

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

LCB File No. R023-04

Effective June 16, 2004

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 the fees for applications for certification of seeds; 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 ~~[, forbs and field crops other than small grain and beans,]~~ *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 ~~[-, tested or source identified]~~ *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 ~~[-, tested or source identified]~~ *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 ~~[-crops:]~~ *crop:*

	Acreage	Production
[-Application] <i>Crop</i>	Per Acre	Clean Seed
Alfalfa	\$4	\$.15/cwt
Beans	5	.15/cwt
Clover	4	.15/cwt
Grass	4	.15/cwt
Rapeseed	4	.15/cwt

	Acreage	Production
[Application] Crop	Per Acre	Clean Seed
Small grains	4	.10/cwt
Woody plants and forbs	4	.15/cwt
Other field crops	4	.15/cwt

(b) For pre-variety germplasm of the:

(1) Tested Class:

(I) Seed fields or orchards, \$4 per acre plus ~~[\$.10]~~ \$.25 per tag if tags are requested;

and

(II) Natural stands, \$50 for each application for certification for each site plus ~~[\$.10]~~ \$.25 per tag if tags are requested;

(2) Selected Class:

(I) Seed fields or orchards, \$4 per acre plus ~~[\$.10]~~ \$.25 per tag if tags are requested;

and

(II) Natural stands, \$50 for each application for certification for each site plus ~~[\$.10]~~ \$.25 per tag if tags are requested; and

(3) Source Identified Class, \$10 for each application for certification of each site and ~~[\$30]~~ \$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, “pre-variety germplasm” has the meaning ascribed to it in NAC 587.3396.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R023-04

The Director of the State Department of Agriculture adopted regulations assigned LCB File No. R023-04 which pertain to chapter 587 of the Nevada Administrative Code on May 7, 2004.

Notice date: 2/17/2004
Hearing date: 3/25/2004

Date of adoption by agency: 5/7/2004
Filing date: 6/16/2004

INFORMATIONAL STATEMENT

1. A public workshop was held March 25, 2004, at 1:30 pm, in Reno, Nevada, at the Nevada Department of Agriculture Office, 350 Capitol Hill Avenue.
2. A public hearing was held on May 25, 2004, at 2:00 pm, in Reno, Nevada at the Nevada Department of Agriculture Office, 350 Capitol Hill Avenue.

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 hearing and workshop was posted on the Department's website. Copies could be requested from the Nevada Department of Agriculture, Division of Plant Industry by writing to 350 Capitol Hill Avenue, Reno, Nevada 89502, calling (775) 688-1182, 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 mail, fax or e-mail.

3. Workshop held March 25, 2004, at 1:30 pm - Reno
Number attended: 0
Number testified: 0
Number of written statements: 0
Summary of comments: John O'Brien, Acting Administrator, reviewed the draft and no changes were required.
4. Hearing held March 25, 2004, at 2:00 pm - Reno
Number attended: 0
Number testified: 0
Number of written statements: 0
Summary of comments: John O'Brien, Acting Administrator, reviewed the draft and no changes are recommended by members of the public and Nevada Department of Agriculture staff.
5. Comments were solicited from businesses and the public, by posting in public locations and through direct mail and e-mail notices as outlined under #2 above. A copy of comments and oral and written testimony may be obtained by calling the Nevada Department of Agriculture office, (775) 688-1182.

6. The economic effects of the adopted amendments on the businesses that it is to regulate include:
 - a. Adverse effects:
There will be an increase in the cost to individuals and companies for certain classes of certified seed.
 - 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 immediate and long-term effects of these proposed changes are similar.
7. Economic effects of the proposed amendments on the public include:
 - a. Adverse effects:
There are no adverse effects on the public.
 - b. Beneficial effects:
Local economies could benefit from the increased value of commodities produced.
 - c. Immediate and long-term economic effects:
The immediate and long-term effects should be about the same.
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 that 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. Fees:
Existing fees will be increased to reflect current costs to maintain the seed certification.