

**ADOPTED REGULATION OF THE  
STATE BOARD OF AGRICULTURE**

**LCB File No. R053-00**

Effective June 15, 2000

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

AUTHORITY: §1, NRS 555.310.

**Section 1.** Chapter 555 of NAC is hereby amended by adding thereto a new section to read as follows:

*1. Except as otherwise provided in subsection 2, an applicant for a license must pay to the director, as applicable:*

*(a) For examination or reexamination, a testing fee of \$25 for each category of pest control in which the applicant wishes to be examined;*

*(b) For licensure of a pest control business, a licensing fee of \$250; and*

*(c) For licensure of an operator, a licensing fee of \$50.*

*2. An applicant for licensure may request a hardship fee reduction in licensing fees by submitting a written request for such a reduction to the director. The request must include the amount of income the applicant has received from the application of pest control for at least the immediately preceding 12 months or for the duration of the business of the applicant, whichever is shorter. The director may grant a hardship fee reduction if he determines that paying the fee described in subsection 1 would require the business of the applicant to cease operations or would prevent the business from beginning operations because of lack of money. If the director grants a hardship fee reduction, the fee for licensure of a pest control business*

*is \$50 and the fee for licensure of an operator is \$15. The director may not grant a hardship fee reduction for a testing fee.*

## NOTICE OF ADOPTION OF REGULATIONS

On April 20, 2000 the Nevada Department of Agriculture adopted regulations assigned LCB file number R 053-00 which pertain to chapter 555 of the Nevada Administrative Code. A copy of the regulations as adopted is attached hereto.

### INFORMATIONAL STATEMENT

1. Public workshops were held on February 15, 2000 in Las Vegas, Nevada at the Nevada Department of Agriculture office located at 2300 McLeod Street; February 16, 2000 in Elko, Nevada at the Nevada Department of Agriculture Office located at 131 Elm Street; February 17, 2000 in Winnemucca at the Nevada Department of Agriculture office located at 1200 E. Winnemucca Boulevard, and February 25, 2000 in Reno Nevada at the Nevada Department of Agriculture office located at 350 Capitol Hill Avenue.

Public hearings were held on April 5, 2000 in Reno, Nevada at the Nevada Department of Agriculture office located at 350 Capitol Hill Avenue and April 6, 2000 in Las Vegas, Nevada at the Nevada Department of Agriculture office located at 2300 McLeod Street.

Notice of workshop and notice of hearing were 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 are licensed as pesticide applicators by the department were notified by mail.

2. Workshop held on February 15, 2000 in Las Vegas, Nevada at the Department of Agriculture office located at 2300 McLeod Street.  
17 people attended.  
No written statements were submitted.

Workshop held on February 16, 2000 in Elko, Nevada at the Nevada Department of Agriculture office located at 131 Elm Street.

6 people attended.

There was one written statement submitted. It stated that when the continuing education program was discussed no fee increase was mentioned. The statement also supported the continuing education program.

Workshop held on April 17, 2000 in Winnemucca, Nevada at the Department of Agriculture office located at 1200 East Winnemucca Boulevard.

12 people attended.

No written statements were submitted.

Workshop held on February 25 2000 in Reno, Nevada at the Nevada Department of Agriculture office located at 350 Capitol Hill Avenue.  
7 people attended.  
No written comments were received.

Verbal comment summary from all the workshops: The size of the increase was questioned. Some would have preferred a gradual increase. Suggestions were provided on alternative fee schedules that would collect the same amount of money. There was general support for the continuing education programs these fees will support. There were requests for consideration of a hardship reduction in fees. There was one objection to any fee increase.

Hearing held April 5, 2000 in Reno, Nevada at the Nevada Department of Agriculture office located at 350 Capitol Hill Avenue.  
One person attended.  
No written statements were submitted.

Summary of verbal comment: The fee increase would be a hardship on his business. He will apply for the hardship provision.

Hearing held April 6, 2000 in Las Vegas, Nevada at the Department of Agriculture office located at 2300 McLeod Street.  
6 people attended.  
There were no written statements submitted.

Summary of verbal comments:

1. The proposed company license is too high. The fee should be tied to an annual cost of living. Supported the hardship provision of the proposed regulation.
2. The fees have not been changed since 1974. Supported a gradual increase over a sudden large increase. Supported the fee increase if it was necessary for the pest control program.
3. Supported the hardship fee if it only applied to current operating businesses and not to a new businesses. Supported the fee increase and would like it to apply to all businesses.

Comments were solicited from businesses and the public by posting in public locations and through direct mail notices as outlined in #1 above. Verbal and written comments were received. A copy of the comments may be obtained by calling the Nevada Department of Agriculture office, (775) 688-1180.

The amendments were changed after the workshops to include a hardship provision. The amendments as presented at the hearings were adopted without any changes. It was determined that a hardship provision was needed to prevent closure of any small businesses and the fee increase was necessary to operate the program.

4. The economic effects of the adopted amendments on the business which it is to regulate:

(a) Adverse effects:

The fees will increase the cost to businesses, but will not cause an active business to go out of business. The regulation includes an opportunity to apply for a hardship provision.

(b) Beneficial effects:

Businesses will benefit from the continuing education program.

5. Immediate and long-term economic effects:

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

6. Economic effects of the adoption of the amendments on the Public:

(a) Adverse effects:

None

(b) Beneficial effects:

Public protection will be increased through continuing education of applicators.

(c) Immediate and long-term effects:

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

7. Economic cost to the agency for the enforcement of the regulation:

There will be no additional cost to the agency to enforce the amendments adopted.

8. There are no other state or federal agency regulations which the adopted amendments overlap or duplicate.

9. The amendments adopted do not include any provisions more stringent than any federal regulation which the same activity.

10. This regulation does not increase fees.

A total of \$179,375 income will be collected.

The costs of licensing, a continuing education position, printing, and supplies for this position, a program assistant position, equipment and administrative costs will be paid by these fees.

Sincerely,

Robert Gronowski, Administrator  
Division of Plant Industry

BG:cc