

LCB File No. R033-05

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

(This proposed regulation was previously proposed as T003-04)

(This draft replaces the version posted on 6/1/05)

NOTICE OF WORKSHOP

**TO SOLICIT COMMENTS ON PROPOSED REGULATION
OF THE NEVADA DEPARTMENT OF AGRICULTURE**

A workshop will be held to solicit comments on proposed changes to NAC 587.220, pertaining to Nevada Department of Agriculture fees for analysis and testing of samples of seeds.

DATE: Monday, September 26th

TIME: 1:00 pm

Place: Nevada Department of Agriculture, Reno Office
350 Capitol Hill Avenue
Reno, NV 89502-2923

For clarification on the proposed amendments contact Gary W. Cross at (775) 688-1182, ext. 244.

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 587.220, pertaining to. State Department of Agriculture charge for analysis and testing of samples of seeds.

Need and purpose of the proposed amendments: To adjust the fee schedule for seed testing and analysis to better cover laboratory costs.

he fees for testing have been in place since 1990. Costs have increased in addition additional kinds of seed may be submitted for testing. Fees need to be adopted for these species. The text of the proposed regulation begins on page 3.

Economic effect of these proposed amendments on the businesses which it is to regulate:

1. Adverse effects: None
2. Beneficial effects: None
3. Immediate and long term effects: None

Economic effects of the proposed amendments on the public:

1. Adverse effects: None
2. Beneficial effects: None
3. Immediate and long-term effects: None

Economic cost to the agency for enforcement of the proposed amendments: None

Description of any regulations of any other state, local or federal regulation that the proposed amendments overlap or duplicate: None

The proposed regulation increases existing seed testing fees and adds kinds of seeds and associated testing fees to the list.

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

DATE: Monday , September 26, 2005

TIME: 2:00 pm

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

Manner: 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.

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

The Nevada State Library at 100 Stewart Street Carson City, and all Nevada County Public Libraries. The Nevada Department of Agriculture offices in Reno, Sparks, Elko, Las Vegas or Winnemucca during the hours of 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
1351 Elm St.
Eyer H Boies Building
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, call Gary W. Cross at the Nevada Department of Agriculture, (775)688-1182 Ext. 244 as soon as possible.

NRS 233B.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 incorporate therein its reasons for overruling the consideration urged against its adoption.

SMALL BUSINESS IMPACT STATEMENT

The purpose of this Small Business Impact Form is to provide a framework 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: NAC 587.220 pertaining to State Department of Agriculture charge for analysis and testing of samples of seed.

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.

N/A

2. The estimated economic effect of the proposed regulation on small business:
 - a. Both adverse and beneficial effects None
 - b. Both direct and indirect effects None

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.

LCB File No. R033-05

PROPOSED REGULATION OF THE STATE
DEPARTMENT OF AGRICULTURE

(This proposed regulation was previously proposed as T003-04)

PROPOSED 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:

Table with 3 columns: Kind, Purity, Germination. Rows include Alfalfa, Beans, Bluegrass, Bromegrass with associated fee values and some deletions.

Kind	Purity	Germination
Cereal grains	{15} 23	{12} 21
Clover	{15} 22	{12} 21
Fescue	{22} 34	{12} 23
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:

~~{(a) For weed seed which is designated noxious in Nevada, \$6.}~~

(b) For weed seed which is designated noxious in any other state, \$10.