

**ADOPTED REGULATION OF THE  
STATE DEPARTMENT OF AGRICULTURE**

**LCB File No. R033-05**

Effective October 31, 2005

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

AUTHORITY: §1, NRS 587.077 and 587.083.

A REGULATION relating to seeds; revising provisions governing the fees that the State Department of Agriculture will charge for analysis and testing of samples of seeds; and providing other matters properly relating thereto.

**Section 1.** NAC 587.220 is hereby amended to read as follows:

587.220 The following provisions establish the fees that the Department ~~[shall]~~ *will* charge for analysis and testing of samples of seed:

1. As used in this section, “mixture” means a seed sample which contains two or more kinds of seed, where each kind:

- (a) Constitutes more than 5 percent of the sample; or
- (b) Is declared on the label to be part of the mixture.

2. The fee for *testing* any kind of seed not listed will be ~~[based on the fee for the listed kind of seed that is most similar to the seed being tested.]~~ *determined by the Department.*

3. If special attention or a priority in examination is requested for a seed sample, the charge will be the fee listed plus 50 percent.

4. The charge for a sample requiring an unusual amount of time, such as an excessively dirty sample, a sample of a complicated mixture or a sample requiring special tests, is \$35 per hour.

5. *The charge for a mixture is \$35 per hour.*
6. *The charge for a tetrazolium test is \$40 per test.*
7. Service testing fees for purity and germination:

Kind	Purity	Germination
Alfalfa	<del>[\$14]</del> \$22	<del>[\$12]</del> \$21
Beans	<del>[\$2]</del> 23	<del>[\$2]</del> 21
Bluegrass	<del>[\$22]</del> 41	<del>[\$15]</del> 25
Bromegrass	23	<del>[\$2]</del> 21
Cereal grains	<del>[\$15]</del> 23	<del>[\$2]</del> 21
Clover	<del>[\$15]</del> 22	<del>[\$2]</del> 21
Fescue	<del>[\$22]</del> 34	<del>[\$2]</del> 23
Flax	<del>[\$21]</del> 25	<del>[\$4]</del> 25
Flowers	<del>[\$6]</del> 25	<del>[\$6]</del> 25
Indian Ricegrass	<del>[\$17]</del> 37	<del>[\$6]</del> 26
<i>Kochia</i>	22	21
<i>Needlegrasses</i>	34	23
Onion	<del>[\$4]</del> 26	<del>[\$2]</del> 21
Orchardgrass	<del>[\$25]</del> 37	<del>[\$4]</del> 24
Peas	<del>[\$4]</del> 23	<del>[\$3]</del> 21
Ryegrass	<del>[\$22]</del> 27	<del>[\$2]</del> 26
Sainfoin	<del>[\$4]</del> 22	<del>[\$3]</del> 21

Kind	Purity	Germination
Saltbush	<del>{16}</del> 35	<del>{14}</del> 26
Small Brunet	<del>{15}</del> 22	<del>{14}</del> 21
Sudangrass	<del>{17}</del> 23	<del>{14}</del> 21
Sunflower	<del>{21}</del> 25	<del>{12}</del> 23
Timothy	<del>{17}</del> 33	<del>{12}</del> 23
Trees/Shrubs	<del>{14}</del> 23	<del>{15}</del> 27
Vegetables not listed	<del>{14}</del> 26	<del>{12}</del> 21
Vetches	<del>{15}</del> 23	<del>{12}</del> 21
Wheatgrasses	34	<del>{15}</del> 28
Wildrye	<del>{21}</del> 37	<del>{12}</del> 26
<i>Winterfat</i>	41	23

~~{6. The fees}~~

8. *The fee* for examination of a sample of seed for noxious weed seed ~~{are:~~

~~{(a) For weed seed}~~ which is designated noxious in ~~{Nevada, \$6.~~

~~{(b) For weed seed which is designated noxious in}~~ any other state ~~{,}~~ *is* \$10.

**NOTICE OF ADOPTION OF PROPOSED REGULATION  
LCB File No. R033-05**

The State Department of Agriculture adopted regulations assigned LCB File No. R033-05 which pertain to chapter 587 of the Nevada Administrative Code on September 30, 2005.

**Notice date:** 8/26/2005  
**Hearing date:** 9/26/2005

**Date of adoption by agency:** 9/30/2005  
**Filing date:** 10/31/2005

**INFORMATIONAL STATEMENT**

INFORMATIONAL STATEMENT (NRS 587.077 and 587.083 ) regarding workshops and hearings held to adopt regulations revising the provisions governing fees and that the State Department of Agriculture will charge for analysis and testing of samples of seeds NAC 587.220.

A public workshop and hearing was held on September 26, 2005 at the Nevada Department of Agriculture 350 Capitol Hill Avenue Reno, Nevada 89502

**1. Description of how public comment was solicited, public comment summary and how other interested persons may obtain a copy of the summary.** Notice of workshop and notice of hearing were posted at all six Department offices, the Nevada State Library in Carson City Nevada, and all Nevada county libraries. All persons who requested to be notified of amendments were notified by mail, fax or e-mail. There were no public responses.

A summary of responses may be requested from the Nevada Department of Agriculture, Division of Plant Industry by writing to 350 Capitol Hill Avenue, Reno, Nevada 89502, or calling (775) 688-1180.

**2. Workshop held September 26, 2005**

Number attended:	0
Number testified:	0
Number of written statements:	0

Summary of comments: No comments were made

**Hearing held September 26, 2005**

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

Summary of comments: No comments were made.

**3. How comment was solicited from affected businesses, a summary of their responses and how interested persons may obtain a copy of the summary.** Comments were solicited from affected businesses, by posting in public locations, and sending notification to seed buyers and

agricultural producers. There were no responses from affected businesses. A summary may be obtained by contacting the Department as indicated in **1.** above.

**4.** The Nevada Board of Agriculture adopted the amendments without change on September 30, 2005.

**5. The estimated economic effects of the adopted amendment on the businesses that it is to regulate include:**

- a. Adverse effects: Increased lab fees raise costs per sample.
- b. Beneficial effects: Will help cover basic lab costs of enabling better lab service.
- c. Immediate and long-term economic effects: Are the same.

**Estimated economic effects of the proposed amendments on the public include:**

- a. Adverse effects: None
- b. Beneficial effects: None.
- c. Immediate and long-term economic effects: Are the same

**6. 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.

**7. Description of other state or federal agency regulations that the adopted amendments overlap or duplicate.** None

**8. Summary of provisions more stringent than any federal regulation with the same activity.** None

**9.** The estimated total annual amount collected is expected to be approximately \$5,000. The money will be used to support the seed laboratory.