

LCB File No. T003-04

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

**NOTICE OF WORKSHOPS AND HEARINGS
OF INTENT TO ADOPT TEMPORARY REGULATIONS**

Times: Workshops 9:00am Hearings 9:30am

Date: Monday, September 27, 2004

**Locations: Nevada Department of Agriculture Office, Reno
350 Capitol Hill Avenue
Reno, Nevada 89502**

**Nevada Department of Agriculture Office, Las Vegas
2300 McLeod
Las Vegas, Nevada 89104**

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

The text of the proposed temporary regulations may be inspected and copied at the following addresses:

1. The Nevada State Library, 100 Stewart Street, Carson City;
2. All Nevada county libraries;
3. The Nevada Department of Agriculture offices listed below from 8:00 a.m. until 5:00 p.m. Monday through Friday.

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 S. Wells Avenue
Reno, NV 89502

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

Nevada Department of Agriculture
Eyer H Boies Building
Elko, NV 809801

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, call John O'Brien at the Nevada Department of Agriculture, (775) 688-1182 Ext. 241 as soon as possible.

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 incorporate therein its reasons for overruling the consideration urged against its adoption.

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

**PROPOSED TEMPORARY AMENDMENTS TO NAC 587.220,
PERTAINING TO INCREASING FEES FOR SEED TESTS
AND ADDING ADDITIONAL KINDS OF SEEDS TESTED**

Authority: NRS 587.077 and NRS 587.083

Need and purpose of the proposed amendments: The fees for seed tested need to be modified to cover the costs of the tests. They were last changed in 1990. Additional kinds need to be added to meet anticipated industry requests.

The proposed amendments follow. The proposed new kinds of seed and test fees are in *bold italics* type. The text to be deleted is ~~crossed-out~~.

NAC 587.220 Fees for analysis and testing. (NRS 587.077, 587.083) The following provisions establish the fees that the department shall 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 any kind of seed not listed will be based on the fee for the listed kind of seed that is most similar to the seed being tested.~~ *Charges for tests on kinds of seed not listed will be determined by the laboratory.*
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 per hour.
5. *All mixtures will be done on an hourly basis at the rate of 35.00 per hour.*
6. *Service testing fees for tetrazolium tests will be \$40.00 per test.*
- ~~5.~~ 7. Service testing fees for purity and germination:

Kind	Purity	Germination
Alfalfa	14 22	12 21
Beans	12 23	12 21
Bluegrass	22 41	15 25
Bromegrass	23	12 21
Cereal grains	15 23	12 21
Clover	15 22	12 21
Fescue	22 34	12 23

Kind	Purity	Germination
Flax	{21} 25	{14} 25
Flowers	{16} 25	{16} 25
Indian Ricegrass	{17} 37	{16} 26
Onion	{14} 26	{12} 21
Orchardgrass	{25} 37	{14} 24
Peas	{14} 23	{13} 21
Ryegrass	{22} 27	{12} 26
Sainfoin	{14} 22	{13} 21
Saltbush	{16} 35	{14} 26
Small Brunet	{15} 22	{14} 21
Sudangrass	{17} 23	{14} 21
Sunflower	{21} 25	{12} 23
Timothy	{17} 33	{12} 23
Trees/Shrubs	{14} 23	{15} 27
Vegetables not listed	{14} 26	{12} 21
Vetches	{15} 23	{12} 21
Wheatgrasses	34	{15} 28
Wildrye	{21} 37	{12} 26
<i>Kochia</i>	22	21
<i>Needlegrasses</i>	34	23
<i>Winterfat</i>	41	23

6. The fees for examination of a sample of seed for noxious weed seed are:
- For weed seed which is designated noxious in Nevada, \$6.
 - For weed seed which is designated noxious in any other state, \$10.

Economic effect of these proposed amendments on the businesses which they regulate:

- Adverse effects: The costs will rise for tests.
- Beneficial effects: Additional tests can be performed; the lab will better cover costs.
- Immediate and long term effects: Same.

Economic effects of the proposed amendments on the public:

- Adverse effects: None.
- Beneficial effects: None.
- Immediate and long-term effects: Same.

There will be no additional cost to the Department for enforcement of the amendments.

This regulation does not overlap or duplicate any other state, local or federal regulation.

Fees: These proposed temporary amendments increase testing fees and add additional kinds of seed tested.

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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 temporary regulation: **NAC 587.220, PERTAINING TO INCREASING FEES FOR SEED TESTS AND ADDING ADDITIONAL KINDS OF SEEDS TESTED**

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).