

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

LCB File No. R156-08

Effective February 11, 2009

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1-5, NRS 555.243; §6, NRS 555.243 and 555.2485.

A REGULATION relating to dealers of nursery stock; imposing administrative fines for the failure of a licensee to maintain a business record for not less than 3 years after the record is generated; and providing other matters properly relating thereto.

Section 1. Chapter 555 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. *“Dealer of nursery stock” has the meaning ascribed to it in NRS 555.23525.*

Sec. 3. *“Nursery stock” has the meaning ascribed to it in NRS 555.23562.*

Sec. 4. NAC 555.010 is hereby amended to read as follows:

555.010 1. The following weeds are designated noxious weeds:

(a) Category A Weeds:

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|--------------------------|---------------------------------|
| (1) African rue. | (<i>Peganum harmala</i>) |
| (2) Austrian fieldcress. | (<i>Rorippa austriaca</i>) |
| (3) Austrian peaweed. | (<i>Sphaerophysa salsula</i>) |
| (4) Black henbane. | (<i>Hysocyamus niger</i>) |
| (5) Camelthorn. | (<i>Alhagi pseudalhagi</i>) |
| (6) Common crupina. | (<i>Crupina vulgaris</i>) |
| (7) Dalmatian toadflax. | (<i>Linaria dalmatica</i>) |

(8) Dyer's woad.	(<i>Isatis tinctoria</i>)
(9) Eurasian water-milfoil.	(<i>Myriophyllum spicatum</i>)
(10) Giant reed.	(<i>Arundo donax</i>)
(11) Giant salvinia.	(<i>Salvinia molesta</i>)
(12) Goats rue.	(<i>Galega officinalis</i>)
(13) Green fountain grass.	(<i>Pennisetum setaceum</i>)
(14) Houndstongue.	(<i>Cynoglossum officinale</i>)
(15) Hydrilla.	(<i>Hydrilla verticillata</i>)
(16) Iberian starthistle.	(<i>Centaurea iberica</i>)
(17) Klamath weed.	(<i>Hypericum perforatum</i>)
(18) Malta starthistle.	(<i>Centaurea melitensis</i>)
(19) Mayweed chamomile.	(<i>Anthemis cotula</i>)
(20) Mediterranean sage.	(<i>Salvia aethiopis</i>)
(21) Purple loosestrife.	(<i>Lythrum salicaria</i> , <i>Lythrum virgatum</i> and their cultivars)
(22) Purple starthistle.	(<i>Centaurea calcitrapa</i>)
(23) Rush skeletonweed.	(<i>Chondrilla juncea</i>)
(24) Sow thistle.	(<i>Sonchus arvensis</i>)
(25) Spotted knapweed.	(<i>Centaurea maculosa</i>)
(26) Squarrose knapweed.	(<i>Centaurea virgata</i>)
(27) Sulfur cinquefoil.	(<i>Potentilla recta</i>)
(28) Syrian bean caper.	(<i>Zygophyllum fabago</i>)
(29) Yellow starthistle.	(<i>Centaurea solstitialis</i>)

(30) Yellow toadflax. (*Linaria vulgaris*)

(b) Category B Weeds:

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|----------------------------|---------------------------------------|
| (1) Carolina horse nettle. | (<i>Solanum carolinense</i>) |
| (2) Diffuse knapweed. | (<i>Centaurea diffusa</i>) |
| (3) Leafy spurge. | (<i>Euphorbia esula</i>) |
| (4) Medusahead. | (<i>Taeniatherum caput-medusae</i>) |
| (5) Musk thistle. | (<i>Carduus nutans</i>) |
| (6) Russian knapweed. | (<i>Acroptilon repens</i>) |
| (7) Sahara mustard. | (<i>Brassica tournefortii</i>) |
| (8) Scotch thistle. | (<i>Onopordum acanthium</i>) |
| (9) White horse nettle. | (<i>Solanum elaeagnifolium</i>) |

(c) Category C Weeds:

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|----------------------------|--------------------------------|
| (1) Canada thistle. | (<i>Cirsium arvense</i>) |
| (2) Hoary cress. | (<i>Cardaria draba</i>) |
| (3) Johnson grass. | (<i>Sorghum halepense</i>) |
| (4) Perennial pepperweed. | (<i>Lepidium latifolium</i>) |
| (5) Poison Hemlock. | (<i>Conium maculatum</i>) |
| (6) Puncture vine. | (<i>Tribulus terrestris</i>) |
| (7) Salt cedar (tamarisk). | (<i>Tamarix</i> spp.) |
| (8) Water Hemlock. | (<i>Cicuta maculata</i>) |

2. Category A weeds are weeds that are generally not found or that are limited in distribution throughout the State. Such weeds are subject to:

- (a) Active exclusion from the State and active eradication wherever found.

(b) Active eradication from the premises of a dealer of nursery stock.

3. Category B weeds are weeds that are generally established in scattered populations in some counties of the State. Such weeds are subject to:

(a) Active exclusion where possible.

(b) Active eradication from the premises of a dealer of nursery stock.

4. Category C weeds are weeds that are generally established and generally widespread in many counties of the State. Such weeds are subject to active eradication from the premises of a dealer of nursery stock.

5. As used in this section, “dealer of nursery stock” has the meaning ascribed to it in NRS 555.23525.

Sec. 5. NAC 555.100 is hereby amended to read as follows:

555.100 As used in NAC 555.100 to 555.235, inclusive, *and sections 2 and 3 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 555.1005 to 555.109, inclusive, *and sections 2 and 3 of this regulation* have the meanings ascribed to them in those sections.

Sec. 6. NAC 555.125 is hereby amended to read as follows:

555.125 *1.* A person who conducts business as a dealer of nursery stock shall maintain a business record for not less than 3 years after the record is generated.

2. A licensee who violates this section shall, after notice and hearing, for each violation pay an administrative fine in accordance with the following:

(a) For the first violation, \$75.

(b) For the second violation, \$150.

(c) For the third and any subsequent violation, \$300.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R156-08

The Director of the State Department of Agriculture adopted regulations assigned LCB File No. R156-08 which pertain to chapter 555 of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of public response, and explanation how other interested persons may obtain a copy of the summary.

Copies of the proposed regulations, notices of workshop and hearings were posted at Department of Agriculture offices in Reno, Sparks, Winnemucca, Elko and Las Vegas. Notices were also directly emailed to industry members who have specifically requested such notice.

There was no response from the public to this notice.

A copy of this summary of the public response to the proposed regulation is available by contacting the nursery program manager Peggy McKie at 775.688.1182 x 243 or by email at pgmckie@agri.state.nv.us or Tisa Halt at 775.688.1182 x 240 or by email at thalt@agri.state.nv.us.

2. The number of persons who: (a) attended each hearing; (b) testified at each hearing; and (c) submitted to the agency written statement.

a) Attended the hearing: July 11, 2008: 1

b) Testified at the hearing: July 11, 2008: 1

c) Submitted to the agency written statement: No comments were submitted for this item.

3. A description of how comment was solicited from affected businesses, a summary of their response and an explanation how other interested persons may obtain a copy of the summary.

A list of interested industry members is maintained by the Department. These businesses have requested to be notified of such proposed changes. Comment was solicited from affected businesses by sending to these businesses a copy of the Notice of Intent to Adopt Regulations.

A workshop was held on July 10, 2008 at the Reno office of the Nevada Department of Agriculture and simultaneously broadcast to the Las Vegas office of the Department.. One member of the affected industry attended the workshop. No comments were submitted for this proposed regulation.

A summary may be obtained as instructed in the response to Question #1.

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.**

No members of the public or affected industry came forward to express opposition to the proposed regulation.

5. **The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**

- (a) **Both adverse and beneficial effects;**

Adverse effects: Businesses out of compliance with record retention requirements may be assessed a fine of up to \$300.00.

Beneficial effects: None

- (b) **Both immediate and long-term effects;**

Immediate and long term effects: Same

6. **The estimated cost to the agency for enforcement of the adopted regulation.**

There will be no additional costs to the Department to enforce the amendments.

7. **A description of any regulation 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.**

None.

8. **If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

None.

9. **If the regulation provides 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.**

None.