

**LCB File No. R123-02**

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

**NOTICE OF INTENT TO ADOPT REGULATIONS**

Nevada Department of Agriculture  
350 Capitol Hill Avenue  
Reno, NV 89502

Proposed amendment of NAC 587.335, pertaining to Potatoes: Adoption of United States standards, except the minimum diameter size and weight of U.S. Number 1.

Need and purpose of the proposed amendments:

The U. S. Agricultural Marketing Service permits adoption of larger minimum size and weight for U.S. Number 1 potatoes. Adoption of a larger minimum size and weight will allow shippers of potatoes in Nevada to advertise that they meet a larger potato size and weight. This will allow Nevada potatoes to compete better with potatoes grown in other states.

Economic effect of these proposed amendments on the businesses which it is to regulate:

1. Adverse effects:  
None.
2. Beneficial effects:  
Nevada potatoes meeting a larger minimum size and weight will enable Nevada potatoes to compete better with potatoes grown in other states
3. Immediate and long term effects:  
The beneficial and adverse effects are the same for the immediate and long- term economic effects.

Economic effects of the proposed amendments on the public:

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

Economic cost to the agency for enforcement of the proposed amendments:

There will be no additional cost to the agency for enforcement of the amendments.

Description of any regulations of any other state, local or federal regulation that the proposed amendments overlap or duplicate:

The U. S. Agricultural Marketing Service has a regulation on the grading standards for potatoes that states that grade potatoes must adopt as minimum standards to grade potatoes as meeting U.S. standard grade. States can adopt standards that exceeded the Federal minim standard.

Fees:

The proposed amendments do not contain any new fees or increase any existing fees.

The date, time, place, and manner in which interested parties may present their views on the proposed amendments:

DATE: August 26, 2002

TIME: 10:00 a.m.

PLACE: Nevada Department of Agriculture Office, Reno  
350 Capitol Hill Avenue  
Reno, Nevada 89502

Manner: Written comments and testimony may be submitted prior to the hearing date and will be included with any testimony presented at the hearing. All variable and written testimony will be in the record of the hearing.

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 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

Nevada Department of Agriculture  
1550 S. Wells Avenue  
Reno, NV 89502

Nevada Department of Agriculture  
1200 E. Winnemucca Blvd.  
Winnemucca, NV 89445

Nevada Department of Agriculture  
Eyer H Boies Building  
Elko, NV 809801

Nevada Department of Agriculture  
2300 McLeod  
Las Vegas, NV 89104

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 Robert Gronowski at the Nevada Department of Agriculture, (775)688-1182 Ext. 239 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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Paul Iverson, Director

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Date

## NOTICE OF WORKSHOP

A workshop will be held on proposed of NAC 587.335, pertaining to Potatoes: Adoption of United States standards, except the minimum diameter size and weight of U.S. Number 1.

DATE: August 26, 2002

TIME: 9:00 a.m.

Place: Nevada Department of Agriculture, Reno Office  
350 Capitol Hill Avenue  
Reno, NV 89502-2923

For clarification on the proposed amendments contact Robert Gronowski at (775) 688-1182, ext. 239.

Addresses at which the text of the proposed regulations may be inspected and copied:

The Nevada State Library in Carson City, and all county libraries. The Department of Agriculture offices in Reno, Sparks, Elko or Winnemucca during the hours of 8:00 a.m. to 5:00 p.m., Monday to Friday

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

The purpose of this Small Business Impact Form is to provide a frame work 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 two (2) is answered with a YES, then a small business impact statement is required prior to conducting a public workshops 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 554.885 thru NAC 554.905, Pertaining to the repeal of a quarantine of Fish lake Valley

**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).**

3. If **YES** to either of questions 1& 2, the following action must be taken:

- a. Was a small business impact statement prepared and was it available at the public workshop ?
- b. Attach the small business impact statement (part 2) as part of this form upon submission for drafting by LCB and adoption by the Nevada Board of Agriculture.

**Part 2**

(NRS 233B.0609)

1. Describe the manner in which comments were solicited from affected small businesses, a summary of the response from small businesses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

2. The estimated economic effect of the proposed regulation on small business:

- a. Both adverse and beneficial effects
- b. Both direct and indirect effects

3. The description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses.
  - a. Simplification of the proposed regulation.
  - b. Establishment of different standards of compliance for a small business.
  - c. Modification of fees or other monetary interests that a small business is authorized to pay at a lower fee.
4. The estimated cost to the agency for enforcement of the proposed regulation.
5. If this regulation provides for 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.
6. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards relating to the same activity, provide an explanation of why the proposed regulation is duplicative or more stringent and why it is necessary.

## PROPOSED REGULATION OF THE STATE DEPARTMENT OF AGRICULTURE

Proposed amendment to NAC 587.355

NAC 587.355 Potatoes: Adoption of United States standards ~~[-]~~, *except for the minimum diameter size and weight of a U.S. Number 1 potato.*

1. The United States Standards for Grades of Potatoes set forth in 7 C.F.R. §§ 51.1540 to 51.1566, inclusive, as these sections existed on March 27, 1991, are adopted by reference as the standards for grades of potatoes in Nevada, *except for the minimum diameter size and weight of a U.S. Number 1 potato. The minimum diameter size and weight of a U.S. Number 1 potato in Nevada shall be 2 inches and 4 ounces.*

2. These standards may be acquired from the department at no cost.