

**LCB File No. R130-06**

**PROPOSED REGULATION OF THE  
STATE BOARD OF AGRICULTURE**

**Notice of Workshop and Hearings  
OF INTENT TO ADOPT REGULATIONS**

**Details of the workshops and hearings appear below:**

**WORKSHOPS AND HEARINGS**

**Times: Workshops 1:00 p.m. Hearings 2:00 p.m.**

**Date: Friday, June 30, 2006**

**Location: Nevada Department of Agriculture  
350 Capitol Hill Avenue  
Reno NV 89502**

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.

**PROPOSED AMENDMENT TO NAC 561**

Need and Purpose of the proposed amendment:

This proposed regulation, which declares planting and harvest seasons for Nevada, enables an exemption from maximum driving time and on duty time for drivers hauling agricultural commodities or farm supplies to be carried out. This exemption is contained in section 345(a) (1) of the National Highway System Designation Act of 1995.

Economic effect of this proposed amendment on the businesses which it is to regulate:

1. Adverse effect: None
2. Beneficial effects: Enables more efficient transportation of agricultural commodities during planting and harvest season.
3. Immediate and long term effect: Same.

Economic effects of the proposed amendments on the public:

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

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

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

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 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
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Nevada Department of Agriculture 1550 S. Wells Avenue Reno, NV 89502	Nevada Department of Agriculture 1200 E. Winnemucca Blvd. Winnemucca, NV 89445
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Nevada Department of Agriculture 1351 Elm Street Elko, NV 89801	Nevada Department of Agriculture 2300 McLeod Las Vegas, NV 89104
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Churchill County Library 553 South Maine Street Fallon, NV 89406	Las Vegas – Clark County Library 833 Las Vegas Blvd North Las Vegas, NV 89101	Elko County Library 720 Court Street Elko, NV 89801
Esmeralda County Library P.O. Box 430 Goldfield, NV 89013-0430	Eureka Branch Library 10190 Monroe Street Eureka, NV 89316-0293	Humboldt County Library 85 East 5 <sup>th</sup> Street Winnemucca, NV 89445
Lincoln County Library 93 Main Street Pioche, NV 89043-0330	Lyon County Library 20 Nevin Way Yerington, NV 89447	Mineral County Library First & A Street Hawthorne, NV 89415-1390
Goldfield Public Library Forth & Crook Street Goldfield, NV 89013-0430	Tonopah Public Library 171 Central Street Tonopah, NV 89049-0449	Pershing County Library 1125 Central Avenue Lovelock, NV 89419-0781

Storey County Library 95 South R Street Virginia City, NV 89440-0014	Washoe County Library 301 South Center Reno, NV 89505-2151	White Pine County Library 950 Campton Street Ely, NV 89301
Battle Mountain Branch Library Battle Mountain, NV 89820-0141	Carson City Library 900 N. Roop Street Carson City, NV 89701	Douglas County Library 1625 Library Lane Minden, NV 89423-0337
State Library 100 North Stewart Street Carson City, NV 89701-4285	Smith Valley Library 22 Day Lane Smith, NV 89430	

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.

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.

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**PROPOSED REGULATION OF THE  
STATE BOARD OF AGRICULTURE**

The proposed amendment follows. The proposed wording is in *bold italics*.

**Section 1.** Chapter 561 of NAC is hereby amended by adding thereto a new section to read as follows:

*1. For the purposes of the exemption contained in section 345(a)(1) of the National Highway System Designation Act of 1995, Public Law 104-59, 109 Stat. 613, pertaining to drivers used by motor carriers who are transporting agricultural commodities or farm supplies for agricultural purposes within a 100 air mile radius from the source of the commodities or distribution point for the farm supplies during the planting and harvesting seasons, the planting and harvesting seasons within this State shall be deemed to be year-round, from January 1 through December 31.*

*2. As used in this section, “agricultural commodities” includes all horticultural, viticultural, dairy, livestock, bee and farm products.*

NEVADA DEPARTMENT OF AGRICULTURE  
**SMALL BUSINESS IMPACT DISCLOSES PROCESS**  
**PURSUANT TO 233B “Nevada Administrative Procedures Act”**

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 question two (2) is answered with a **YES**, then a small business impact statement is required prior to conducting a public workshop(s) 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 554, pertaining to Dutch Elm Disease Quarantine

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).**