

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

LCB File No. R086-11

Effective December 30, 2011

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

AUTHORITY: §1, NRS 587.077.

A REGULATION relating to seeds; increasing the fees for an application for the certification of seeds of certain field crops; and providing other matters properly relating thereto.

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 7.

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

(a) Alfalfa, grass, clover, rapeseed, woody plants and forbs of the foundation, registered or certified class, April 1, or, if the crop is planted after April 1, within 30 days after planting.

(b) Small grain and beans and field crops, other than those described in paragraph (a), of the foundation, registered or certified class, May 1, or, if the crop is planted after May 1, within 30 days after planting.

(c) Seed fields or orchards of the selected or tested class, at least 30 days before planting or, for renewal of perennial crops of seed fields or orchards of the selected or tested class, May 1.

(d) Natural stands of the selected or tested class, at least 15 days before the first harvest.

(e) Natural stands of the source identified class, at least 3 days before harvest.

(f) Planted stands of the source identified class, May 1.

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 an application for a field crop:

Crop	Acreage	Production
	Per Acre	Clean Seed
Alfalfa	[\$4] \$7	\$.15/cwt
Beans	[\$5] 7	.15/cwt
Clover	[\$4] 7	.15/cwt
Grass	[\$4] 7	.15/cwt
Rapeseed	[\$4] 7	.15/cwt
Small grains	[\$4] 7	.10/cwt
Woody plants and forbs	[\$4] 7	.15/cwt

Other field crops

~~4~~ 7

.15/cwt

(b) For prevaryety germplasm of the:

(1) Tested Class:

(I) Seed fields or orchards, \$4 per acre plus \$.25 per tag if tags are requested; and

(II) Natural stands, \$50 for each application for certification for each site plus \$.25 per tag if tags are requested;

(2) Selected Class:

(I) Seed fields or orchards, \$4 per acre plus \$.25 per tag if tags are requested; and

(II) Natural stands, \$50 for each application for certification for each site plus \$.25 per tag if tags are requested; and

(3) Source Identified Class, \$10 for each application for certification of each site and \$50 per site collection log plus \$.10 per pound of clean seed if tags are requested.

↪ The Department shall charge an acreage fee of at least \$25 per field.

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.

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.

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.

13. As used in this section, “previety germplasm” has the meaning ascribed to it in NAC 587.3396.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R086-11**

The Director of the State Department of Agriculture adopted regulations assigned LCB File No. R086-11 which pertain to chapter 587 of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

NEVADA DEPARTMENT OF AGRICULTURE
INFORMATIONAL STATEMENT
LCB File Number: R086-11
NAC 587.254
December 9, 2011

1. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary;
 - a) Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. mail and email to persons who were known to have an interest in the subject of field crop certifications as well as any persons who had specifically requested such notice. These documents were also made available at the website of the Nevada Department of Agriculture (NDOA) www.agri.state.nv.us, mailed to all county libraries in Nevada and posted at the following locations:

Nevada Department of Agriculture 405 South 21 st Street Sparks, NV 89431-5566	Nevada Department of Agriculture 2150 Frazer Avenue Sparks, NV 89431
Nevada Department of Agriculture 2300 McLeod Street Las Vegas, NV 89104-4314	Nevada Department of Agriculture 4780 E. Idaho Street Elko, NV 89801-4672
 - b) There was one public response; one testimony was given at the hearing in favor of the increase from the Farm Bureau.
 - c) Interested persons may obtain a copy of the summary by contacting:

Nevada Department of Agriculture
Attn: Dawn Rafferty, Plant Industry Division
405 South 21st Street
Sparks, NV 89431
2. A statement indicating the number of persons who attended each meeting or workshop, testified at each hearing, and submitted written statements regarding the proposed regulation;

Workshop: November 9, 2011

Number in attendance: 2
Hearing: December 5, 2011
Number in attendance: 3
Number testifying: 1
Written statements submitted: 0

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary

a) Comments were solicited from affected businesses in the same manner as they were solicited from the public.

b) There were no responses.

c) Interested persons may obtain a copy of the summary by contacting:

Nevada Department of Agriculture
Attn: Dawn Rafferty, Plant Industry Division
405 South 21st Street
Sparks, NV 89431

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change. The statement should also explain the reasons for making any changes to the regulation as proposed.

The permanent regulation was adopted on December 6, 2011 with approval from the Board of Agriculture. No changes were made to the original proposed regulation change.

5. The estimated economic effect of the regulation on businesses which it is to regulate and on the public.

There will be an increase in the cost to individuals and companies participating in the seed certification program. The additional revenue generated will allow seed certification activities to continue in the absence of a contribution to the program from the general fund. Certification of seed varieties provides additional value to the grower for seed produced. There are no adverse effects on the public. Local economies may benefit from the increased value of commodities produced.

The immediate and long term effects of the proposed changes are similar.

6. The estimated cost to the agency for enforcement of the proposed regulation.

There is no additional cost to the agency for the enforcement of this regulation.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or government agency regulations that the proposed amendments duplicate.

8. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of those provisions.
N/A
9. If the regulation establishes a new fee or increases an existing fee, a statement indicating the total annual amount the agency expects to collect and the manner in which the money will be used.

This is an increase to an existing fee. The additional revenue generated will allow field crop certification activities to continue in the absence of a contribution to the program from the general fund. It is estimated that the agency will collect approximately \$1,750 although this number is highly subject to substantial shifts in acreage.