

**PROPOSED REGULATION OF THE
STATE QUARANTINE OFFICER**

LCB File No. R019-13

July 31, 2013

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1 and 2, NRS 561.153 and 587.360.

A REGULATION relating to agriculture; revising provisions concerning certain certifications relating to agricultural products and farm equipment; and providing other matters properly relating thereto.

Section 1. NAC 587.340 is hereby amended to read as follows:

587.340 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 \$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, *a certificate of origin*, or a free-sale certificate as required by the government of a state or of a foreign country before agricultural products *or farm equipment* 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;~~ *and*

(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) *“Certificate of origin” means a certificate which certifies that the shipment of agricultural products or farm equipment, or any combination thereof, originated in the State of Nevada and that the agricultural products or farm equipment, or combination thereof, is free from infestation in accordance with NRS 561.147.*

(b) “Export certificate for processed plant products” has the meaning ascribed to it in 7 C.F.R. § 353.1.

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

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

Sec. 2. NAC 587.345 is hereby amended to read as follows:

587.345 1. The State Quarantine Officer or his or her designee may issue:

(a) A federal phytosanitary certificate.

- (b) A state phytosanitary certificate.
- (c) A free-sale certificate.
- (d) An export certificate for processed plant products.

(e) A certificate of origin.

2. If the State Quarantine Officer or his or her designee determines that an applicant for a federal phytosanitary certificate, state phytosanitary certificate, export certificate for processed plant products, ***certificate of origin*** or free-sale certificate issued pursuant to subsection 1 provided inaccurate information in conjunction with the application for that certificate, the State Quarantine Officer or his or her designee may revoke that certificate.

3. In addition to any other applicable fees, the State Quarantine Officer or his or her designee will impose a fee of \$25 for the issuance of a federal phytosanitary certificate, state phytosanitary certificate, export certificate for processed plant products, ***certificate of origin*** or free-sale certificate that replaces a certificate revoked pursuant to subsection 2.

4. As used in this section:

(a) ***“Certificate of origin” means a certificate which certifies that the shipment of agricultural products or farm equipment, or any combination thereof, originated in the State of Nevada and that the agricultural products or farm equipment, or combination thereof, is free from infestation in accordance with NRS 561.147.***

(b) “Export certificate for processed plant products” has the meaning ascribed to it in 7 C.F.R. § 353.1.

~~(b)~~ (c) “Federal phytosanitary certificate” means a phytosanitary certificate issued pursuant to federal law.

~~(e)~~ (d) “Free-sale certificate” means a certificate that certifies that the plants or plant products being exported are the same type of plants or plant products freely marketed and for sale in the State of Nevada.

~~(d)~~ (e) “State phytosanitary certificate” means a phytosanitary certificate that documents the origin and, if required, the inspection of plants and unprocessed or unmanufactured plant products that do not qualify for a federal phytosanitary certificate.