

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

**LCB File No. R084-15**

Effective December 21, 2015

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

AUTHORITY: §1, NRS 561.153.

A REGULATION relating to the State Department of Agriculture; providing that the Director of the Department may require that certain transactions with or payments to the Department be conducted or made through the Internet website of the Department; providing for a waiver of such a requirement in certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes the Director of the State Department of Agriculture to adopt such procedures as the Director may deem appropriate for the billing and collection of certain fees. (NRS 561.153) This regulation provides that, for certain transactions conducted with and payments to the Department which are available to be conducted or made electronically through the Internet website of the Department, the Director may require those transactions or payments to be conducted or made electronically through the Internet website of the Department. A person seeking to conduct such a transaction or make such a payment may request a waiver from that requirement based on certain circumstances.

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

*1. Except as otherwise provided in subsection 3, the Director may require that a transaction with or payment to the Department which is governed by NRS 561.153 must be conducted or made electronically on or through the Internet website of the Department provided that a means to conduct such a transaction or make such a payment is available on the Internet website of the Department.*

*2. If a payment to the Department is required to be made electronically pursuant to subsection 1, the Director may specify the method or methods of payment accepted, including, without limitation, credit card or electronic check.*

*3. A person who seeks to conduct a transaction with or make a payment to the Department which the Director has determined must be conducted or made electronically pursuant to subsection 1 may request from the Director or his or her designee a waiver of the requirement to conduct the transaction or make the payment electronically. Such a waiver may be granted if the Director or his or her designee determines that:*

*(a) Conducting the transaction or making the payment electronically would cause the person undue hardship or extreme inconvenience; or*

*(b) The person does not have access to suitable means to conduct the transaction or make the payment electronically.*

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.0603**  
**Informational Statement**  
**LCB File No. R084-15**

**1. A clear and concise explanation of the need for the adopted regulation.**

By implementing a mandatory online payment system, the agency can save businesses time and provide enhanced convenience. Online payments go directly into our databases and our accounting system. We can provide enhanced services at a lower cost and defer the need to increase fees. These regulations will have a positive impact on small businesses.

**2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.**

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. mail and email to persons who were known to have an interest in the subject of methods of registration and acceptable methods of payment as well as any persons who had specifically requested such notice. These documents were also made available at the website of the Nevada Department of Agriculture (NDA) [www.agri.nv.gov](http://www.agri.nv.gov), mailed to all county libraries in Nevada and posted at the following locations:

Nevada Department of Agriculture  
405 South 21st Street  
Sparks, NV 89431-5566

Nevada Department of Agriculture  
2150 Frazer Avenue  
Sparks, NV 89431

Nevada Department of Agriculture  
2300 McLeod Street  
Las Vegas, NV 89104-4314

Nevada Department of Agriculture  
4780 E. Idaho Street  
Elko, NV 8980104672

Interested persons may obtain a copy of the summary by contacting:

Nevada Department of Agriculture  
Attn: Dale Hansen, Admin Division  
405 South 21st Street  
Sparks, NV 89431

**3. The number of persons who:**  
**(a) Attended each hearing**  
**(b) Testified at each hearing**  
**(c) Submitted written comments**

Workshop: September 10, 2015  
Number in attendance: 3 (NDA Staff)

Number testifying: 0  
Written statements submitted: 0

Hearing: November 18, 2015  
Number in attendance: 4 (NDA Staff)  
Number testifying: 1  
Written statements submitted: 1

**4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:**

- (a) Name; Pauline Ratcliff
- (b) Telephone number; 775-756-6542
- (c) Business address; HC 32 Box 240 Tuscarora, NV 89834
- (d) Business telephone number; 775-756-6542
- (e) Electronic mail address; and
- (f) Name of entity or organization represented. Ellison Ranching Company

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

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. mail and email to persons who were known to have an interest in the subject of methods of registration and acceptable methods of payment as well as any persons who had specifically requested such notice. These documents were also made available at the website of the Nevada Department of Agriculture (NDA) [www.agri.nv.gov](http://www.agri.nv.gov), mailed to all county libraries in Nevada and posted at the following locations:

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The responses received were concerned with the possibility of inconvenience or impracticality due to the inability to get reliable internet service in some locations in Nevada. When we pointed out the requirements could be waived, both parties were satisfied that the regulation would not have a negative impact.

Interested persons may obtain a copy of the summary by contacting:

Nevada Department of Agriculture  
Attn: Dale Hansen, Admin Division  
405 South 21st Street  
Sparks, NV 89431

**6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The regulation was not changed because the language proposed addressed the concerns of the respondents.

**7. The estimated economic effect of the regulation on the business which it is to regulate and on the public.**

**(a) Estimated economic effect on the businesses which they are to regulate.**

**(b) Estimated economic effect on the public which they are to regulate.**

The proposed regulation has a positive economic effect on small businesses and the public because it saves time and improves convenience.

The estimated cost to the agency for enforcement of the proposed regulation: Can be absorbed in current operations as cost is minimal

**8. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

The proposed regulation does not overlap or duplicate other agency regulations.

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

N/A

**10. 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.**

The regulation does not impose a new fee or increase an existing fee. We expect to collect no additional revenue.