

**PROPOSED REGULATION OF THE
STATE BOARD OF AGRICULTURE**

LCB File No. R240-03

January 22, 2004

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

AUTHORITY: §1, NRS 555.238 and 555.239.

Section 1. NAC 555.1098 is hereby amended to read as follows:

555.1098 1. Except as otherwise provided in ~~[subsection 3, the minimum annual fee for a nursery license is \$130, to which must be added the following amount for each:~~

~~—(a) Additional nursery of a licensee who has paid the minimum nursery license fee, \$130.~~

~~—(b) Acre]~~ *NRS 555.236, the Director shall, for the issuance or renewal of a license, charge and collect an annual fee pursuant to the following schedule:*

(a) Except as otherwise provided in paragraph (c), for each business location of a dealer of nursery stock, \$130.

(b) For each acre of nursery stock in production , or portion thereof after the first acre, ~~[\$10]~~ \$20 up to a maximum additional fee of \$200.

~~(c) [Agent acting on behalf of a licensed nursery established in this state and operating outside of the county in which the nursery is located, \$25.~~

~~—(d) Peddler, \$70.~~

~~—2.— The Director may reduce the amount of the nursery license fee set forth in subsection 1 if:~~

~~—(a) The applicant for the issuance or renewal of a nursery license submits a written request to the Director that includes:~~

~~—(1) If he is applying for a renewal of his nursery license, the amount of income from the sale of nursery stock that he has received in the 12 months immediately preceding the date of the application and the amount of time that he has been operating a nursery; or~~

~~—(2) If he is applying for an initial nursery license, the amount of income from the sale of nursery stock he expects to receive in the 12 months immediately following the date of the application; and~~

~~—(b) The Director determines that the applicant has demonstrated that the payment of the fee set forth in subsection 1 would cause a financial hardship to the applicant that would preclude him from operating a nursery.~~

~~—3. If the Director determines pursuant to subsection 2 that a financial hardship exists, the minimum annual fee for a nursery license is \$50, to which must be added the following amount for each:~~

~~—(a) Additional nursery of a licensee who has paid the minimum nursery license fee, \$20.~~

~~—(b) Acre of nursery stock in production or portion thereof after the first acre, \$2 up to a maximum additional fee of \$20.~~

~~—(c) Agent acting on behalf of a licensed nursery established in this state and operating outside of the county in which the nursery is located, \$5.~~

~~—(d) Peddler, \$50.~~

~~—4.] For a peddler, \$200.~~

2. If a licensee applies for the renewal of his license after July 1, the Director shall, pursuant to NRS 555.239, charge and collect, in addition to the annual fee for renewal of the license, a penalty fee of \$75.

3. As used in this section ~~⌈~~:

~~—(a) “Agent” has the meaning ascribed to it in NRS 555.238.~~

~~—(b) “Peddler”], “peddler” has the meaning ascribed to it in NRS [555.238.] 555.2357.~~