

LCB File No. T032-01

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

(Effective March 6, 2001)

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

**ADOPTED TEMPORARY 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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INFORMATIONAL STATEMENT

March 5, 2001

Mary Bennett
Legislative Council Bureau
Capitol Complex
Carson City, NV 89701

RE: ADOPTION OF TEMPORARY AMENDMENTS TO NAC 587.340 PERTAINING TO
CERTIFICATION AND INSPECTION FEES.

Dear Mary:

The following is the informational statement:

1. A public workshop was held on October 20, 2000, in Reno, Nevada, at the Nevada Department of Agriculture office located at 350 Capitol Hill Avenue.

A public hearing was held on November 9, 2000, in Reno, Nevada, at the Nevada Department of Agriculture office located at 350 Capitol Hill Avenue.

Notice of workshop and notice of hearing was posted at all six Department offices, the Nevada State Library in Carson City, and all Nevada County Libraries. Copies could be requested from the Nevada Department of Agriculture by writing to 350 Capitol Hill Avenue Reno, Nevada 89502, calling (702) 688-1180, contacting all other Department offices, the Nevada State Library in Carson City, and all Nevada County Libraries. All persons who have requested to be notified of amendments were notified by mail.

2. Workshop held October, 20, 2000-Reno
0 people attended
No written statements were submitted

Hearing held November 9, 2000-Reno
There were no business or public attendees
No written statements were submitted

3. Comments were solicited from business and the public by posting in public locations and through direct mail notices as outlined in #1 above. There were no oral or written comments submitted. A copy of the comments may be obtained by calling the Nevada Department of Agriculture office, (702) 688-1180.

The amendments were adopted with changes. NAC 587.340 1.c was amended to add a dollar amount over a specific time that a bond or surety would be required before services would be provided. 1.c was amended to read as follows: "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." This change was recommended by the Deputy Attorney General assigned to the department.

4. The economic effects of the adopted amendments on the business which it is to regulate include:
 - a. Adverse effects:
A bond or other surety will have to be obtained by businesses. The business needing these services will have to pay for the cost of providing the services.
 - b. Beneficial effects:
The business will be able to receive these services needed to conduct their business.
 - c. Immediate and long-term economic effects:
The adverse and beneficial effects are the same for immediate and long-term.
5. Economic effects of the proposed amendments on the public include:
 - a. Adverse effects:
None
 - b. Beneficial effects:
None
 - c. Immediate and long-term effects:
The adverse and beneficial effects are the same for the immediate and long-term.
6. Economic cost to the agency for the enforcement of the regulation:
There will not be any additional cost to the agency to enforce the amendments adopted.
7. There are no other state or federal agency regulations which the adopted amendments overlap or duplicate.
8. The amendments adopted do not include any provisions more stringent than any federal regulation which the same activity.

9. This regulation establishes a fee for issuing phytosanitary certificates of \$25 for a commercial shipment. An estimated \$6,000 will be received from these fees. The fees will be used to pay the salary of a Administrative Assistant needed to type the certificates. The business needed the certificates do not object to paying a fee for this service.

Sincerely,

Robert Gronowski, Administrator
Division of Plant Industry