

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

LCB File No. R100-15

October 19, 2015

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

AUTHORITY: §§1 and 5, section 46 of Senate Bill No. 488, chapter 430, Statutes of Nevada 2015, at page 2474; §2, section 29 of Senate Bill No. 488, chapter 430, Statutes of Nevada 2015, at page 2468, and section 46 of Senate Bill No. 488, chapter 430, Statutes of Nevada 2015, at page 2474; §3, section 34 of Senate Bill No. 488, chapter 430, Statutes of Nevada 2015, at page 2470, and section 46 of Senate Bill No. 488, chapter 430, Statutes of Nevada 2015, at page 2474; §4, section 37 of Senate Bill No. 488, chapter 430, Statutes of Nevada 2015, at page 2471, and section 46 of Senate Bill No. 488, chapter 430, Statutes of Nevada 2015, at page 2474.

A REGULATION relating to commercial feed; establishing application requirements and fees for a license to manufacture, distribute or be a guarantor of commercial feed; establishing quarterly fees for licensees and certain requirements for the payment of those fees; establishing fees for certain inspections and audits; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires any person who manufactures, distributes or acts as a guarantor of commercial feed in this State to maintain a license issued by the State Department of Agriculture. (Sections 16-46 of Senate Bill No. 488, chapter 430, Statutes of Nevada 2015, at pages 2467-74) **Section 2** of this regulation requires certain materials to be submitted with an application for a new license or for renewal of an existing license and sets forth the applicable application and renewal fees.

Existing law requires that a quarterly report and fee be submitted by each licensee. (Section 34 of Senate Bill No. 488, chapter 430, Statutes of Nevada 2015, at page 2470) **Section 3** of this regulation establishes the amount of the quarterly fee and provides for conditions under which the fee may be submitted by a third party.

Existing law authorizes the Department to inspect or audit any licensee at the request of the licensee and to establish a schedule of fees for such inspections and audits. (Section 37 of Senate Bill No. 488, chapter 430, Statutes of Nevada 2015, at page 2471) **Section 4** of this regulation establishes the fees for those audits or inspections.

Section 1. Chapter 587 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. *An application for a license to manufacture, distribute or be a guarantor of commercial feed or an application to renew such a license must include:*

1. A declaration identifying the party responsible for submitting the quarterly reports and fees required by section 34 of Senate Bill No. 488, chapter 430, Statutes of Nevada 2015, at page 2470.

2. A nonrefundable application or annual renewal fee, as applicable, of \$75.

3. For an application for renewal submitted after December 31 of the year the renewal is due, a late fee of \$20.

4. Any other information required by the Department.

Sec. 3. *1. Except as otherwise provided in subsection 2, each licensee must file the quarterly reports and pay the quarterly fee required by section 34 of Senate Bill No. 488, chapter 430, Statutes of Nevada 2015, at page 2470, regardless of whether the licensee manufactured, distributed or acted as the guarantor for any commercial feed during the preceding calendar quarter.*

2. The provisions of subsection 1 requiring the payment of a quarterly fee do not apply to a licensee if:

(a) The fee for the same feed has been submitted in a timely manner by another licensee;

or

(b) The responsibility for the payment of the fee has been assigned to another party pursuant to a contract which:

(1) Identifies each party by name, address, telephone number and title, if applicable;

- (2) Includes the license number of each party;*
 - (3) Identifies the specific product or products covered by the contract;*
 - (4) Includes the effective date, which is on the first of a quarterly reporting period, and the expiration date, which is on the last day of a quarterly reporting period;*
 - (5) Does not exceed a duration of 3 years; and*
 - (6) Is signed by each party or an authorized agent of each party.*
- 3. The quarterly fee due with each report is the greater of:*
- (a) Five dollars; or*
 - (b) Fifteen cents per ton of commercial feed manufactured, distributed or guaranteed in this State during the preceding calendar quarter.*

Sec. 4. *1. The fee for the Department to conduct an audit or inspection at the request of a licensee pursuant to section 37 of Senate Bill No. 488, chapter 430, Statutes of Nevada 2015, at page 2471, is:*

- (a) For an audit, \$75 per hour per auditor; or*
 - (b) For an inspection, \$60 per hour per inspector.*
- 2. In addition to the hourly rate provided in subsection 1, a charge for miles driven to and from the audit or inspection site will be charged at the standard mileage reimbursement rate for which a deduction is allowed for the purposes of federal income tax.*

Sec. 5. This regulation becomes effective upon the later of:

- 1. January 1, 2016; or
- 2. The date this regulation is filed with the Secretary of State.