

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

LCB File No. R087-11

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 10, 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 587.905: A regulation relating to the fee for organic certification.

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 21 st 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
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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

LCB File No. R087-11

NAC 587.905 Application for and continued certification of production or handling operation; payment, amount and refund of fees. (NRS 587.830)

1. A person seeking to receive certification of a production or handling operation must submit:

- (a) An application for certification pursuant to 7 C.F.R. § 205.401; and
- (b) The fees required pursuant to subsection 3.

2. A person seeking to maintain certification must annually submit:

- (a) An updated organic system plan of production or handling pursuant to 7 C.F.R. § 205.406; and
- (b) The fees required pursuant to subsection 3.

3. A person seeking certification or continued certification of a production or handling operation must pay the following fees to the Department:

(a) For an application for certification pursuant to subsection 1, a nonrefundable fee of ~~[\$75.]~~ **\$150**

(b) For annual continued certification pursuant to subsection 2, a nonrefundable fee of ~~[\$50.]~~ **\$100**

(c) For each year in which a person applies for certification or continued certification, an amount specified in the following table based on an estimate of the gross income of the organic sales of the production or handling operation for the calendar year in which the certification or continued certification is requested:

Gross Income	Amount	
\$0 to \$5,000.....	[\$15]	\$300
\$5,001 to \$10,000.....	[\$30]	\$350
\$10,001 to \$15,000.....	[\$45]	\$400
\$15,001 to \$20,000.....	[\$60]	\$450
\$20,001 to \$25,000.....	[\$75]	\$500
\$25,001 to \$30,000.....	[\$90]	\$550

\$30,001 to \$35,000.....	[\$105]	\$650
\$35,001 to \$50,000.....	[\$150]	\$750
\$50,001 to \$75,000.....	[\$225]	\$850
\$75,001 to \$100,000.....	[\$300]	\$950
\$100,001 to \$150,000.....	[\$450]	\$1150
\$150,001 to \$200,000.....	[\$600]	\$1250
\$200,001 to \$250,000.....	[\$750]	\$1500
\$250,001 to \$350,000.....	[\$1,050]	\$1750
\$350,001 to \$500,000.....	[\$1,500]	\$2150
\$500,001 or more.....	[\$2,500]	\$4000

(d) For each initial on-site inspection, a nonrefundable fee of ~~[\$30]~~ **\$40** per hour, ~~[for actual inspection time spent at the inspection site]~~ including travel time, and for mileage, per mile, an amount that is equal to *the state mileage reimbursement rate*.

4. The payment of a fee based on gross income from organic sales required pursuant to paragraph (c) of subsection 3 will be refunded if the request for certification or continued certification is withdrawn in writing and received by the Department before the initial inspection for the year in which the certification or continued certification is requested. In determining the amount of the fee pursuant to paragraph (c) of subsection 3:

(a) For certification of a handling operation, all organic products handled at an area of operation certified by the Department must be included in calculating the estimated gross income; and

(b) For certification of a production operation, only organic products that are produced from operations certified by the Department must be included in calculating the estimated gross income.

5. Any forms or fees required to be submitted pursuant to subsections 1 to 4, inclusive, that are received by the Department after March 31 must be considered late and must be accompanied by a late fee of \$250 in addition to any fees otherwise prescribed by this section.

NAC 587.906 Fees for addition of fields or areas of operation to be certified, additional inspections, and reproduction and mailing of application forms. (NRS 587.830)

1. Except as otherwise provided in subsection 2, in addition to all other fees prescribed by the Department, the Department shall charge the following additional fees for the fields or areas of operation to be certified after the initial inspection has been completed and for any other additional inspections:

(a) For each hour of inspection, calculated from the inspector’s assigned office, ~~[\$30]~~ **\$40**.

(b) For mileage, per mile, an amount that is equal to *the state mileage reimbursement rate*.
~~[mileage allowance for a state officer or employee who uses his or her private conveyance for reasons of personal convenience in the transaction of state business.]~~

(c) For the per diem of the inspector, the amounts currently allowed by law for state employees, under the conditions set by the Department.

2. The Department shall prorate the fees prescribed by subsection 1 among the persons whose property is inspected in the same area if all inspections can be completed during the same trip of the inspector, as determined by the Department.

3. The Director may also charge a reasonable fee to cover the costs of the reproduction and mailing of application forms.