

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

LCB File No. R115-13

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 586 of Nevada Administrative Code. A workshop has been set for Monday, December 16, 2013 at 1pm 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 586.011 Annual Registration fee: Amount; deposit and use of portion of fee

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 a technical correction, NOT an additional fee increase.

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.

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

Dawn Rafferty
Administrator Plant Industry Division
Nevada Department of Agriculture
405 South 21st Street
Sparks, NV 89434
(775) 353-3669
rafferty@agri.nv.gov

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

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

Lyon County Library
20 Nevin Way
Yerington, Nevada 89447

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Amendment of
Regulations of the
Nevada Department of Agriculture

The Nevada Department of Agriculture will hold a public hearing on Monday, December 23, 2013, at 1:00pm at Agriculture Headquarters, 405 South 21st Street, Sparks, NV 89431; Phone: (775) 353-3601. The purpose of the hearing is to receive comments from all interested persons regarding the Amendment of regulations that pertain to chapter 586 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

The purpose is to solicit public comments from interested persons on the following proposed regulation: NAC 586.011; *a regulation relating to pesticides; increasing the amount of the annual fee to register a pesticide set aside for specific uses; and providing other matters properly relating thereto.*

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 a technical adjustment, NOT an additional fee increase.

NAC 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.

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.

The estimated economic effect of the regulation on businesses which it is to regulate and on the public are as follows:

- a) Adverse Effects: There is no adverse effect on the public.
- b) Beneficial effects: The public will benefit from an increase of departmental activities as they relate to pesticides (monitoring, disposal and ground water protection) and noxious weeds control.

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.

There will be no additional cost to the Nevada Department of Agriculture for enforcement of the proposed regulation.

The proposed regulation will not overlap or duplicate any regulations set by federal, state or local governmental agencies.

The proposed regulation is not required by federal law.

The proposed regulation does not include any provisions more stringent than a federal regulation that regulates the same activity.

The proposed regulation does not increase an existing fee.

The LCB approved revision can be found on the Nevada Department of Agriculture website at www.agri.nv.gov.

Persons wishing to comment upon the proposed action of the Nevada Department of Agriculture may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the address below.

Nevada Department of Agriculture
405 S. 21st Street
Sparks, NV 89431
ATTN: Dawn Rafferty
(775) 353-3669
rafferty@agri.nv.gov

Written submissions must be received by the Nevada Department of Agriculture on or before December 23, 2013. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada Department of Agriculture may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended will be available at:

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

Nevada Department of Agriculture
2300 McLeod
Las Vegas, NV 89104

Nevada Department of Agriculture
4780 E. Idaho Street
Elko, NV 89445

Nevada Department of Agriculture
2150 Frazer Street
Sparks, NV 89431

and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

NRS 233B.064(2) provides: Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

The Nevada State Library in Carson City, and all Nevada county libraries. The Department of Agriculture offices in Sparks, , Las Vegas or Elko during the hours of 8:00 a.m. until 5:00 p.m. Monday through Friday.

Churchill County Library 553 South Maine Street Fallon, NV 89406	Clark County District Library 833 Las Vegas Blvd. North Las Vegas, NV 89101	Elko County Library 720 Court Street Elko, NV 89801
Esmeralda County Library Corner of Crook & 4 th Streets Goldfield, NV 89013	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 63 Main Street Pioche, NV 89043	Lyon County Library 20 Nevin Way Yerington, NV 89447	Mineral County Library 110 1 st Street Hawthorne, NV 89415
Nevada Farm Bureau Federation 2165 Green Vista Dr., Ste. 205 Sparks, NV 89431	Tonopah Public Library 167 Central Street Tonopah, NV 89049	Pershing County Library 1125 Central Avenue Lovelock, NV 89419
Storey County Public Library 95 South R Street Virginia City, NV 89440	Washoe County Library 301 South Center Street Reno, NV 89501	White Pine County Library 950 Campton Street Ely, NV 89301
Lander County Library 625 South Broad Street Battle Mountain, NV 89820	Carson City Library 900 N. Roop Street Carson City, NV 89702	Douglas County Library 1625 Library Lane Minden, NV 89423
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