

**LCB File No. R023-04**

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

**NOTICE OF WORKSHOP**

A workshop will be held on proposed of amendments NAC 587 pertaining to the fee schedule for seed testing and seed certification and other minor changes in the seed certification procedures.

DATE: Thursday, March 25, 2004  
TIME: 1:30 p.m.  
PLACE: Nevada Department of Agriculture  
350 Capitol Hill Avenue  
Reno, Nevada 89502

For clarification on the proposed amendments contact John O'Brien at (775) 688-1182, ext. 241.

Addresses at which the text of the proposed regulations may be inspected and copied:

The Nevada State Library in Carson City, and all county libraries. The Department of Agriculture offices in Reno, Sparks, Elko or Winnemucca during the hours of 8:00 a.m. to 5:00 p.m., Monday to Friday.

**NOTICE OF INTENT TO ADOPT REGULATIONS**

Proposed amendment of NAC 587 pertaining to fee schedule for seed testing and seed certification and other minor changes in the seed certification procedures.

Authority: NRS 587.077

Need for and purpose of the proposed regulation or amendment

Some application requirements and the fee schedule have been modified to provide more clarification and consistency between classes of seed.

Economic effect of the proposed regulation on the businesses which it is to regulate

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 effects:

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

Economic effect of these proposed amendments on the public.

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.

Economic cost to the agency for enforcement of the proposed amendments

There will be no additional costs to the agency.

Description of any regulations of other state, local or federal governmental agencies which the proposed amendments overlap or duplicate

There are no other governmental agencies involved in these programs.

Fees

Existing fees will be increased to reflect current costs to maintain the seed certification program.

The date, time, place, and manner in which interested parties may present their views at public hearing on the proposed amendments:

DATE: March 25, 2004  
TIME: 2:00 p.m.  
PLACE: Nevada Department of Agriculture  
350 Capitol Hill Avenue  
Reno, Nevada 89502

Written comments and testimony may be submitted prior to the hearing date and will be included with any testimony presented at the hearing. All verbal and written testimony will be in the record of the hearing.

Addresses at which the text of the proposed regulations may be inspected and copied:

The State Library, 100 Stewart Street, Carson City, Nevada, and all Nevada county libraries. Copies may also be at the Department of Agriculture office in Reno, Sparks, Elko, Las Vegas or Winnemucca during the hours of 8:00 a.m. until 5:00 p.m. Monday through Friday. This notice and text of the proposed regulation are also available in the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the internet at <http://www.agri.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

This notice of hearing has been posted at the following locations:

Nevada Department of Agriculture  
350 Capitol Hill Avenue  
Reno, NV 89502

Nevada Department of Agriculture  
2150 Frazer Street  
Sparks, NV 89431

Nevada Department of Agriculture  
1550 South Wells Avenue  
Reno, NV 89502

Nevada Department of Agriculture  
1200 E. Winnemucca Blvd.  
Winnemucca, NV 89445

Nevada Department of Agriculture  
Eyer H. Boies Building  
1351 Elm Street  
Elko, NV 89801

Nevada Department of Agriculture  
2300 McLeod  
Las Vegas, NV 89104

NOTE: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please call John O'Brien at the Nevada Department of Agriculture, 775-688-1182, as soon as possible.

NRS233B.064 Permanent regulations not to be adopted or revised by the Legislative Counsel; agency's reasons for adoption.

Upon adoption of any regulation, the agency, if requested to do so by an interested person before adoption, or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against adoption, and incorporated therein its reasons for overruling the consideration urged against its adoption.

LCB File No. R023-04

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

AUTHORITY: §1, NRS 587.077 and 587.083.

**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~~ *application* 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 ~~and field crops other than small grain and beans~~ *for 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 in Section 1.(a) for 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 ~~for source identified~~ class, at least 30 days before planting *or May 1 for renewal of perennial plantings*.

(d) Natural stands of the selected ~~;~~ *or* tested ~~for source identified~~ class, at least 15 days before the first harvest.

*(e) Source identified class, May 1 for planted stands and at least 3 days before harvest for natural stands.*

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 field crops:

<del>Application</del> Crop	Acreage Per Acre	Production Clean Seed
Alfalfa	\$4.00	\$.15/cwt
Beans	5.00	.15/cwt
Clover	4.00	.15/cwt
Grass	4.00	.15/cwt
Rapeseed	4.00	.15/cwt
Small grains	4.00	.10/cwt
Woody plants and forbs	4.00	.15/cwt
Other field crops	4.00	.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.

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

**SMALL BUSINESS IMPACT STATEMENT**

The purpose of this Small Business Impact Form is to provide a frame work pursuant to NRS 233B.0608 to determine where a small business impact statement is required for submittal of a proposed regulation before the Nevada Department of Agriculture. If questions one (1) and two (2) are answered No, then a small business impact statement is not required. If question one (1) or two (2) is answered with a YES, then a small business impact statement is required prior to conducting a public workshops by the Department. (This form must be submitted with the proposed regulation when submitted for drafting by LCB and adoption by the Nevada State Board of Agriculture.)

Proposed regulation: Temporary amendments of NAC 587 pertaining to the seed testing and seed certification and other minor changes in the seed certification procedures.

**Part 1**

1. Does this proposed regulation impose a direct and significant economic burden upon a small business ? No
2. Does this proposed regulation restrict the formation, operation or expansion of a small business ? No

**Note: Small Business is defined as a “business conducted for profit which employs fewer than 150 full-time or part-time employees” (NRS 233B.0382).**

3. If **YES** to either of questions 1& 2, the following action must be taken:
  - a. Was a small business impact statement prepared and was it available at the public workshop ?
  - b. Attach the small business impact statement (part 2) as part of this form upon submission for drafting by LCB and adoption by the Nevada Board of Agriculture.

**Part 2**

1. Describe the manner in which comments were solicited from affected small businesses, a summary of the response from small businesses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

2. The estimated economic effect of the proposed regulation on small business:
  - a. Both adverse and beneficial effects
  - b. Both direct and indirect effects
  
3. The description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses.
  - a. Simplification of the proposed regulation.
  - b. Establishment of different standards of compliance for a small business.
  - c. Modification of fees or other monetary interests that a small business is authorized to pay at a lower fee.
  
4. The estimated cost to the agency for enforcement of the proposed regulation.
  
5. If this regulation provides for a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.
  
6. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards relating to the same activity, provide an explanation of why the proposed regulation is duplicative or more stringent and why it is necessary.