate:

- (1) that the container is hermetically sealed;
- (2) that the seed has been preconditioned as to moisture content; and
- (3) the calendar month and year in which the germination test was completed.

F. The percentage of germination of seed at the time of packaging must be equal to or above the standards in part 1510.0231, subpart 1.

1510.0180 STATE SEED LABORATORY REPORT.

The report of any examination, test, or determination of the state seed laboratory as provided in Minnesota Statutes, section 21.85, subdivisions 2 and 12, applies directly to the sample of seed received and examined by the seed analyst and does not apply directly to any other sample or to the bulk of seed from which this sample was drawn, or to any other lot of seed. Any discrepancy between the analysis and the nature of the lot of seed from which the sample was drawn indicates inadequate sampling, and is the responsibility of the dealer or seller of the seed.

1510.0200 GRAIN SOLD UNDER VARIETY NAMES.

Flax, oats, and other grains sold to farmers in seed quantities in the spring or at seeding time under variety names or where variety names are mentioned in the transaction are subject to all agricultural seed requirements as to cleaning, testing, and labeling unless such seed sales are definitely known to be for nonseed purposes.

1510.0210 LABELING FOR SEED SAMPLES.

Samples of all sizes of agricultural seed which are sent to or given to persons or are exposed or displayed for sale as an inducement to prospective retail or consumer purchases shall be labeled fully. The responsibility for such labeling shall rest on the person who owns the seed or in whose possession or place of business such samples are placed on display. No person shall permit any agricultural seed for sale or samples thereof to be on display in or on the person's premises which are not fully labeled.

1510.0220 CORRECTION OF ERRONEOUS SEED LABELS.

Whenever, by examination of the label or by resampling and retesting of the seed or by other dependable information, the label on any seed container of agricultural seed is found to be unlawful or to be in error beyond the limits of tolerance allowed by law, the label shall be corrected at once if the seed is of legal quality. Otherwise the seed shall be removed from sale at once.

1510.0231 GERMINATION STANDARDS; STANDARDIZED GERMINATION TESTING PROCEDURES.

Subpart 1. **Vegetable seed germination.** In accordance with Minnesota Statutes, section 21.82, subdivision 7, paragraph (a), clause (2), the germination standards for vegetable seeds prepared for use by home gardeners are as follows:

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- A. artichoke, 60 percent;
- B. asparagus, 70 percent;
- C. asparagus bean, 75 percent;
- D. bean, garden, 70 percent;
- E. bean, lima, 70 percent;
- F. bean, runner, 75 percent;
- G. beet, 65 percent;
- H. broadbean, 75 percent;
- I. broccoli, 75 percent;
- J. brussels sprout, 70 percent;
- K. burdock, great, 60 percent;
- L. cabbage, 75 percent;
- M. cabbage, tronchuda, 75 percent;
- N. cantaloupe (see muskmelon);
- O. cardoon, 60 percent;
- P. carrot, 55 percent;
- Q. cauliflower, 75 percent;
- R. celeriac, 55 percent;
- S. celery, 55 percent;
- T. chard, Swiss, 65 percent;
- U. chicory, 65 percent;
- V. Chinese cabbage, 75 percent;
- W. chives, 50 percent;
- X. citron, 65 percent;
- Y. collards, 80 percent;
- Z. corn, sweet, 75 percent;
- AA. cornsalad, 70 percent;
- BB. cowpea, 75 percent;
- CC. cress, garden, 75 percent;
- DD. cress, upland, 60 percent;
- EE. cress, water, 40 percent;
- FF. cucumber, 80 percent;
- GG. dandelion, 60 percent;
- HH. eggplant, 60 percent;
- II. endive, 70 percent;
- JJ. kale, 75 percent;
- KK. kale, Chinese, 75 percent;
- LL. kale, Siberian, 75 percent;
- MM. kohlrabi, 75 percent;
- NN. leek, 60 percent;
- OO. lettuce, 80 percent;
- PP. muskmelon, 75 percent;
- QQ. mustard, India, 75 percent;
- RR. mustard, spinach, 75 percent;
- SS. okra, 50 percent;
- TT. onion, 70 percent;
- UU. onion, Welsh, 70 percent;
- VV. pak-choi, 75 percent;
- WW. parsley, 60 percent;
- XX. parsnip, 60 percent;
- YY. pea, 80 percent;

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- ZZ. pepper, 55 percent;
- AAA. pumpkin, 75 percent;
- BBB. radish, 75 percent;
- CCC. rhubarb, 60 percent;
- DDD. rutabaga, 75 percent;
- EEE. salsify, 75 percent;
- FFF. sorrel, 65 percent;
- GGG. soybean, 75 percent;
- HHH. spinach, 60 percent;
- III. spinach, New Zealand, 40 percent;
- JJJ. squash, 75 percent;
- KKK. tomato, 75 percent;
- LLL. tomato, husk, 50 percent;
- MMM. turnip, 80 percent;
- NNN. watermelon, 70 percent;

Subp. 2. **Flower seed germination.** In accordance with Minnesota Statutes, section 21.82, subdivision 8, paragraph (a), clause (3), the germination standards for flower seeds prepared for use by home gardeners are set in this subpart.

A. The kinds of flower seeds listed below are those for which standard testing procedures have been prescribed. The percentage listed opposite each kind is the germination standard for that kind. For the kinds marked with an asterisk, the percentage is the total of percentage germination and percentage hard seed.

- (1) Achillea (The Pearl), *Achillea ptarmica*, 50 percent;
- (2) African Daisy, *Dimorphotheca aurantiaca*, 55 percent;
- (3) Ageratum, *Ageratum mexicanum*, 60 percent;
- (4) Agrostemma (rose campion), *Agrostemma coronaria*, 65 percent;
- (5) Alyssum, *Alyssum compactum*, *A. maritimum*, *A. procumbens*, *A. saxatile*, 60 percent;
- (6) Amaranthus, (*Amaranthus* spp.) 65 percent;
- (7) Anagalis (pimpernel), (*Anagalis arvensis*, *Anagalis coerulea*, *Anagalis grandiflora*), 60 percent;
- (8) Anemone, *Anemone coronaria*, *A. pulsatilla*, 55 percent;
- (9) Angel's Trumpet, *Datura arborea*, 60 percent;
- (10) Arabis, *Arabis alpina*, 60 percent;
- (11) Arctotis (African lilac daisy), (*Arctotis grandis*), 45 percent;
- (12) Armeria, (*Armeria formosa*), 55 percent;
- (13) Asparagus, fern, (*Asparagus plumosus*), 50 percent;
- (14) Asparagus, sprenger, (*Asparagus sprengeri*), 55 percent;
- (15) Aster, China, *Callistephus chinensis*, except Pompon, Powderpuff, and Princess types, 55 percent
- (16) Aster, China, *Callistephus chinensis*, Pompon, Powderpuff, and Princess types, 50 percent;
- (17) Aubretia, *Aubretia deltoides*, 45 percent;
- (18) Balsam, *Impatiens balsamina*, 70 percent;
- (19) Begonia, (*Begonia* fibrous rooted), 60 percent;
- (20) Begonia, (*Begonia* tuberous rooted), 50 percent;
- (21) Bells of Ireland, (*Molucella laevis*), 60 percent;
- (22) Brachycome (swan river daisy), (*Brachycome iberidifolia*), 60 percent;
- (23) Browallia, (*Browallia elata* and *B. speciosa*), 65 percent;
- (24) Bupthalmum (sunwheel), (*Bupthalmum salicifolium*), 60 percent;
- (25) Calceolaria, (*Calceolaria* spp.), 60 percent;
- (26) Calendula, *Calendula officinalis*, 65 percent;

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- (27) California Poppy, *Eschscholtzia californica*, 60 percent;
- (28) Calliopsis, *Coreopsis bicolor*, *C. drummondii*, *C. elegans*, 65 percent;
- (29) Campanula:
 - (a) Canterbury Bells, *Campanula medium*, 60 percent;
 - (b) Cup and Saucer Bellflower, *Campanula medium calycanthemum*, 60 percent;
 - (c) Carpathian Bellflower, *Campanula carpatica*, 50 percent;
 - (d) Peach Bellflower, *Campanula persicifolia*, 50 percent;
- (30) Candytuft, Annual, *Iberis amara*, *I. umbellata*, 65 percent;
- (31) Candytuft, Perennial, *Iberis gibraltarica*, *I. sempervirens*, 55 percent;
- (32) Castor Bean, *Ricinus communis*, 60 percent;
- (33) Cathedral Bells, *Cobaea scandens*, 65 percent;
- (34) Celosia, *Celosia argentea*, 65 percent;
- (35) Centaurea (Basket Flower), *Centaurea americana*, Cornflower, *C. cyanus*, Dusty Miller, *C. candidissima*, Royal Centaurea, *C. imperialis*, Sweet Sultan, *C. moschata*, Velvet Centaurea, *C. gymnocarpa*, 60 percent;
- (36) Chinese Forget-me-not, *Cynoglossum amabile*, 55 percent;
- (37) Chrysanthemum, Annual, *Chrysanthemum carinatum*, *C. coronarium*, *C. segetum*, 40 percent;
- (38) Clarkia, *Clarkia elegans*, 65 percent;
- (39) Cleome, *Cleome gigantea*, 65 percent;
- (40) Columbine, *Aquilegia* spp., 50 percent;
- (41) Coral Bells, *Heuchera sanguinea*, 55 percent;
- (42) Coreopsis, Perennial, *Coreopsis lanceolata*, 40 percent;
- (43) Cosmos, Sensation, Mammoth, and Crested types, *Cosmos bipinnatus*, Klondyke type, *C. sulfureus*, 65 percent;
- (44) Dahlia, *Dahlias* spp., 55 percent;
- (45) Delphinium, Perennial, Belladonna and Bellamosum types, Cardinal Larkspur, *Delphinium cardinale*, Chinensis types, Pacific Giant, Gold Medal, and other hybrids of *D. elatum*, 55 percent;
- (46) Dianthus, Carnation, *Dianthus caryophyllus*, 60 percent;
- (47) Dianthus, China Pinks, *Dianthus chinensis*, *heddewigi*, *heddensis*, 70 percent;
- (48) Grass Pinks, *Dianthus plumarius*, 60 percent;
- (49) Maiden Pinks, *Dianthus deltoides*, 60 percent;
- (50) Sweet William, *Dianthus barbatus*, 70 percent;
- (51) Sweet Wivelsfield, *Dianthus allwood*, 60 percent;
- (52) Dracaena, *Dracaena indivisa*, 55 percent;
- (53) English Daisy, *Bellis perennis*, 55 percent;
- (54) Foxglove, *Digitalis* spp., 60 percent;
- (55) Gaillardia, Annual, *Gaillardia pulchella*, *G. picta*, Perennial, *G. grandiflora*, 45 percent;
- (56) Geum, *Geum* spp., 55 percent;
- (57) Gilia, *Gilia* spp., 65 percent;
- (58) Godetia, *Godetia amoena*, *G. grandiflora*, 65 percent;
- (59) Gourds: Yellow Flowered, *Cucurbita pepo*; White Flowered, *Lagenaria siceraria*; Dishcloth, *Luffa cylindrica*, 70 percent;
- (60) Gypsophila: Annual Baby's Breath, *Gypsophila elegans*; Perennial Baby's Breath, *G. paniculata*, *G. pacifica*, *G. repens*, 70 percent;
- (61) Helenium, (*Helenium autumnale*), 40 percent;
- (62) Helichrysum, *Helichrysum monstrosum*, 60 percent;
- (63) Heliopsis, (*Heliopsis scabra*), 55 percent;
- (64) Helipterum (Acroclinium), (*Helipterum roseum*), 60 percent;
- (65) Hesperis (sweet rocket), (*Hesperis matronalis*), 65 percent;

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- (66) *Hollyhock, *Althea rosea*, 65 percent;
- (67) *Hunnemania* (mexican tulip poppy), (*Hunnemania fumariaefolia*), 60 percent;
- (68) *Hyacinth bean, (*Dolichos lablab*), 70 percent;
- (69) *Impatiens*, (*Impatiens holstii*, *I. sultani*), 55 percent;
- (70) **Ipomea*, Cypress Vine, *Ipomea quamoclit*; Moonflower, *I. noctiflora*; Morning Glories, Cardinal Climber, Hearts and Honey Vine, *Ipomea* spp., 75 percent;
- (71) Jerusalem cross (maltese cross), (*Lychnis chalconica*), 70 percent;
- (72) Job's Tears, *Coix lacrymajobi*, 70 percent;
- (73) *Kochia*, *Kochia childsi*, 55 percent;
- (74) Larkspur, Annual, *Delphinium ajacis*, 60 percent;
- (75) *Lantana*, *Lantana camara*, *L. hybrida*, 35 percent;
- (76) *Lilium* (regal lily), (*Lilium regale*), 50 percent;
- (77) *Linaria*, *Linaria* spp., 65 percent;
- (78) *Lobelia*, Annual, *Lobelia erinus*, 65 percent;
- (79) *Lunaria*, Annual, *Lunaria annua*, 65 percent;
- (80) *Lupine, *Lupinus* spp., 65 percent;
- (81) Marigold, *Tagetes* spp., 65 percent;
- (82) Marvel of Peru, *Mirabilis jalapa*, 60 percent;
- (83) *Matricaria* (feverfew), (*Matricaria* spp.), 60 percent;
- (84) Mignonette, *Reseda odorata*, 55 percent;
- (85) *Myosotis*, *Myosotis alpestris*, *M. oblongata*, *M. palustris*, 50 percent;
- (86) *Nasturtium*, *Tropaeolum* spp., 60 percent;
- (87) *Nemesia*, *Nemesia* spp., 65 percent;
- (88) *Nemophila*, *Nemophila insignis*, 70 percent;
- (89) *Nemophila*, Spotted, (*Nemophila maculata*), 60 percent;
- (90) *Nicotiana*, *Nicotiana affinis*, *N. sanderae*, *N. sylvestris*, 65 percent;
- (91) *Nierembergia*, *Nierembergia* spp., 55 percent;
- (92) *Nigella*, *Nigella damascena*, 55 percent;
- (93) Pansy, *Viola tricolor*, 60 percent;
- (94) *Penstemon*, *Penstemon barbatus*, *P. grandiflorus*, *P. laevigatus*, *P. pubescens*, 60 percent;
- (95) *Petunia*, *Petunia* spp., 45 percent;
- (96) *Phacelia*, *Phacelia campanularia*, *P. minor*, *P. tanacetifolia*, 65 percent;
- (97) Phlox, Annual, *Phlox drummondii* all types and varieties, 55 percent;
- (98) *Physalis*, *Physalis*, spp., 60 percent;
- (99) *Platycodon* (balloon flower), (*Platycodon grandiflorum*), 60 percent;
- (100) *Plumbago*, cape, (*Plumbago capensis*), 50 percent;
- (101) Poppy: Shirley Poppy, *Papaver rhoeas*; Iceland Poppy, *P. nudicaule*; Oriental Poppy, *P. orientale*; Tulip Poppy, *P. glaucum*, 60 percent;
- (102) *Portulaca*, *Portulaca grandiflora*, 55 percent;
- (103) *Primula* (primrose), (*Primula* spp.), 50 percent;
- (104) Pyrethrum (painted daisy), (*Pyrethrum coccineum*), 60 percent;
- (105) *Salpiglossis*, *Salpiglossis gloxinaeflora*, *S. sinuata*, 60 percent;
- (106) *Salvia*, Scarlet Sage, *Salvia splendens*; Mealycup Sage (blue bedder), *Salvia farinacea*, 50 percent;
- (107) *Saponaria*, *Saponaria ocymoides*, *S. vaccaria*, 60 percent;
- (108) *Scabiosa*, Annual, *Scabiosa atropurpurea*, 50 percent;
- (109) *Scabiosa*, Perennial, *Scabiosa caucasica*, 40 percent;
- (110) *Schizanthus*, *Schizanthus* spp., 60 percent;
- (111) *Sensitive plant (mimosa), (*Mimosa pudica*), 65 percent;
- (112) Shasta Daisy, *Chrysanthemum maximum*, *C. leucanthemum*, 65 percent;
- (113) Snapdragon, *Antirrhinum* spp., 55 percent;

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- (114) Solanum, *Solanum* spp., 60 percent;
- (115) Statice, (*Statice sinuata*, *S. suworonii*) (flower heads), 50 percent;
- (116) Stocks: Common, *Mathiola incana*; Evening Scented, *Mathiola bicornis*, 65 percent;
- (117) Sunflower, *Helianthus* spp., 65 percent;
- (118) *Sweet Pea, Annual and Perennial other than dwarf bush, *Lathyrus odoratus*, *L. latifolius*, 75 percent;
- (119) *Sweet Pea, dwarf bush, *Lathyrus odoratus*, 65 percent;
- (120) Tahoka daisy, (*Machaeathera tanacetifolia*), 60 percent;
- (121) Thunbergia, *Thunbergia alata*, 60 percent;
- (122) Torch flower, *Tithonia speciosa*, 70 percent;
- (123) Torenia (wishbone flower), (*Torenia fournieri*), 70 percent;
- (124) Tritoma, *Kniphofia* spp., 65 percent;
- (125) Verbena, Annual, *Verbena hybrida*, 35 percent;
- (126) Vinca, *Vinca rosea*, 60 percent;
- (127) Viola, *Viola cornuta*, 55 percent;
- (128) Virginian stocks, (*Malcolmia maritima*), 65 percent;
- (129) Wallflower, *Cheiranthus allioni*, 65 percent;
- (130) Yucca (Adam's needle), (*Yucca filamentosa*), 50 percent;
- (131) Zinnia (except *Linearis* and Creeping), *Zinnia angustifolia*, *Z. elegans*, *Z. grandiflora*, *Z. gracillima*, *Z. haegeana*, *Z. multiflora*, *Z. pumila*, 65 percent; and
- (132) Zinnia, *Linearis* and Creeping, *Zinnia linearis*, *Sanvitalia procumbens*, 50 percent.

B. A mixture of kinds of flower seeds is below standard if the germination of any kind or combination of kinds constituting 25 percent or more of the mixture by number is below standard for the kind or kinds involved.

1510.0241 STANDARDIZED GERMINATION TESTING PROCEDURES AVAILABLE.

A. In accordance with Minnesota Statutes, section 21.83, subdivision 2, paragraph (h), item B lists the kinds of tree and shrub seed that have standardized germination testing procedures available for them.

B. Tree and shrub seeds with standardized germination testing procedures available for them are as follows:

- (1) *Abies amabilis* (Dougl.) Forbes, Pacific Silver Fir;
- (2) *Abies balsamea* (L.) Mill., Balsam Fir;
- (3) *Abies concolor* (Gord. and Glend.) Lindl., White Fir;
- (4) *Abies fraseri* (Pursh.) Poir, Fraser Fir;
- (5) *Abies grandis* (Dougl.) Lindl., Grand Fir;
- (6) *Abies homolepis* Sieb. and Zucc., Nikko Fir;
- (7) *Abies lasiocarpa* (Hook.) Nutt., Subalpine Fir;
- (8) *Abies magnifica* A. Murr., California Red Fir;
- (9) *Abies magnifica* var. *shastensis* Lemm., Shasta Red Fir;
- (10) *Abies procera* Rehd., Nobel Fir;
- (11) *Abies veitchii* (Lindl.), Veitch Fir;
- (12) *Acer ginnala* Maxim., Amur Maple;
- (13) *Acer macrophyllum* Pursh., Bigleaf Maple;
- (14) *Acer negundo* L., Box Elder;
- (15) *Acer pensylvanicum* L., Striped Maple;
- (16) *Acer platanoides* L., Norway Maple;
- (17) *Acer pseudoplatanus* L., Sycamore Maple;
- (18) *Acer rubrum* L., Red Maple;
- (19) *Acer saccharinum* L., Silver Maple;
- (20) *Acer saccharum* Marsh., Sugar Maple;

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- (21) *Acer spicatum* Lam., Mountain Maple;
- (22) *Aesculus pavia* L., Red Buckeye;
- (23) *Ailanthus altissima* (Mill.) Swingle, Tree of Heaven, Ailanthus;
- (24) *Berberis thunbergii* DC., Japanese Barberry;
- (25) *Berberis vulgaris* L., European Barberry;
- (26) *Betula lenta* L., Sweet Birch;
- (27) *Betula alleghaniensis* Britton, Yellow Birch;
- (28) *Betula nigra* L., River Birch;
- (29) *Betula papyrifera* Marsh., Paper Birch;
- (30) *Betula pendula* Roth., European White Birch;
- (31) *Betula populifolia* Marsh., Gray Birch;
- (32) *Carya illinoensis* (Wang.) K. Koch, Pecan;
- (33) *Carya ovata* (Mill) K. Koch, Shagbark Hickory;
- (34) *Casuarina* spp., Beefwood;
- (35) *Catalpa bignonioides* Walt., Southern Catalpa;
- (36) *Catalpa speciosa* Warder., Northern Catalpa;
- (37) *Cedrus atlantica* Manetti, Atlas Cedar;
- (38) *Cedrus deodara* (Roxb.) Loud., Deodar Cedar;
- (39) *Cedrus libani* (Loud.), Cedar of Lebanon;
- (40) *Celastrus scandens* L., American Bittersweet;
- (41) *Celastrus orbiculata* Thunb., Oriental Bittersweet;
- (42) *Chamaecyparis lawsoniana* (A. Murr.) Parl, Port Orford Cedar;
- (43) *Chamaecyparis nootkatensis* (D. Don.) Spach., Alaska Cedar;
- (44) *Cornus florida* L., Flowering Dogwood;
- (45) *Cornus Stolonifera* Michx., Red osier Dogwood;
- (46) *Crataegus mollis*, Downy Hawthorn;
- (47) *Cupressus arizonica* Greene, Arizona Cypress;
- (48) *Eucalyptus deglupta*;
- (49) *Eucalyptus grandis*;
- (50) *Fraxinus americana* L., White Ash;
- (51) *Fraxinus excelsior* L., European Ash;
- (52) *Fraxinus latifolia* Benth., Oregon Ash;
- (53) *Fraxinus nigra* Marsh., Black Ash;
- (54) *Fraxinus pensylvanica* Marsh., Green Ash;
- (55) *Fraxinus pensylvanica* var. *lanceolata* (Borkh.) Sarg., Green Ash;
- (56) *Gleditsia triacanthos* L., Honey Locust;
- (57) *Grevillea robusta*, Silk-oak;
- (58) *Larix decidua* Mill., European Larch;
- (59) *Larix eurolepis* Henry, Dunkfeld Larch;
- (60) *Larix leptolepis* (Sieb. and Zucc.) Gord., Japanese Larch;
- (61) *Larix occidentalis* Nutt., Western Larch;
- (62) *Larix sibirica* Ledeb., Siberian Larch;
- (63) *Libocedrus decurrens*, incense-cedar;
- (64) *Liquidambar styraciflua* L., Sweetgum;
- (65) *Liriodendron tulipifera* L., yellow-poplar;
- (66) *Magnolia grandiflora*, Southern magnolia;
- (67) *Malus* spp., Apple;
- (68) *Malus* spp., Crabapple;
- (69) *Nyssa aquatica* L., Water tupelo;
- (70) *Nyssa sylvatica* var. *sylvatica*, Black tupelo;
- (71) *Picea abies* (L.) Karst., Norway Spruce;

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- (72) *Picea engelmanni* Parry, Engelmann Spruce;
- (73) *Picea glauca* (Moench.) Voss, White Spruce;
- (74) *Picea glauca* var. *albertiana* (S. Brown) Sarg., Western White Spruce, Alberta White Spruce;
- (75) *Picea glehnii* (Fr. Schmidt) Mast., Sakhalin Spruce;
- (76) *Picea jezoensis* (Sieb. and Zucc.) Carr, Yeddo Spruce;
- (77) *Picea Koyamai* Shiras, Koyama Spruce;
- (78) *Picea mariana* (Mill.) B.S.P., Black Spruce;
- (79) *Picea omorika* (Pancic.) Purkyne, Serbian Spruce;
- (80) *Picea orientalis* (L.) Link., Oriental Spruce;
- (81) *Picea polita* (Sieb. and Zucc.) Carr, Tigertail Spruce;
- (82) *Picea pungens* Engelm., Blue Spruce, Colorado Spruce;
- (83) *Picea pungens* var. *glauca* Reg., Colorado Blue Spruce;
- (84) *Picea rubens* Sar., Red Spruce;
- (85) *Picea sitchensis* (Bong.) Carr, Sitka Spruce;
- (86) *Pinus albicaulis* Engelm., Whitebark Pine;
- (87) *Pinus aristata* Engelm., Bristlecone Pine;
- (88) *Pinus banksiana* Lamb., Jack Pine;
- (89) *Pinus canariensis* C. Smith, Canary Pine;
- (90) *Pinus caribaea*, Caribbean Pine;
- (91) *Pinus cembroides* Zucc., Mexican Pinyon Pine;
- (92) *Pinus clausa*, Sand Pine;
- (93) *Pinus contorta* Dougl., Lodgepole Pine;
- (94) *Pinus contorta* var. *latifolia* Engelm., Lodgepole Pine;
- (95) *Pinus coulteri* D. Don., Coulter Pine, Bigcone Pine;
- (96) *Pinus densiflora* Sieb. and Zucc., Japanese Red Pine;
- (97) *Pinus echinata* Mill., Shortleaf Pine;
- (98) *Pinus elliottii* Engelm., Slash Pine;
- (99) *Pinus flexilis* James, Limber Pine;
- (100) *Pinus glabra* Walt., Spruce Pine;
- (101) *Pinus griffithi* McClelland, Himalayan Pine;
- (102) *Pinus halepensis* Mill., Aleppo Pine;
- (103) *Pinus jeffreyi* Grev. and Balf., Jeffrey Pine;
- (104) *Pinus khasya* Royle, Khasia Pine;
- (105) *Pinus lambertiana* Dougl., Sugar Pine;
- (106) *Pinus heldreichii* var. *leucodermis* (Ant.) Markgraf ex Fitschen, Balkan Pine, Bosnian Pine;
- (107) *Pinus markusii* DeVriese, Markus Pine;
- (108) *Pinus monticola* Dougl., Western White Pine;
- (109) *Pinus mugo* Turra., Mountain Pine;
- (110) *Pinus mugo* var. *mughus* (Scop.) Zenari, Mugo Swiss Mountain Pine;
- (111) *Pinus muricata* D. Don., Bishop Pine;
- (112) *Pinus nigra* Arnold, Austrian Pine;
- (113) *Pinus nigra* *poiretiana* (Ant.) Aschers and Graebn., Corsican Pine;
- (114) *Pinus palustris* Mill., Longleaf Pine;
- (115) *Pinus parviflora* Sieb. and Zucc., Japanese White Pine;
- (116) *Pinus patula* Schl. and Cham., Jelecote Pine;
- (117) *Pinus pinaster* Sol., Cluster Pine;
- (118) *Pinus pinea* L., Italian Stone Pine;
- (119) *Pinus ponderosa* Laws., Ponderosa Pine, Western Yellow Pine;
- (120) *Pinus radiata* D. Don., Monterey Pine;

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- (121) *Pinus resinosa* Ait., Red Pine, Norway Pine;
- (122) *Pinus rigida* Mill., Pitch Pine;
- (123) *Pinus serotina* Michx., Pond Pine;
- (124) *Pinus strobus* L., Eastern White Pine;
- (125) *Pinus sylvestris* L., Scotch Pine;
- (126) *Pinus taeda* L., Loblolly Pine;
- (127) *Pinus taiwanensis* Hayata, Formosa pine;
- (128) *Pinus thunbergii* Parl., Japanese Black pine;
- (129) *Pinus virginiana* Mill., Virginia Pine, Scrub Pine;
- (130) *Plantanus occidentalis* L., American Sycamore;
- (131) *Populus* spp., Poplars;
- (132) *Prunus armeriaca* L., Apricot;
- (133) *Prunus avium* (L.) L., Cherry;
- (134) *Prunus domestica* L., Plum, Prune;
- (135) *Prunus persica* Batsch., Peach;
- (136) *Pseudotsuga menziesii* var. *glauca* (Beissn.) Franco, Blue Douglas Fir;
- (137) *Pseudotsuga menziesii* var. *caesia* (Beissn.) Franco, Gray Douglas Fir;
- (138) *Pseudotsuga menziesii* var. *viridis*, Green Douglas Fir;
- (139) *Pyrus communis* L., Pear;
- (140) *Quercus* spp., (Red or black oak group);
- (141) *Quercus alba* L., White Oak;
- (142) *Quercus muehlenbergii* Engelm., Chinkapin Oak;
- (143) *Quercus virginiana* Mill., Live Oak;
- (144) *Rhododendron* spp., Rhododendron;
- (145) *Robinia pseudoacacia* L., Black Locust;
- (146) *Rosa multiflora* Thunb., Japanese Rose;
- (147) *Sequoia gigantea* (Lindl.) Decne., Giant Sequoia;
- (148) *Sequoia sempervirens* (D. Don.) Engl., Redwood;
- (149) *Syringa vulgaris* L., Common lilac;
- (150) *Thuja occidentalis* L., Northern White Cedar, Eastern Arborvitae;
- (151) *Thuja orientalis* L., Oriental Arborvitae, Chinese Arborvitae;
- (152) *Thuja plicata* Donn., Western Red Cedar, Giant Arborvitae;
- (153) *Tsuga canadensis* (L.) Carr., Eastern Hemlock, Canada Hemlock;
- (154) *Tsuga heterophylla* (Raf.) Sarg., Western Hemlock, Pacific Hemlock;
- (155) *Ulmus americana* L., American Elm;
- (156) *Ulmus parvifolia* Jacq., Chinese Elm;
- (157) *Ulmus pumila* L., Siberian Elm;
- (158) *Vitis vulpina* L., Riverbank Grape.

1510.0261 REQUIREMENTS FOR COMPLETE RECORD.

The initial labeler of agricultural, vegetable, flower, tree, or shrub seeds subject to Minnesota Statutes, sections 21.82 and 21.83, must have the following information as part of the complete record for each seed lot sold:

- A. lot number or other lot identification;
- B. a copy of the genuine grower's declaration or tree seed collector's declaration or similar documents containing the same information;
- C. copies of invoices showing the sale of each seed lot, including the name of the person the seed was sold to, the amount sold, the date of sale, the name of the kind or kind and variety, and the lot number;
- D. a copy of the label that was attached to or accompanied the seed lot;
- E. a copy of the field and final certification documents, if applicable;
- F. a copy of each report concerning the testing of the seed for labeling purposes; and

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G. a file sample of the seed lot which is representative of the seed lot and of sufficient size to constitute an official sample as prescribed in section 201.43 of the Federal Seed Act regulations. The prescribed official sample sizes are as follows:

- (1) two ounces of grass seed not otherwise mentioned, white or alsike clover, or seeds not larger than these;
- (2) five ounces of red or crimson clover, alfalfa, lespedeza, ryegrass, bromegrass, millet, flax, rape, or seeds of similar size;
- (3) one pound of sudan grass, sorghum, proso, or seeds of similar size;
- (4) two pounds of cereals, vetch, or seeds of similar or larger size; and
- (5) at least 400 vegetable seeds.

1510.0340 SAMPLE LABELS FOR AGRICULTURAL SEED.

The labels shown in parts 1510.0350 and 1510.0360 are suggestive of suitable arrangement of required labeling data. Any arrangement is legal as long as data is complete and may be read and understood readily by the buyer of the seed. Misleading and confusing statements and data must be avoided.

1510.0350 SUGGESTED LABEL FOR SINGLE AGRICULTURAL SEED.

This label may be used for hybrid corn, or a special label may be used. The hybrid corn part may be omitted if not wanted. If known, the origin of the seed must be stated for all agricultural seeds or that the origin is unknown if the origin cannot be determined.

KIND _____	VARIETY _____	LOT NO _____	
PURE SEED % _____	GERM % _____	HARD SEED % _____	GERM. DATE _____
WEED SEED % _____	INERT MATTER % _____	OTHER CROP % _____	
NOXIOUS WEED SEEDS _____		NO. PER POUND _____	
(Name)			
ORIGIN _____			
(State or Foreign Country)			
FOR HYBRID MINNESOTA RELATIVE MATURITY _____ DAYS			
CORN:			
LABELER'S NAME _____			
AND ADDRESS _____			

1510.0360 SUGGESTED LABEL FOR MIXTURES AND BLENDS OF AGRICULTURAL SEED.

	LOT NO. _____
KIND _____	_____
VARIETY _____	_____
PURE SEED % _____	_____
GERMINATION % _____	_____
HARD SEED % _____	_____
ORIGIN _____	_____
	INERT OTHER
WEED SEED % _____	MATTER % _____ CROP % _____
NOXIOUS _____	NO. PER _____ GERM. _____

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WEED SEEDS _____ POUND _____ DATE _____
(Name)

LABELER'S NAME
AND ADDRESS _____