

LCB File No. T027-02

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

NOTICE OF WORKSHOP

A workshop will be held on proposed of NAC 587.360, pertaining to Inspection and certification fees.

DATE: January 28, 2003

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

PROPOSED TEMPORARY REGULATION OF THE STATE DEPARTMENT OF AGRICULTURE

NOTICE OF INTENT TO ADOPT REGULATIONS

Proposed temporary amendment of NAC 587.360, pertaining to Inspection and Certification Fees.

Need and purpose of the proposed amendments:

The purpose of the fee for reissuing any type of Federal Phytosanitary Certificate, State of Nevada Phytosanitary Certificate or Free Sale Certificate is to recover the costs of reissuing the certificates.

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

1. Adverse effects:
A fee for reissuing a certificate voided due to inaccurate information provided by the applicant will be charged.
2. Beneficial effects:
Applicants that provide accurate information on the application for a certificate avoid the reissue fee and the risk of rejection of their shipment due to inaccurate information on the certificate.
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: None.

Fees: The proposed amendment contains a new fee. Approximately \$1,000 in fees will be collected and will be used for supplies as needed to issue the certificates.

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

DATE: January 28, 2003
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.

Don Henderson, Acting Director

Date

PROPOSED TEMPORARY REGULATION OF THE STATE DEPARTMENT OF AGRICULTURE

Proposed temporary of NAC 587.340 pertaining to Inspection and Certification Fees.

NAC 587.340 Inspection and Certification Fees. (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. If those fees will exceed \$2,000 in a 30-day period, the processor of the potatoes must provide to the department a surety bond or another form of security that is satisfactory to the director to guarantee the payment of the fees for the 30-day period immediately succeeding the date the security is provided.

The fees will not be less than:

(a) The actual cost of providing the inspection and certification services; and
(b) 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. The fees for the inspection and certification of onions at their point of shipping:

(a) Are:

(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; and

(b) Must be secured by providing to the department a surety bond or another form of security that is satisfactory to the director to guarantee the payment of the fees for the 90-day period immediately succeeding the date the security is provided.

3. The fees for the inspection and certification of hay are:

(a) 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

(b) If the inspection is performed by an inspector who is a part-time agent or employee of the department:

(1) An amount equal to the hourly salary and benefits paid to the inspector for the number of hours that the inspector spent conducting the inspection and certification; and

(2) The travel expenses provided for state employees generally for the inspector while conducting the inspection and certification.

In addition to the fees required by paragraph (a) or (b), the state quarantine officer will charge a fee of \$50 for the inspection of forage.

4. The fees for the inspection and certification of poultry or eggs at their point of shipping are:

(a) If the poultry or eggs are certified as meeting state standards and conditions, \$20 per hour; or

(b) 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, must be made with the state quarantine officer for the inspection of agricultural products for processing. The fees for such an inspection must be secured by providing to the department a surety bond or another form of security that is satisfactory to the director to guarantee the payment of the fees for the 90-day period immediately succeeding the date the security is provided.

7. If the state quarantine officer or his designee, pursuant to a contract between the department and the Federal Government, inspects agricultural products in the field for the purpose of issuing a phytosanitary certificate 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. If the state quarantine officer or his designee, pursuant to a contract between the department and the Federal Government, issues an export certificate for processed plant products as required by the government of a foreign country before agricultural products that have been processed or manufactured may be exported to that country, the state quarantine officer:

(a) Will impose a fee of \$25 if the shipment of agricultural products is made for commercial purposes; and

(b) Will not impose a fee if the shipment of agricultural products is made for noncommercial purposes.

9. The fees for inspection of any other agricultural product are:

(a) 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

(b) If the inspection is performed by an inspector who is a part-time agent or employee of the department:

(1) An amount equal to the hourly salary and benefits paid to the inspector for the number of hours that the inspector spent conducting the inspection and certification; and

(2) The travel expenses provided for state employees generally for the inspector while conducting the inspection and certification.

10. The fee for reissuing any type of Federal Phytosanitary Certificate, State of Nevada Phytosanitary Certificate or Free Sale Certificate voided due to inaccurate information provided by the applicant requesting the certificate is \$25.

11. As used in this section:

- (a) “Export certificate for processed plant products” has the meaning ascribed to it in 7 C.F.R. § 353.1.
- (b) “Phytosanitary certificate” has the meaning ascribed to it in 7 C.F.R. § 353.1.

PROPOSED TEMPORARY REGULATION OF THE STATE 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 framework 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 NAC 587.360, pertaining to Inspection and Certification Fees.

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

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.