

**ADOPTED REGULATION OF THE
STATE QUARANTINE OFFICER**

LCB File No. R029-04

Effective June 16, 2004

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

AUTHORITY: §1, NRS 587.360.

A REGULATION relating to agriculture; making various changes concerning fees for the inspection, grading or certification of agricultural products; 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 ~~[the inspection and]~~ *inspection, grading or* certification of ~~[onions at their point of shipping:]~~

~~—(a) Are:~~

~~— (1) Twenty~~ *other agricultural products:*

(a) *Are:*

(1) *Thirty* dollars for each hour the inspector spends conducting the inspection ~~[and]~~, *grading or* certification, including the time spent traveling to and from the location where the inspection and certification are conducted;

(2) Forty cents a mile for the inspector's travel; and

(3) ~~[The]~~ *Any* fee charged in accordance with the contract between the Department and the Federal Government ; ~~[for certifying that the onions comply with the standards and conditions established by the Federal Government;]~~ and

(b) ~~[Must]~~ *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. ~~[The fees for the inspection and certification of hay are:~~

~~— (a) If the inspection and certification are performed by an inspector who is a full-time agent or employee of the Department:~~

~~— (1) Twenty dollars for each hour the inspector spends conducting the inspection and certification, including the time spent traveling to and from the location where the inspection and certification are conducted; and~~

~~— (2) Forty cents a mile for the inspector's travel; or~~

~~— (b) If the inspection is performed by an inspector who is a part-time agent or employee of the Department:~~

~~— (1) An amount equal to the hourly salary and benefits paid to the inspector for the number of hours that the inspector spent conducting the inspection and certification; and~~

~~— (2) The travel expenses provided for state employees generally for the inspector while conducting the inspection and certification.~~

~~→] In addition to [the] any fees required [by paragraph (a) or (b),] pursuant to this section, the State Quarantine Officer will charge a fee of \$50 for the inspection of forage [~~

~~— 4. The fees for the inspection and certification of poultry or eggs at their point of shipping are:~~

~~— (a) If the poultry or eggs are certified as meeting state standards and conditions, \$20 per hour; or~~

~~— (b) If the poultry or eggs are certified as meeting federal standards and conditions, the fee charged in accordance with the contract between the Department and the Federal Government for certifying that the poultry or eggs comply with the standards and conditions established by the Federal Government.~~

~~— 5. The fee for an inspection of fruit or vegetables regarding their condition is \$20 per hour, plus 40 cents a mile for the inspector's travel.~~

~~— 6. The fees for the inspection and certification of any other agricultural product are:~~

~~— (a) If the inspection and certification are performed by an inspector who is a full-time agent or employee of the Department:~~

~~— (1) Twenty dollars for each hour the inspector spends conducting the inspection and certification, including the time spent traveling to and from the location where the inspection and certification are conducted; and~~

~~— (2) Forty cents a mile for the inspector's travel; or~~

~~—(b) If the inspection and certification are performed by an inspector who is a part time agent or employee of the Department:~~

~~—(1) An amount equal to the hourly salary and benefits paid to the inspector for the number of hours that the inspector spent conducting the inspection and certification; and~~

~~—(2) The travel expenses provided for state employees generally for the inspector while conducting the inspection and certification.~~

~~—7.] or 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.

~~[8.]~~ 5. If the State Quarantine Officer or his designee, pursuant to a contract between the Department and the Federal Government, inspects agricultural products in the field for the purpose of issuing a phytosanitary certificate required by the government of a foreign country before those agricultural products may be exported to that country, the State Quarantine Officer will impose a fee of \$4 per acre for the inspection.

~~[9.]~~ 6. If the State Quarantine Officer or his designee, pursuant to a contract between the Department and the Federal Government, issues an export certificate for processed plant products as required by the government of a foreign country before agricultural products that have been processed or manufactured may be exported to that 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.

~~10.7~~ 7. As used in this section:

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

(b) “Phytosanitary certificate” has the meaning ascribed to it in 7 C.F.R. § 353.1.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R029-04**

The State Department of Agriculture adopted regulations assigned LCB File No. R029-04 which pertain to chapter 587 of the Nevada Administrative Code on May 7, 2004.

Notice date: 3/1/2004
Hearing date: 5/6/2004

Date of adoption by agency: 5/7/2004
Filing date: 6/16/2004

INFORMATIONAL STATEMENT

1. A public workshop was held April 6, 2004, at 10:00 am, in Reno, Nevada, at the Nevada Department of Agriculture Office, 350 Capitol Hill Avenue.
2. A public hearing was held on May April 6, 2004, at 11:00 am, in Reno, Nevada at the Nevada Department of Agriculture Office, 350 Capitol Hill Avenue.

Notice of workshop and notice of hearing was posted at all six Department offices, the Nevada State Library, in Carson City Nevada, and all Nevada county libraries. The notice of hearing and workshop was posted on the Department's website. Copies could be requested from the Nevada Department of Agriculture, Division of Plant Industry by writing to 350 Capitol Hill Avenue, Reno, Nevada 89502, calling (775) 688-1182, contacting all other Department offices, the Nevada State Library in Carson City, and all Nevada county libraries. All persons who have requested to be notified of amendments were notified by mail, fax or e-mail.

3. Workshop held April 6,2004, at 10:00 am - Reno
Number attended: 0
Number testified: 0
Number of written statements: 0
Summary of comments: John O'Brien, Acting Administrator, and other staff members, reviewed the draft and the following change was required and approved by the Nevada Department of Agriculture:

3. for the Weed Free Forage Certification Program.

4. Hearing held April 6, 2004, at 11:00 pm - Reno
Number attended: 0
Number testified: 0
Number of written statements: 0
Summary of comments: John O'Brien, Acting Administrator, and other staff members, reviewed the draft and the following change was required and approved by the Nevada Department of Agriculture:

3. for the Weed Free Forage Certification Program.

5. Comments were solicited from businesses and the public, by posting in public locations and through direct mail and e-mail notices as outlined under #2 above. A copy of comments and oral and written testimony may be obtained by calling the Nevada Department of Agriculture office, (775) 688-1182.
6. The economic effects of the adopted amendments on the businesses that it is to regulate include:
 - a. Adverse effects:
There will be an increase in the cost to individuals and companies.
 - b. Beneficial effects:
The Department of Agriculture will recover its costs for the requested services that are provided.
 - c. Immediate and long-term economic effects:
Same as above
7. Economic effects of the proposed amendments on the public include:
 - a. Adverse effects:
There are no adverse effects on the public.
 - b. Beneficial effects:
Continuation of present services.
 - c. Immediate and long-term economic effects:
None.
8. Economic cost to the agency for the enforcement of the regulation:
There is no increase in cost to the agency.
9. There are no other state or federal agency regulations that the adopted amendments overlap or duplicate.
10. The amendments adopted do not include any provisions more stringent than any federal regulation with the same activity.
11. Fees:
Existing fees will be increased to reflect current costs to maintain the certification program.