

PROPOSED REGULATION OF THE STATE BOARD OF AGRICULTURE

LCB File No. R085-11

Notice of Workshop to Solicit Comments on Proposed Regulation

The Nevada Department of Agriculture, 405 South 21st Street, Sparks, Nevada, 89431, is proposing the Amendment of regulations pertaining to chapter NAC 587 of Nevada Administrative Code. A workshop has been set for 10:00 A.M. on November 4, 2011 at:

Nevada Department of Agriculture
405 South 21st Street
Sparks, Nevada, 89431

The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations:

NAC 587.173: A regulation relating to the fee for analysis and testing of seed.

NAC 587.220: A regulation relating to the listing of weed seed as noxious.

NAC 587.254: A regulation relating to the fee for certification of seed.

NAC 587.340: A regulation relating to the fee for phytosanitary field inspection.

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting:

Steve Marty
Organic Program Manager
Nevada Department of Agriculture
405 South 21st Street
Sparks, NV 89434
(775) 353-3773
s_marty@agri.state.nv.us

A reasonable fee for copying may be charged.

This Notice of Workshop to Solicit Comments on Proposed Regulation has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations:

Nevada Department
of Agriculture
405 South 21st Street
Sparks, NV 89434

Nevada Department
of Agriculture
2300 McLeod
Las Vegas, NV 89104

Nevada Department
of Agriculture
4780 E. Idaho Street
Elko, NV 89801

Nevada Department
of Agriculture
4780 E. Idaho Street
Elko, NV 89801

NEVADA COUNTY PUBLIC LIBRARIES

Carson City Library
900 North Roop Street
Carson City, Nevada 89702

Churchill County Library
553 South Main Street
Fallon, Nevada 89406

Clark County District Library
833 Las Vegas Boulevard North
Las Vegas, Nevada 89101

Douglas County Library
1625 Library Lane
Minden, Nevada 89423

Elko County Library
720 Court Street
Elko, Nevada 89801

Esmeralda County Library
Corner of Crook & 4th Streets
Goldfield, Nevada 89013

Humboldt County Library
85 East 5th Street
Winnemucca, Nevada 89445

Lander County Library
625 South Broad Street
Battle Mountain, Nevada 89820

Lincoln County Library
63 Main Street
Pioche, Nevada 89043

Lyon County Library
20 Nevin Way
Yerington, Nevada 89447

Mineral County Public Library
110 1st Street
Hawthorne, Nevada 89415

Pershing County Library
1125 Central Avenue
Lovelock, Nevada 89419

Storey County Public Library
95 South R Street
Virginia City, Nevada 89440

Tonopah Public Library
167 Central Street
Tonopah, Nevada 89049

Washoe County Library
301 South Center Street
Reno, Nevada 89501

White Pine County Library
950 Campton Street
Ely, Nevada 89301

Date: 18 October 2011

PROPOSED REGULATION OF THE STATE BOARD OF AGRICULTURE

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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) Forty 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) The mileage allowance established by the State Board of Examiners for state officers and employees pursuant to subsection 3 of NRS 281.160 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 or her designee inspects agricultural products in the field for the purpose of issuing a phytosanitary certificate required by the government of a state or of a foreign country before those agricultural products may be exported to that state or country, the State Quarantine Officer will impose a fee of ~~[\$4]~~ \$7 per acre for the inspection.

6. If the State Quarantine Officer or his or her designee issues a phytosanitary certificate, an export certificate for processed plant products or a free-sale certificate as required by the government of a state or of a foreign country before agricultural products may be exported to that state or country, the State Quarantine Officer:

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

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

(c) Will impose any fee required to be collected and passed through to the United States Department of Agriculture.

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) “Free-sale certificate” has the meaning ascribed to it in paragraph (c) of subsection 4 of NAC 587.345.

(c) “Phytosanitary certificate” has the meaning ascribed to it in NRS 555.23575.