

LCB File No. R035-01

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

(This proposed regulation was previously adopted as LCB File No. T037-01)

**Nevada Department of Agriculture
350 Capitol Hill Avenue
Reno, NV 89502
(775) 688-1182**

NOTICE AND INTENT TO ADOPT REGULATIONS

Need and purpose of the proposed amendments:

Restrict the spread of Africanized honey bees (*Aphis mellifera scutellata*) from infested areas of Nevada.

Economic effect of the proposed amendments on the businesses which it is to regulate:

1. Adverse effects:

Beekeepers will have to register the location of colonies and the number of colonies at each location within the area under quarantine. Colonies must be certified as non-Africanized by the Department of Agriculture prior to movement out of the quarantine area. Honey bee queens and honey bees cannot be produced for sale in the quarantined area unless certified as non-Africanized a minimum of two times per year by the Department of Agriculture.

2. Beneficial effects:

Beekeepers who have their bee colonies certified as non-Africanized can move the colonies out of the quarantined area and produce honey bee queens and bees for sale.

3. Immediate and long term economic effects:

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

Economic effects of the proposed amendments on the public:

1. Adverse effects:

None.

2. Beneficial effects:

Prevention of the artificial spread of Africanized honey bees from the infested area to uninfested areas of the state.

3. Immediate and long term economic effects:

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

Economic cost to the agency for enforcement of the proposed amendments:

The cost of inspection of bee colonies for non-Africanized certification will be paid by fees charged for inspection.

Description of any regulations of any other state, local or federal regulation that the proposed amendments overlap or duplicate:

There are no other state, local or federal regulations that these amendments overlap or duplicate.

Fees:

The proposed amendments do not contain any new fees or increase any existing fee.

The date, time, place and manner in which interested parties may present their views on the proposed amendments:

DATE: October 9, 2001

TIME: 10:00 a.m.

PLACE: Las Vegas office
Nevada Department of Agriculture
2300 McLeod Street
Las Vegas, NV. 89104

Manner: Written comments and testimony may be submitted prior to the hearing and will be included with any verbal or written testimony presented in the record of the hearing.

Address at which the text of the proposed regulations may be inspected and copied:

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

Nevada Department of Agriculture
350 Capitol Hill Avenue
Reno, NV 89502

Nevada Department of Agriculture
2150 Frazer Street
Sparks, NV 89431

Nevada Department of Agriculture
1550 S. Wells Avenue
Reno, NV 89502

Nevada Department of Agriculture
1200 E. Winnemucca Blvd.
Winnemucca, NV 89445

Nevada Department of Agriculture
Eyer H. Boies Building
Elko, NV 89801

Nevada Department of Agriculture
2300 McLeod
Las Vegas, NV 89104

NOTE: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary call Robert Gronowski at 775-688-1182 ext. 239 as soon as possible.

NRS 233B.064 permanent regulations not to be adopted until text approved or revised by the Legislative Counsel; agency's reason for adoption.

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

Iverson, Director

Date

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

NOTICE OF WORKSHOP

A workshop will be held on proposed amendments to NAC 554 pertaining to an interior quarantine against Africanized honeybees.

DATE: October 9, 2001

TIME: 9:00 a.m.

PLACE: Las Vegas Office
Nevada Department of Agriculture
2300 McLeod Street
Las Vegas, NV. 89104

For clarification on the proposed temporary amendments, or to obtain a copy of the proposed temporary amendments, contact Robert Gronowski at (775) 688-1182 ext. 239.

Addresses at which the text of the proposed regulations may be inspected and copied:

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

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

**Proposed amendments to NAC 554 pertaining to an
interior quarantine against Africanized Honey Bees.**

Authority: NRS 554.110

Establishment of an Interior quarantine: The Director of the Nevada Department of Agriculture under the authority as State Quarantine Officer, hereby establishes an interior quarantine to restrict the spread of Africanized honey bees (*Apis mellifera scutellata*) from infested areas of Nevada.

Pest: Africanized honey bees (*Apis mellifera scutellata*)

Areas under quarantine: Clark County, all portions of Nye County directly west of Clark County and all portions of Lincoln County south of 37° 50' north latitude.

Restricted commodities:

1. Owned or managed honey bee colonies
2. Honey bee queens and/or bees from owned or managed colonies

Certification: No restricted commodity may leave the area under quarantine unless certified as non-Africanized by the Nevada Department of Agriculture.

1. Colonies: colonies shall be certified 30 days prior to movement out of the restricted area.
2. Honey bee queens and/or honey bees cannot be produced for sale or distribution unless the colonies used to produce queens or honey bees have been inspected and certified non-Africanized by the Department of Agriculture a minimum of two times per year.

Registration of owned or managed colonies:

1. Owners or managers of honey bee colonies within the areas under quarantine must advise the Nevada Department of Agriculture of: the name, address and phone number of the owner or manager; the location or locations of the colonies and the number of colonies at each location.
2. Registration is required in May of each year and within 30 days of colonies entering the area under quarantine.

Disposition of Africanized owned or managed colonies as specified by the Nevada Department of Agriculture:

1. Colonies found to be Africanized by the Nevada Department of Agriculture shall be destroyed or requeened with a non-Africanized queen within four weeks of notification of the colonies being Africanized, or
2. Colonies must be destroyed in a manner approved by the Nevada Department of Agriculture.

Disposition of violations: All shipments of restricted commodities arriving outside the area under quarantine in Nevada in violation of this quarantine shall be immediately shipped to the area under quarantine or destroyed in a manner approved by the Department of Agriculture.

For any clarification on these amendments, please contact John O'Brien at (775)-688-1182 extension 241.

PROPOSED REGULATION OF THE STATE DEPARTMENT OF AGRICULTURE

SMALL BUSINESS IMPACT DISCLOSURE PROCESS PURSUANT TO 233B “Nevada Administrative Procedures Act”

The purpose of this Small Business Impact Form is to provide a frame work pursuant to NRS 233B.0608 to determine where a small business impact statement is required for submittal of a proposed regulation before the Nevada Department of Agriculture. If questions one (1) and two (2) are answered No, then a small business impact statement is not required. If question one (1) or two (2) is answered with a YES, then a small business impact statement is required prior to conducting public workshops by the Department. (This form must be submitted with the proposed regulation when submitted for drafting by LCB and adoption by the Nevada State Board of Agriculture.)

Proposed regulation: Proposed amendments to NAC 554 pertaining to an interior quarantine against Africanized honey bees.

Part 1

1. Does this proposed regulation impose a direct and significant economic burden upon a small business? No
2. Does this proposed regulation restrict the formation, operation or expansion of a small business? No

Note: Small Business is defined as a “business conducted for profit which employs fewer than 150 full-time or part-time employees” (NRS 233B.0382).

3. If YES to either of questions 1& 2, the following action must be taken:
 - a. Was a small business impact statement prepared and was it available at the public workshop?
 - b. Attach the small business impact statement (part 2) as part of this form upon submission for drafting by LCB and adoption by the Nevada Board of Agriculture.

Part 2 (NRS 233B.0609)

1. Describe the manner in which comments were solicited from affected small businesses, a summary of the response from small businesses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

2. The estimated economic effect of the proposed regulation on small business:
 - a. Both adverse and beneficial effects.
 - b. Both direct and indirect effects.
3. The description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses.
 - a. Simplification of the proposed regulation.
 - b. Establishment of different standards of compliance for a small business.
 - c. Modification of fees or other monetary interests that a small business is authorized to pay at a lower fee.
4. The estimated cost to the agency for enforcement of the proposed regulation.
5. If this regulation provides for a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.
6. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards relating to the same activity, provide an explanation of why the proposed regulation is duplicative or more stringent and why it is necessary.