

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

LCB File No. R086-11

November 4, 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 Per Acre	Production 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.