

LCB File No. R168-08

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

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

Workshop Notice: Thursday, July 10, 2008 at 2:00 p.m.

Hearing Notice: Friday, July 11, 2008 at 10:00 a.m.

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 555.130

Need and Purpose of the proposed amendments: To clarify labeling requirements for certain kinds of nursery stock sold in containers.

The proposed amendments follow. The proposed changes are in ***bold italics***. The text to be deleted is ~~crossed out~~.

NAC 555.130 Labeling of nursery stock; administrative fine. (NRS 555.243, 555.247, 555.2485)

1. Nursery stock sold or offered for sale must be labeled plainly and legibly with the correct botanical or commonly accepted name, or both. If nursery stock is sold by grade or size, the grade or size must appear on the label and be determined as set forth in the *American Standard for Nursery Stock*, as adopted by reference pursuant to NAC 555.200. Nursery stock on display for sale may be labeled by a suitable sign on a block of stock of the same kind and species.

2. Balled nursery stock sold in containers must be labeled plainly and legibly as "B&B", "balled and potted", "field potted" or "Potted B&B" to distinguish it from container grown stock.

~~1-2-~~ **3.** A person who fails to label or label correctly nursery stock in violation of this section shall, after notice and hearing, for each violation pay an administrative fine in accordance with the following:

- (a) For the first violation, \$75.
- (b) For the second violation, \$100.
- (c) For the third and any subsequent violation, \$200.

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

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

Economic effects of the proposed amendments on the public:

1. Adverse effects: None
2. Beneficial effects: Consumers will have more information on which to base a decision to buy nursery stock.
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.

The proposed amendments do not include any provisions more stringent than any federal regulation with the same activity.

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 2300 McLeod Las Vegas, NV 89104
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Nevada Department of Agriculture 1200 E. Winnemucca Blvd. Winnemucca, NV 89445	Nevada Department of Agriculture 2150 Frazer Street Sparks, NV 89431
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Nevada Department of Agriculture
4780 E. Idaho Street
Elko, NV 89801

Churchill County Library 553 South Maine Street Fallon, NV 89406	Las Vegas – Clark County Library 833 Las Vegas Boulevard 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 P.O. Box 293 10190 Monroe Street Eureka, NV 89316-0293	Humboldt County Library 85 East 5 th Street Winnemucca, NV 89445
Lincoln County Library P.O. Box 330 93 Main Street Pioche, NV 89043-0330	Lyon County Library 20 Nevin Way Yerington, NV 89447	Mineral County Library P.O. Box 1390 (First & A Street) Hawthorne, NV 89415-1390
Goldfield Public Library P.O. Box 430 (Forth & Crook Street) Goldfield, NV 89013-0430	Tonopah Public Library P.O. Box 449 171 Central Street Tonopah, NV 89049-0449	Pershing County Library P.O. Box 781 1125 Central Avenue Lovelock, NV 89419-0781
Storey County Library P.O. Box 14 95 South R Street Virginia City, NV 89440-0014	Washoe County Library P.O. Box 2151 301 South Center Reno, NV 89505-2151	White Pine County Library 950 Campton Street Ely, NV 89301
Battle Mountain Branch Library P.O. Box 141 Battle Mountain, NV 89820-0141	Carson City Library 900 N. Roop Street Carson City, NV 89701	Douglas County Library P.O. Box 337 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	Las Vegas Review Journal Ed Vogel/Capital Bureau 102 N. Curry Street Carson City, NV 89703
Nevada Farm Bureau Federation 2165 Green Vista Drive, Suite 205 Sparks, NV 89431		

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 Peggy McKie at the Nevada Department of Agriculture, (775) 688-1182 Ext. 243 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.

NEVADA 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 555.130

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).