

LCB File No. R034-01

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

(This proposed regulation was previously adopted as LCB File No. T032-01)

Nevada Department of Agriculture
350 Capitol Hill Avenue
Reno, Nevada 89502
(775)-688-1180

NOTICE OF INTENT TO ADOPT REGULATIONS

THE NEVADA DEPARTMENT OF AGRICULTURE

Proposed temporary amendments to NAC 587.340 pertaining to certification and inspection fees.

Need and purpose of the proposed amendments:

Surety is needed to ensure payment for services and expenses of providing grading fresh products and inspection of dehydrated products.

The issuing of Federal Processed Product Certificates requires an additional part-time Administrative Assistant to type and mail the certificates. The fees collected will pay for this new position.

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

1. Adverse effects:

The business needing these services will have to pay for the cost of providing the services. The business will so have to post bond or other form of surety to obtain services by the Department.

2. Beneficial effects:

The business will be able to receive these services needed to conduct their business.

3. Immediate and long-term effects:

The beneficial and adverse effects are the same for the immediate and long term economic effects.

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 amendment:

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

Description of any regulations of any other state, local or federal regulation that the proposed amendments overlap or duplicate:

There are no other state, local or federal government regulations that these amendments overlap or duplicate.

Fees:

The proposed amendment does establish new fees - \$6,000 to \$8,000 will be collected. The fees will pay for the salary and fringe benefits of the part-time Administrative Aid.

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

DATE: October 9, 2001

TIME: 2:00 p.m.

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 variable 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 in Carson City, and all Nevada county libraries. The 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
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 Robert Gronowski at the Nevada Department of Agriculture, (775)-688-1182 Ext. 239 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.

Paul Iverson, Director

Date

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

NOTICE OF WORKSHOP

A workshop will be held on proposed temporary amendments to NAC 587.340 pertaining to inspection and certification fees.

DATE: October 9, 2001

TIME: 1:00 p.m.

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

For clarification on the proposed amendments contact Robert Gronowski at (775) 688-1182, ext. 239.

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.

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

**PROPOSED AMENDMENT TO NAC 587.340 PERTAINING TO
INSPECTION AND CERTIFICATION FEES**

Authority NRS 587.360

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. The fees will not be less than:
 - (a) The actual cost of providing the inspection and certification services; and
 - (1) 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) For services in excess of \$2,000 within a 30 day period, file up front with the department a bond or other surety in a form approved by the director.
2. The fee for the inspection and certification of onions at their point of shipping is:
 - (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;
 - (2) Forty cents a mile for the inspector's travel; and
 - (3) The 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
 - (4) File with the department a bond or other surety in a form approved by the Director and in the amount of the estimated cost of providing three months of services.
3. The fee for the inspection and certification of hay is:
 - (1) 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
- (2) If the inspection is performed by an inspector who is a part-time agent or employee of the division:
 - (1) An amount equal to the hourly salary and benefits paid to the inspector for the number of hours that the inspector spends conducting the inspection and certification; and
 - (2) The travel expenses provided for state employees generally for the inspector while conducting the inspection and certification.
4. The fee for the inspection and certification of poultry or eggs at their point of shipping is:
 - (1) If the poultry or eggs are certified as meeting state standards and conditions, \$20 per hour; or
 - (2) 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. Special arrangements, including arrangements for fees and *bond or other surety in a form approved by the Director and in the amount of the estimated cost of providing three months of services*, must be made with the state quarantine officer for the inspection of agricultural products for processing.
7. If the state quarantine officer, in accordance with his duties under a contract between the Department and the Federal Government, inspects agricultural products in the field for the purpose of issuing a phytosanitary certification 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.
8. *The fee for issuing Federal Processed Plant Product Certificate, when no inspection has been conducted.*
 - (a) *\$25 for a commercial shipment.*
 - (b) *no fee for a private shipment.*

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**PROPOSED REGULATION OF THE
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**SMALL BUSINESS IMPACT DISCLOSURE PROCESS
PURSUANT TO
233B “Nevada Administrative Procedures Act”**

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 workshop 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 587.340 (Inspection and certification fees).

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
(NRS 233B.0609)**

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.