

**ADOPTED REGULATION OF THE STATE**

**DEPARTMENT OF AGRICULTURE**

**LCB File No. R046-03**

Effective September 24, 2003

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

AUTHORITY: §1, NRS 587.077 and 587.083.

**Section 1.** NAC 587.254 is hereby amended to read as follows:

587.254 1. Application for certification must be made on a form obtained from *or approved by* the Department ~~{ }~~ *for each site.*

2. To maintain certification, a perennial crop must be registered each year, including the seedling year, whether or not a seed crop is harvested during that year.

3. Applications must be accompanied by the applicable acreage *and other* fees set forth in subsection ~~{4 and, except}~~ 7.

4. *Except* as otherwise provided in subsection ~~{4,}~~ 5, *applications* are due on the following dates:

(a) Alfalfa, grass, clover ~~{and}~~, rapeseed, *woody plants, forbs and field crops other than small grain and beans*, April 1, or, if the crop is planted after April 1, within 30 days after planting.

(b) Small grain and beans, May 1, or, if the crop is planted after May 1, within 30 days after planting.

(c) Seed fields or orchards of the selected, tested or source identified class, ~~{within}~~ *at least* 30 days before planting.

(d) Natural stands of the selected, tested or source identified class, ~~[within]~~ *at least* 15 days before the first harvest.

~~[4.]~~ 5. *The Department may, upon a showing of good cause, accept an application for certification filed after the date required for filing provided in subsection 4.*

6. *In addition to any other requirements, an applicant for certification of a source-identified class shall submit a site collection log and the fee for the site collection log set forth in subsection 7 to the Department within 7 days after the period for seed collection ends.*

7. The Department shall charge the following fees:

(a) For field crops:

	Acreage	Production
Application	Per Acre	Clean Seed
Alfalfa	<del>[\$2.50]</del> <i>\$4.00</i>	\$.15/cwt
Beans	<del>[3.50]</del> <i>5.00</i>	.15/cwt
Clover	<del>[2.50]</del> <i>4.00</i>	.15/cwt
Grass	<del>[2.50]</del> <i>4.00</i>	.15/cwt
Rapeseed	<del>[2.50]</del> <i>4.00</i>	.15/cwt
Small grains	<del>[2.50]</del> <i>4.00</i>	.10/cwt
<i>Woody plants and forbs</i>	<i>4.00</i>	<i>.15/cwt</i>
<i>Other field crops</i>	<i>4.00</i>	<i>.15/cwt</i>

(b) For pre-variety germplasm of the:

(1) Tested Class:

(I) Seed fields or orchards, ~~[\$2]~~ \$4 per acre plus \$.10 per tag if tags are requested; and

(II) Natural stands, ~~[\$30 per]~~ *\$50 for each application for certification for each* site plus \$.10 per tag if tags are requested;

(2) Selected Class:

(I) Seed fields or orchards, ~~[\$2]~~ \$4 per acre plus \$.10 per tag if tags are requested; and

(II) Natural stands, ~~[\$30 per]~~ *\$50 for each application for certification for each* site plus \$.10 per tag if tags are requested; and

(3) Source Identified Class, *\$10 for each application for certification of each site and \$30 per site collection log* plus \$.10 per ~~[tag]~~ *pound of clean seed* if tags are requested.

FLUSH

The Department shall charge an acreage fee of at least ~~[\$10]~~ \$25 per field.

~~[5.—The]~~

*8. In addition to any other fees, the Department may charge a fee of \$50 per field if a reinspection of the field is required to determine eligibility for certification.*

*9. Except as otherwise provided in subsection 10, the* Department will bill production fees after the seed is cleaned and only if the lot meets certification standards.

~~[6.]~~

*10. For seeds conditioned out of state:*

*(a) The Department will not charge production fees for seeds that are tagged out of state through interagency certification.*

*(b) The Department will charge production fees for seeds for which tags are requested from the Department.*

**11.** The Department will collect acreage fees on all perennial crops in the year of seeding and in each calendar year thereafter.

~~17.~~ **12.** The Department shall refund the acreage fee:

(a) For all crops, if the application is withdrawn in writing before a field inspection.

(b) For a perennial crop for any year, except the seedling year, if the Department is notified that the crop is not intended to produce seed. The Department must be notified in writing before the field is inspected.

~~18.~~ **13.** As used in this section, “pre-variety germplasm” has the meaning ascribed to it in NAC 587.3396.

**NOTICE OF ADOPTION OF PROPOSED REGULATION**  
**LCB File No. R046-03**

On August 20, 2003, the Nevada Board of Agriculture adopted regulations assigned LCB file number R046-03 which pertain to chapter 587 of the Nevada Administrative Code. A copy of the regulations as adopted is attached hereto.

**Notice date:** 6/24/2003  
**Hearing date:** 8/8/2003

**Date of adoption by agency:** 8/20/2003  
**Filing date:** 9/24/2003

**INFORMATIONAL STATEMENT**

1. A public workshop was held on August 8, 2003, in Reno, Nevada, at:  
The Nevada Department of Agriculture Office  
350 Capitol Hill Avenue.  
Reno, NV 89502
2. A public hearing was held on August 8, 2003, in Reno, Nevada, at:  
The Nevada Department of Agriculture Office  
350 Capitol Hill Avenue.  
Reno, NV 89502

Notice of workshop and notice of hearing was posted at all six Department offices, the Nevada State Library in Carson City, Nevada, and all Nevada county libraries. The notice of workshop and hearing was posted on the Department's web site. Copies could be requested from the Nevada Department of Agriculture by writing to 350 Capitol Hill Avenue, Reno, Nevada, 89502, calling (775) 688-1180, contacting all other Department offices, the Nevada State Library in Carson City, and all Nevada county libraries. All persons who have requested to be notified of amendments were notified by fax or e-mail.

3. Workshop held August 8, 2003 – Reno

Number attended:	0
Number testified:	0
No written statements were submitted:	0

Summary of comments: None.

4. Hearing held August 8, 2003 – Reno

Number attending:	0
Number testifying:	0
Number of written statements submitted:	0

5. Comments were solicited from business and the public by posting in public locations and through direct fax and e-mail notices as outlined in #1 above. A copy of the comments

and oral and written testimony may be obtained by calling the Nevada Department of Agriculture office, (775) 688-1180.

The Nevada Board of Agriculture adopted the amendments without changes.

6. The economic effects of the adopted amendments on the business which it is to regulate include:
  - a. Adverse effects:  
There will be an increase in the cost to individuals and companies participating in the seed certification program.
  - b. Beneficial effects:  
The additional fees for seed certification will allow for the certification program to meet the increasing demand for this service. Certification of seed varieties provides additional value to the grower for seed produced.
  - c. Immediate and long-term economic effects:  
The adverse and beneficial effects are the same for immediate and long-term.
7. Economic effects of the proposed amendments on the public include:
  - a. Adverse effects:  
None
  - b. Beneficial effects:  
Local economies could benefit from increased value of commodities produced.
  - c. Immediate and long-term economic effects:  
The adverse and beneficial effects are the same for the immediate and long-term.
8. Economic cost to the agency for the enforcement of the regulation:  
  
There will not be any additional cost to the agency to enforce the amendments adopted.
9. There are no other state or federal agency regulations which the adopted amendments overlap or duplicate.
10. The amendments adopted do not include any provisions more stringent than any federal regulation with the same activity.
11. This regulation does increase fees.

The increase in fees will equal the additional cost to the agency for providing the seed certification services.