

LCB File No. R089-07

**PROPOSED REGULATION OF THE
STATE QUARANTINE OFFICER**

**NOTICE OF WORKSHOP AND HEARINGS
OF INTENT TO ADOPT REGULATIONS**

Details of the workshops and hearings appear below:

WORKSHOPS AND HEARINGS

Workshop: Monday, August 13, 2007 at 1:00pm

Hearing: To be announced

**Locations: Nevada Department of Agriculture Office, Reno
350 Capitol Hill Avenue
Reno NV 89502**

**Nevada Department of Agriculture Office, Las Vegas
2300 McLeod
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 oral and written testimony will be in the record of the hearing.

PROPOSED AMENDMENT TO NAC 587

Need and Purpose of the proposed amendments: These amendments are needed to adjust the mileage and hourly rates charged for agricultural inspections so that Department costs are covered.

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

1. Adverse effect: The fees charged for inspections will increase.
2. Beneficial effects: The state will recover it's costs enabling inspection services to continue.
3. Immediate and long term effect: Same.

Economic effects of the proposed amendments on the public:

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

There will be no additional costs to the Department for enforcement of the amendments.

This regulation does not overlap or duplicate any other state, local or federal regulation.

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
1351 Elm Street
Elko, NV 89801

Nevada Department of Agriculture
2300 McLeod
Las Vegas, NV 89104

Churchill County Library 553 South Maine Street Fallon, NV 89406	Las Vegas–Clark County Library 833 Las Vegas Blvd North Las Vegas, NV 89101	Elko County Library 720 Court Street Elko, NV 89801
Esmeralda County Library P.O. Box 430 Goldfield, NV 89013-0430	Eureka Branch Library 10190 Monroe Street Eureka, NV 89316-0293	Humboldt County Library 85 East 5 th Street Winnemucca, NV 89445
Lincoln County Library 93 Main Street Pioche, NV 89043-0330	Lyon County Library 20 Nevin Way Yerington, NV 89447	Mineral County Library First & A Street Hawthorne, NV 89415-1390
Goldfield Public Library Forth & Crook Street Goldfield, NV 89013-0430	Tonopah Public Library 171 Central Street Tonopah, NV 89049-0449	Pershing County Library 1125 Central Avenue Lovelock, NV 89419-0781

Storey County Library 95 South R Street Virginia City, NV 89440-0014	Washoe County Library 301 South Center Reno, NV 89505-2151	White Pine County Library 950 Campton Street Ely, NV 89301
Battle Mountain Branch Library Battle Mountain, NV 89820-0141	Carson City Library 900 N. Roop Street Carson City, NV 89701	Douglas County Library 1625 Library Lane Minden, NV 89423-0337
State Library 100 North Stewart Street Carson City, NV 89701-4285	Smith Valley Library 22 Day Lane Smith, NV 89430	

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 John O'Brien at the Nevada Department of Agriculture, (775) 688-1182 Ext. 241 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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PROPOSED REGULATION OF THE STATE QUARANTINE OFFICER

Agricultural Product Inspection Fees NAC 587.340

The fee for the inspection of “other agricultural products” in NAC 587.340 is \$30/hour and \$0.40/mile. We are proposing to change the mileage rate so that it automatically adjusts to the state mileage rate which is currently \$0.485. This enables our rates to automatically adjust to major changes in gasoline prices. The Livestock ID Division for example changed their rates to the state rate. We propose to use some of that language.

There is no fee for the issuance of a Federal Phytosanitary certificate. The fee for the issuance of an export certificate for a Processed product certificate (also Federal) is \$25. We propose to charge the same \$25 fee for a Federal phytosanitary certificate.

Other fees within this section may also need to be adjusted. We propose to reexamine our costs and if necessary propose additional changes. An example could be the \$30/hour inspection fee. Inspector salaries can range from \$12.60/hour to \$33.45/hour plus fringe.

Announcements of the workshops and hearings will be sent to the required locations, to the people etc. who have requested to be mailed notifications and to the the various businesses that are charged for these services.

Deleted language is ~~bracketed and crossed out~~. Proposed new language is in *blue italics*.

AGRICULTURAL PRODUCTS

NAC 587.340 Fees for inspection, grading and certification; security for payment of 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 inspection, grading or certification of other agricultural products:

- (a) Are:
 - (1) Thirty dollars for each hour the inspector spends conducting the inspection, grading or certification, including the time spent traveling to and from the location where the inspection and certification are conducted;
 - (2) ~~Forty cents~~ *The amount of mileage reimbursement that the inspector is entitled to receive a mile from this State* for the inspector’s travel; and

(3) Any fee charged in accordance with the contract between the Department and the Federal Government; and

(b) Unless they are for a one-time or intermittent inspection, grading or certification, 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. In addition to any fees required pursuant to this section, the State Quarantine Officer will charge a fee of \$50 for the inspection of forage for the presence of noxious weeds.

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.

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.

6. If the State Quarantine Officer or his designee, pursuant to a contract between the Department and the Federal Government, issues *a Phytosanitary certificate or* 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.

7. 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.

**STATE DEPARTMENT OF AGRICULTURE
SMALL BUSINESS IMPACT DISCLOSES 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 question two (2) is answered with a *YES*, then a small business impact statement is required prior to conducting a public workshop(s) 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, pertaining to European Pine Shoot Moth Quarantine

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).