

**PROPOSED REGULATION OF THE DIRECTOR OF  
THE STATE DEPARTMENT OF AGRICULTURE**

**LCB File No. R156-08**

September 4, 2008

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1-5, NRS 555.243; §6, NRS 555.243 and 555.2485.

A REGULATION relating to dealers of nursery stock; imposing administrative fines for the failure of a licensee to maintain a business record for not less than 3 years after the record is generated; and providing other matters properly relating thereto.

**Section 1.** Chapter 555 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

**Sec. 2.** *“Dealer of nursery stock” has the meaning ascribed to it in NRS 555.23525.*

**Sec. 3.** *“Nursery stock” has the meaning ascribed to it in NRS 555.23562.*

**Sec. 4.** NAC 555.010 is hereby amended to read as follows:

555.010 1. The following weeds are designated noxious weeds:

(a) Category A Weeds:

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|--------------------------|---------------------------------|
| (1) African rue.         | ( <i>Peganum harmala</i> )      |
| (2) Austrian fieldcress. | ( <i>Rorippa austriaca</i> )    |
| (3) Austrian peaweed.    | ( <i>Sphaerophysa salsula</i> ) |
| (4) Black henbane.       | ( <i>Hysocyamus niger</i> )     |
| (5) Camelthorn.          | ( <i>Alhagi pseudalhagi</i> )   |
| (6) Common crupina.      | ( <i>Crupina vulgaris</i> )     |
| (7) Dalmatian toadflax.  | ( <i>Linaria dalmatica</i> )    |

(8) Dyer's woad.	( <i>Isatis tinctoria</i> )
(9) Eurasian water-milfoil.	( <i>Myriophyllum spicatum</i> )
(10) Giant reed.	( <i>Arundo donax</i> )
(11) Giant salvinia.	( <i>Salvinia molesta</i> )
(12) Goats rue.	( <i>Galega officinalis</i> )
(13) Green fountain grass.	( <i>Pennisetum setaceum</i> )
(14) Houndstongue.	( <i>Cynoglossum officinale</i> )
(15) Hydrilla.	( <i>Hydrilla verticillata</i> )
(16) Iberian starthistle.	( <i>Centaurea iberica</i> )
(17) Klamath weed.	( <i>Hypericum perforatum</i> )
(18) Malta starthistle.	( <i>Centaurea melitensis</i> )
(19) Mayweed chamomile.	( <i>Anthemis cotula</i> )
(20) Mediterranean sage.	( <i>Salvia aethiopis</i> )
(21) Purple loosestrife.	( <i>Lythrum salicaria</i> , <i>Lythrum virgatum</i> and their cultivars)
(22) Purple starthistle.	( <i>Centaurea calcitrapa</i> )
(23) Rush skeletonweed.	( <i>Chondrilla juncea</i> )
(24) Sow thistle.	( <i>Sonchus arvensis</i> )
(25) Spotted knapweed.	( <i>Centaurea maculosa</i> )
(26) Squarrose knapweed.	( <i>Centaurea virgata</i> )
(27) Sulfur cinquefoil.	( <i>Potentilla recta</i> )
(28) Syrian bean caper.	( <i>Zygophyllum fabago</i> )
(29) Yellow starthistle.	( <i>Centaurea solstitialis</i> )

(30) Yellow toadflax. (*Linaria vulgaris*)

(b) Category B Weeds:

- |                            |                                       |
|----------------------------|---------------------------------------|
| (1) Carolina horse nettle. | ( <i>Solanum carolinense</i> )        |
| (2) Diffuse knapweed.      | ( <i>Centaurea diffusa</i> )          |
| (3) Leafy spurge.          | ( <i>Euphorbia esula</i> )            |
| (4) Medusahead.            | ( <i>Taeniatherum caput-medusae</i> ) |
| (5) Musk thistle.          | ( <i>Carduus nutans</i> )             |
| (6) Russian knapweed.      | ( <i>Acroptilon repens</i> )          |
| (7) Sahara mustard.        | ( <i>Brassica tournefortii</i> )      |
| (8) Scotch thistle.        | ( <i>Onopordum acanthium</i> )        |
| (9) White horse nettle.    | ( <i>Solanum elaeagnifolium</i> )     |

(c) Category C Weeds:

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|----------------------------|--------------------------------|
| (1) Canada thistle.        | ( <i>Cirsium arvense</i> )     |
| (2) Hoary cress.           | ( <i>Cardaria draba</i> )      |
| (3) Johnson grass.         | ( <i>Sorghum halepense</i> )   |
| (4) Perennial pepperweed.  | ( <i>Lepidium latifolium</i> ) |
| (5) Poison Hemlock.        | ( <i>Conium maculatum</i> )    |
| (6) Puncture vine.         | ( <i>Tribulus terrestris</i> ) |
| (7) Salt cedar (tamarisk). | ( <i>Tamarix</i> spp.)         |
| (8) Water Hemlock.         | ( <i>Cicuta maculata</i> )     |

2. Category A weeds are weeds that are generally not found or that are limited in distribution throughout the State. Such weeds are subject to:

- (a) Active exclusion from the State and active eradication wherever found.

(b) Active eradication from the premises of a dealer of nursery stock.

3. Category B weeds are weeds that are generally established in scattered populations in some counties of the State. Such weeds are subject to:

(a) Active exclusion where possible.

(b) Active eradication from the premises of a dealer of nursery stock.

4. Category C weeds are weeds that are generally established and generally widespread in many counties of the State. Such weeds are subject to active eradication from the premises of a dealer of nursery stock.

*5. As used in this section, “dealer of nursery stock” has the meaning ascribed to it in NRS 555.23525.*

**Sec. 5.** NAC 555.100 is hereby amended to read as follows:

555.100 As used in NAC 555.100 to 555.235, inclusive, *and sections 2 and 3 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 555.1005 to 555.109, inclusive, *and sections 2 and 3 of this regulation* have the meanings ascribed to them in those sections.

**Sec. 6.** NAC 555.125 is hereby amended to read as follows:

555.125 *1.* A person who conducts business as a dealer of nursery stock shall maintain a business record for not less than 3 years after the record is generated.

*2. A licensee who violates this section shall, after notice and hearing, for each violation pay an administrative fine in accordance with the following:*

*(a) For the first violation, \$75.*

*(b) For the second violation, \$150.*

*(c) For the third and any subsequent violation, \$300.*