

**ADOPTED REGULATION OF THE
STATE BOARD OF AGRICULTURE**

LCB File No. R060-00

Effective June 15, 2000

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

AUTHORITY: §1, NRS 555.238; §2, NRS 555.238 and 555.243.

Section 1. Chapter 555 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, the minimum annual fee for a nursery license is \$130, to which must be added the following amount for each:

(a) Additional nursery of a licensee who has paid the minimum nursery license fee, \$130.

(b) Acre of nursery stock in production or portion thereof after the first acre, \$10 up to a maximum additional fee of \$200.

(c) Agent acting on behalf of a licensed nursery established in this state and operating outside of the county in which the nursery is located, \$25.

(d) Peddler, \$70.

2. The director may reduce the amount of the nursery license fee set forth in subsection 1 if:

(a) The applicant for the issuance or renewal of a nursery license submits a written request to the director that includes:

(1) If he is applying for a renewal of his nursery license, the amount of income from the sale of nursery stock that he has received in the 12 months immediately preceding the date of the application and the amount of time that he has been operating a nursery; or

(2) If he is applying for an initial nursery license, the amount of income from the sale of nursery stock he expects to receive in the 12 months immediately following the date of the application; and

(b) The director determines that the applicant has demonstrated that the payment of the fee set forth in subsection 1 would cause a financial hardship to the applicant that would preclude him from operating a nursery.

3. If the director determines pursuant to subsection 2 that a financial hardship exists, the minimum annual fee for a nursery license is \$50, to which must be added the following amount for each:

(a) Additional nursery of a licensee who has paid the minimum nursery license fee, \$20.

(b) Acre of nursery stock in production or portion thereof after the first acre, \$2 up to a maximum additional fee of \$20.

(c) Agent acting on behalf of a licensed nursery established in this state and operating outside of the county in which the nursery is located, \$5.

(d) Peddler, \$50.

4. As used in this section:

(a) "Agent" has the meaning ascribed to it in NRS 555.238.

(b) "Peddler" has the meaning ascribed to it in NRS 555.238.

Sec. 2. NAC 555.100 is hereby amended to read as follows:

555.100 As used in NAC 555.100 to 555.235, inclusive, *and section 1 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 555.101 to 555.109, inclusive, have the meanings ascribed to them in those sections.

LCB File No. R060-00

NOTICE OF ADOPTION OF REGULATIONS

On April 20, 2000 the Nevada Department of Agriculture adopted regulations assigned LCB file number R 060-00 which pertains to chapter 555 of the Nevada Administrative Code. A copy of the regulations as adopted is attached hereto.

INFORMATIONAL STATEMENT

May 09, 2000

Jan Needham, Principal Deputy Legislative Counsel

Legislative Counsel Bureau

Capitol Complex

Carson City, Nevada 89701

ADOPTION OF (LCB File No. R060-00) AMENDMENTS TO NAC 555 PERTAINING TO NURSERY LICENSING FEES.

Dear Jan:

The following is the informational statement to NAC 555.

Public workshops were held on February 15, 2000 in Las Vegas, Nevada at the Nevada Department of Agriculture office located at 2300 McLeod Street; February 16, 2000 in Elko, Nevada at the Nevada Department of Agriculture Office located at 131 Elm Street; February 17, 2000 in Winnemucca at the Nevada Department of Agriculture office located at 1200 E. Winnemucca Boulevard, and February 25, 2000 in Reno, Nevada at the Nevada Department of Agriculture office located at 350 Capitol Hill Avenue.

Public hearings were held on April 14, 2000 in Reno, Nevada at the Nevada Department of Agriculture office located at 350 Capitol Hill Avenue and April 14, 2000 in Las Vegas, Nevada at the Nevada Department of Agriculture office located at 2300 McLeod Street.

Notice of workshop and notice of hearing were posted at all six department offices, the Nevada State Library in Carson City, and all Nevada County Libraries. Copies could be requested from the Nevada Department of Agriculture by writing to 350 Capitol Hill Avenue, Reno, Nevada 89502, calling (702) 688-1180, contacting all other department offices, the Nevada State Library in Carson City, and all Nevada County Libraries. All persons who are licensed as nurseries, agents, growers and peddlers by the department were notified by mail.

Workshop held on February 15, 2000 in Las Vegas, Nevada at the Department of Agriculture office located at 2300 McLeod Street.
17 people attended.

No written statements were submitted.

Workshop held February 16, 2000 in Elko, Nevada at the Nevada Department of Agriculture office located at 131 Elm Street.

6 people attended.

There were no written or verbal statements submitted .

Workshop held on April 17, 2000 in Winnemucca, Nevada at the Department of Agriculture office located at 1200 E. Winnemucca Boulevard.

12 people attended.

No written statements were submitted.

Workshop held on February 25, 2000 in Reno, Nevada at the Nevada Department of Agriculture office located at 350 Capitol Hill Avenue.

7 people attended.

One written comment was received supporting the fee increase.

Verbal comment summary from all the workshops: The size of the increase was questioned. Some would have preferred a gradual increase. Suggestions were provided on alternative fee schedules that would collect the same amount of money. There was general support for the nursery and border enforcement program these fees will support. There were requests for consideration of a hardship reduction in fees. There was one objection to any fee increase.

Hearing held April 5, 2000 in Reno, Nevada at the Nevada Department of Agriculture office located at 350 Capitol Hill Avenue.

Two persons attended.

No written statements were submitted.

Summary of verbal comments: The fee increase proposed was supported by the two attendees representing the landscaping and turf production industries. Both testified that stronger enforcement was necessary to prevent the introduction of new pests into Nevada.

Hearing held April 6, 2000 in Las Vegas at the Department of Agriculture office located at 2300 McLeod Street.

18 people attended.

There were seven written comments submitted.

The written statements asked why a landscaper who purchases nursery stock in Nevada needs to be licensed. The Nevada Statutes and an Attorney General's opinion state that a license is required for the purchase of and resale of nursery stock from any source.

Summary of verbal comments:

There should be an exemption from paying these fees if the stock is only purchased from Nevada nurseries. There was full support for the enhancement of a program to prevent pests from entering the state. There was a general agreement that the additional fees should be used for the pest prevention program.

Comments were solicited from businesses and the public by posting in public locations and through direct mail notices as outlined in #1 above. Verbal and written comments were received. A copy of the comments may be obtained by calling the Nevada Department of Agriculture office, (775) 688-1180.

The amendments were changed after the workshops to include a hardship provision and an amended fee schedule. The amendments as presented at the hearings were adopted without any changes. It was determined that a hardship provision was needed to prevent closure of any small businesses and the fee increase was necessary to operate the program.

1. The economic effects of the adopted amendments on the business which it is to regulate:

2. Adverse effects:

The fees will increase the cost to businesses, but will not cause an active business to go out of business. The regulation includes an opportunity to apply for a hardship provision.

3. Beneficial effects:

Businesses will benefit from the pest prevention program.

4. Immediate and long-term economic effects:

5. The adverse and beneficial effects are the same for immediate and long-term.

6. Economic effects of the adoption of the amendments on the public:

7. Adverse effects:

None

8. Beneficial effects:

The public will benefit from the prevention of the entry and establishment of invasive species which cause economic, environmental, and public health loss.

9. Immediate and long-term effects:

The adverse and beneficial effects are the same for the immediate and long-term.

10. Economic cost to the agency for the enforcement of the regulation:

11. There will be no additional cost to the agency to enforce the amendments adopted.

12. There are no other state or federal agency regulations which the adopted amendments overlap or duplicate.

13. The amendments adopted do not include any provisions more stringent than any federal regulation which the same activity.

14. This regulation does increase fees.

A total of \$116,395 will be collected in fees. These fees will pay for one additional agriculturist to conduct agricultural law enforcement, one additional agriculture inspector to preform nursery inspection, travel and supplies for the two positions, and administrative costs.

Sincerely,

Robert Gronowski, Administrator

Division of Plant Industry