

**PROPOSED REGULATION OF THE
STATE QUARANTINE OFFICER**

LCB File No. R029-04

March 23, 2004

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

AUTHORITY: §1, NRS 587.360.

A REGULATION relating to agriculture; making various changes concerning fees for the inspection, grading or certification of agricultural products; and providing other matters properly relating thereto.

Section 1. NAC 587.340 is hereby amended to read as follows:

587.340 1. The fees for the inspection and certification of potatoes at their point of shipping will be determined by agreement between the State Quarantine Officer and the processor of the potatoes. If those fees will exceed \$2,000 in a 30-day period, the processor of the potatoes must provide to the Department a surety bond or another form of security that is satisfactory to the Director to guarantee the payment of the fees for the 30-day period immediately succeeding the date the security is provided. The fees will not be less than:

- (a) The actual cost of providing the inspection and certification services; and
- (b) The fee charged in accordance with the contract between the Department and the Federal Government for certifying that the potatoes comply with the standards and conditions established by the Federal Government.

2. The fees for ~~[the inspection and]~~ *inspection, grading or* certification of ~~[onions at their point of shipping:]~~

~~—(a) Are:~~

~~—(1) Twenty] other agricultural products:~~

(a) Are:

(1) Thirty dollars for each hour the inspector spends conducting the inspection ~~[and]~~, *grading or* certification, including the time spent traveling to and from the location where the inspection and certification are conducted;

(2) Forty cents a mile for the inspector's travel; and

(3) [The] Any fee charged in accordance with the contract between the Department and the Federal Government ; ~~[for certifying that the onions comply with the standards and conditions established by the Federal Government;]~~ and

(b) [Must] Unless they are for a one-time or intermittent inspection, grading or certification, must be secured by providing to the Department a surety bond or another form of security that is satisfactory to the Director to guarantee the payment of the fees for the 90-day period immediately succeeding the date the security is provided.

3. ~~[The fees for the inspection and certification of hay are:~~

~~—(a) If the inspection and certification are performed by an inspector who is a full-time agent or employee of the Department:~~

~~—(1) Twenty dollars for each hour the inspector spends conducting the inspection and certification, including the time spent traveling to and from the location where the inspection and certification are conducted; and~~

~~—(2) Forty cents a mile for the inspector's travel; or~~

~~—(b) If the inspection is performed by an inspector who is a part-time agent or employee of the Department:~~

~~—(1) An amount equal to the hourly salary and benefits paid to the inspector for the number of hours that the inspector spent conducting the inspection and certification; and~~

~~—(2) The travel expenses provided for state employees generally for the inspector while conducting the inspection and certification.~~

~~→] In addition to [the] *any* fees required [by paragraph (a) or (b),] *pursuant to this section*, the State Quarantine Officer will charge a fee of \$50 for the inspection of forage [:~~

~~—4. The fees for the inspection and certification of poultry or eggs at their point of shipping are:~~

~~—(a) If the poultry or eggs are certified as meeting state standards and conditions, \$20 per hour;~~

~~or~~

~~—(b) If the poultry or eggs are certified as meeting federal standards and conditions, the fee charged in accordance with the contract between the Department and the Federal Government for certifying that the poultry or eggs comply with the standards and conditions established by the Federal Government.~~

~~—5. The fee for an inspection of fruit or vegetables regarding their condition is \$20 per hour, plus 40 cents a mile for the inspector's travel.~~

~~—6. The fees for the inspection and certification of any other agricultural product are:~~

~~—(a) If the inspection and certification are performed by an inspector who is a full-time agent or employee of the Department:~~

~~— (1) Twenty dollars for each hour the inspector spends conducting the inspection and certification, including the time spent traveling to and from the location where the inspection and certification are conducted; and~~

~~— (2) Forty cents a mile for the inspector's travel; or~~

~~— (b) If the inspection and certification are performed by an inspector who is a part-time agent or employee of the Department:~~

~~— (1) An amount equal to the hourly salary and benefits paid to the inspector for the number of hours that the inspector spent conducting the inspection and certification; and~~

~~— (2) The travel expenses provided for state employees generally for the inspector while conducting the inspection and certification.~~

~~— 7.] for the presence of noxious weeds.~~

4. Special arrangements, including arrangements for fees, must be made with the State Quarantine Officer for the inspection of agricultural products for processing. The fees for such an inspection must be secured by providing to the Department a surety bond or another form of security that is satisfactory to the Director to guarantee the payment of the fees for the 90-day period immediately succeeding the date the security is provided.

~~[8.]~~ 5. If the State Quarantine Officer or his designee, pursuant to a contract between the Department and the Federal Government, inspects agricultural products in the field for the purpose of issuing a phytosanitary certificate required by the government of a foreign country before those agricultural products may be exported to that country, the State Quarantine Officer will impose a fee of \$4 per acre for the inspection.

~~[9.]~~ 6. If the State Quarantine Officer or his designee, pursuant to a contract between the Department and the Federal Government, issues an export certificate for processed plant

products as required by the government of a foreign country before agricultural products that have been processed or manufactured may be exported to that country, the State Quarantine Officer:

(a) Will impose a fee of \$25 if the shipment of agricultural products is made for commercial purposes; and

(b) Will not impose a fee if the shipment of agricultural products is made for noncommercial purposes.

~~10.~~ 7. As used in this section:

(a) “Export certificate for processed plant products” has the meaning ascribed to it in 7 C.F.R. § 353.1.

(b) “Phytosanitary certificate” has the meaning ascribed to it in 7 C.F.R. § 353.1.