

**LCB File No. R029-04**

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

**NOTICE OF WORKSHOP**

A workshop will be held on proposed of amendments NAC 587.340 pertaining to the inspection and Certification fees.

DATE: Tuesday, April 6, 2004

TIME: 10:00 a.m.

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

**Video Conferencing will be available at the same time in Las Vegas at:**

Nevada Department of Agriculture  
2300 McLeod Street  
Las Vegas, NV 89104

For clarification on the proposed amendments contact John O'Brien at (775) 688-1182, ext. 241.

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 REGULATION OF THE STATE  
DEPARTMENT OF AGRICULTURE**

**NOTICE OF HEARING AND  
NOTICE OF INTENT TO ADOPT REGULATIONS**

Proposed amendment of NAC 587.340 pertaining to **Inspection and Certification fees.**

Authority: NRS 587.360

Need for and purpose of the proposed regulation or amendment

The fees will recover costs and provide continuing inspection services.

Economic effect of the proposed regulation on the businesses which it is to regulate

- a. Adverse effects:  
There will be an increase in the cost to individuals and companies.
- b. Beneficial effects:  
The Department of Agriculture will recover its costs for the requested services that are provided.
- c. Immediate and long term effects:  
Same as above.

Economic effect of these proposed amendments on the public.

- a. Adverse effects: There are no adverse effects on the public.
- b. Beneficial effects: None.
- c. Immediate and long term economic effects: None.

Economic cost to the agency for enforcement of the proposed amendments

There is no increase in cost to the agency.

Description of any regulations of other state, local or federal governmental agencies which the proposed amendments overlap or duplicate. None

Fees: Existing fees will be increased to reflect current costs to maintain certification program.

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

DATE: Tuesday, April 6, 2004 - Hearing  
TIME: 11:00 a.m.  
PLACE: Nevada Department of Agriculture  
350 Capitol Hill Avenue  
Reno, Nevada 89502

**Video Conferencing will be available at the same time in Las Vegas at:**

Nevada Department of Agriculture  
2300 McLeod Street  
Las Vegas, NV 89104

Written comments and testimony may be submitted prior to the hearing date and will be included with any testimony presented at the hearing. All verbal 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 State Library, 100 Stewart Street, Carson City, Nevada, and all Nevada county libraries. Copies may also be at the Department of Agriculture office in Reno, Sparks, Elko, Las Vegas or Winnemucca during the hours of 8:00 a.m. until 5:00 p.m. Monday through Friday. This notice and text of the proposed regulation are also available in the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the internet at <http://www.agri.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

This notice of hearing has been posted at the following locations:

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 South Wells Avenue  
Reno, NV 89502

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

Nevada Department of Agriculture  
Eyer H. Boies Building  
1351 Elm Street  
Elko, NV 89801

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, please call John O'Brien at the Nevada Department of Agriculture, 775-688-1182, 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 incorporated therein its reasons for overruling the consideration urged against its adoption.

LCB File No. R029-04

PROPOSED REGULATION OF THE STATE  
DEPARTMENT OF AGRICULTURE

AGRICULTURAL PRODUCTS

**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]~~, grading *or certification of other agricultural products at a business location* ~~[certification of onions at their point of shipping]~~ *are*

(a) ~~[Are:]~~

~~[(1)]~~ ~~[Twenty]~~ *thirty* dollars for each hour the inspector spends conducting the inspection, *grading* ~~[and]~~ or 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]~~ *any* 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 *unless it is a one time or intermittent inspection, grading or certification.*

~~[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.]~~

(3) 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 *for noxious weeds*.

~~{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.}~~ (4) 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.}~~ (5). 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.}~~ (6). 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 and *no inspection is required*, 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.}~~ (6). 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 REGULATION OF THE STATE  
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**SMALL BUSINESS IMPACT STATEMENT**

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: The purpose is to recover costs associated with inspection and consolidates fee structure.

**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 ? **Yes.**
  - 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. **Yes.**

**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. **The small business which utilize Department services were notified of the workshop and hearings.**

2. The estimated economic effect of the proposed regulation on small business:
  - a. Both adverse and beneficial effects  
**There will be an increase in the cost of the inspection services.**
  - b. Both direct and indirect effects  
**There will a small increase in direct effects. There will be no 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. **The fee structure was simplified with fewer categories**
  - b. Establishment of different standards of compliance for a small business.  
**None.**
  - c. Modification of fees or other monetary interests that a small business is authorized to pay at a lower fee. **None.**
4. The estimated cost to the agency for enforcement of the proposed regulation.  
**No increase in cost is anticipated.**
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. **The money is used to pay salary and fringe benefits of the inspectors.**
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. **N.A.**