

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

**LCB File No. R088-11**

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 fees for the analysis and testing of certain 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 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 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]~~ \$55 per hour.

5. The charge for a mixture is ~~[\$35]~~ \$55 per hour.

6. The charge for a tetrazolium test is ~~[\$40]~~ \$55 per test.
7. Service testing fees for purity and germination:

Kind	Purity	Germination
Alfalfa	<del>[\$22]</del> \$55	<del>[\$21]</del> \$55
Beans	<del>[23]</del> 55	<del>[21]</del> 55
Bluegrass	<del>[41]</del> 75	<del>[25]</del> 55
Bromegrass	<del>[23]</del> 55	<del>[21]</del> 55
Cereal grains	<del>[23]</del> 55	<del>[21]</del> 55
Clover	<del>[22]</del> 55	<del>[21]</del> 55
Fescue	<del>[34]</del> 75	<del>[23]</del> 55
Flax	<del>[25]</del> 55	<del>[25]</del> 55
Flowers	<del>[25]</del> 55	<del>[25]</del> 55
Indian Ricegrass	<del>[37]</del> 75	<del>[26]</del> 55
Kochia	<del>[22]</del> 55	<del>[21]</del> 55
Needlegrasses	<del>[34]</del> 55	<del>[23]</del> 55
Onion	<del>[26]</del> 55	<del>[21]</del> 55
Orchardgrass	<del>[37]</del> 75	<del>[24]</del> 55
Peas	<del>[23]</del> 55	<del>[21]</del> 55
Ryegrass	<del>[27]</del> 55	<del>[26]</del> 55
Sainfoin	<del>[22]</del> 55	<del>[21]</del> 55
Saltbush	<del>[35]</del> 75	<del>[26]</del> 55

Kind	Purity	Germination
Small Brunet	<del>{22}</del> 55	<del>{21}</del> 55
Sudangrass	<del>{23}</del> 55	<del>{21}</del> 55
Sunflower	<del>{25}</del> 55	<del>{23}</del> 55
Timothy	<del>{33}</del> 55	<del>{23}</del> 55
Trees/Shrubs	<del>{23}</del> 55	<del>{27}</del> 55
Vegetables not listed	<del>{26}</del> 55	<del>{21}</del> 55
Vetches	<del>{23}</del> 55	<del>{21}</del> 55
Wheatgrasses	<del>{34}</del> 75	<del>{28}</del> 55
Wildrye	<del>{37}</del> 75	<del>{26}</del> 55
Winterfat	<del>{41}</del> 75	<del>{23}</del> 55

8. The fee for examination of a sample of seed for noxious weed seed which is designated noxious in any other state is ~~[\$10.]~~ \$55.

**NOTICE OF ADOPTION OF PROPOSED REGULATION  
LCB File No. R088-11**

The Director of the State Department of Agriculture adopted regulations assigned LCB File No. R088-11 which pertain to chapter 587 of the Nevada Administrative Code.

**INFORMATIONAL STATEMENT**

NEVADA DEPARTMENT OF AGRICULTURE  
INFORMATIONAL STATEMENT  
LCB File Number: R088-11  
NAC 587.220  
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 seed analysis fees 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](http://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 <sup>st</sup> 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 21<sup>st</sup> 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 seed analysis 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 \$1,000 although this number is highly subject to substantial shifts in acreage.