

**ADOPTED REGULATION OF THE DIRECTOR OF
THE STATE DEPARTMENT OF AGRICULTURE**

LCB File No. R115-13

Effective February 26, 2014

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

AUTHORITY: §1, NRS 586.270 and 586.401.

A REGULATION relating to agriculture; increasing the amount of the portion of each annual pesticide registration fee that is used for certain purposes; and providing other matters properly relating thereto.

Section 1. NAC 586.011 is hereby amended to read as follows:

586.011 1. Each registrant must pay an annual registration fee of \$125 for each pesticide registered.

2. The Director will deposit, in a separate account, ~~[\$15]~~ *\$40* of each annual registration fee collected pursuant to subsection 1. The money in the account will be used to:

- (a) Monitor and dispose of pesticides;
- (b) Protect groundwater and surface water from contamination by pesticides; and
- (c) Eradicate and control noxious weeds.

NOTICE OF ADOPTION OF REGULATION

The Nevada Department of Agriculture adopted regulations assigned LCB File No. R115-13 which pertain to chapter 586 of the Nevada Administrative Code on December 23, 2013. A copy of the regulations as adopted is attached hereto.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066 Informational Statement LCB File No. R115-13

1. A clear and concise explanation of the need for the adopted regulation.

A previously approved regulation to increase this fee increased the fee but neglected to increase the set aside. This proposed regulation change would correct that oversight and increase the allowed set aside from \$15 per registration to \$40 per registration. This is an adjustment to the portion of the pesticide registration fee that is used for certain purposes, NOT an additional fee increase.

The purpose of or need for the regulation is to make available additional funds to monitor or dispose of pesticides, protect ground and surface water from contamination, and to eradicate and control noxious weeds.

Section 1. NAC 586.011:

586.011 1. Each registrant must pay an annual registration fee of \$125 for each pesticide registered.

2. The Director will deposit, in a separate account, ~~15~~ \$40 of each annual registration fee collected pursuant to subsection 1. The money in the account will be used to:

- (a) Monitor and dispose of pesticides;
- (b) Protect groundwater and surface water from contamination by pesticides; and
- (c) Eradicate and control noxious weeds.

2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. mail and email to persons who were known to have an interest in the subject of Pesticide Registration Fees, as well as any persons who had specifically requested such notice. These documents were also made available at the website of the Nevada Department of Agriculture (NDA) www.agri.nv.gov, mailed to all county libraries in Nevada and posted at the following locations:

Nevada Department of Agriculture
405 South 21st Street
Sparks, NV 89431-5566

Nevada Department of Agriculture
2150 Frazer Avenue
Sparks, NV 89431

Nevada Department of Agriculture
2300 McLeod Street
Las Vegas, NV 89104-4314

Nevada Department of Agriculture
4780 E. Idaho Street
Elko, NV 89801-4672

Interested persons may obtain a copy of the summary by contacting:

Nevada Department of Agriculture
Attn: Dawn Rafferty, Plant Industry Division
405 South 21st Street
Sparks, NV 89431

3. **The number of persons who:**
 - (a) **Attended workshop and hearing: 1 (NDA staff)**
 - (b) **Testified at each hearing: 0**
 - (c) **Submitted written comments: 0**

Workshop: December 16, 2013
Number in attendance: 1 (NDA staff)
Number testifying: 0
Written statements submitted: 0

Hearing: December 23, 2013
Number in attendance: 1 (NDA staff)
Number testifying: 0
Written statements submitted: 0

4. **For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:**
 - (a) **Name;**
 - (b) **Telephone number;**
 - (c) **Business address;**
 - (d) **Business telephone number;**
 - (e) **Electronic mail address; and**
 - (f) **Name of entity or organization represented.**
5. **A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.**

Comments were solicited from affected businesses in the same manner as they were solicited from the public.

Interested persons may obtain a copy of the summary by contacting:

Nevada Department of Agriculture
Attn: Dawn Rafferty, Plant Industry Division
405 South 21st Street
Sparks, NV 89431

- 6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

N/A

- 7. The estimated economic effect of the regulation on the business which it is to regulate and on the public.**

(a) Estimated economic effect on the businesses which they are to regulate.

(b) Estimated economic effect on the public which they are to regulate.

There is no estimated economic effect on businesses.

There is no estimated or calculated economic effect on the public.

There is no impact on small businesses from this regulation change. The Department determined that the regulation lacks a direct and significant burden or restriction on formation of small businesses because by virtue of the terms of the regulation; it merely redirects funds already being collected.

- 8. The estimated cost to the agency for enforcement of the proposed regulation:**

There is no additional cost to the agency for the enforcement of this regulation.

- 9. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

There are no other state or government agency regulations that the proposed amendments duplicate

- 10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

N/A

