

**LCB File No. R054-06**

**PROPOSED REGULATION OF THE  
STATE QUARANTINE OFFICER**

**Notice of Workshop and Hearing  
OF INTENT TO ADOPT REGULATIONS**

**WORKSHOP AND HEARING**

**Details of the workshops and hearings appear below:**

**Times:            Workshop 1:00 p.m.                            Hearing 2:00 p.m.**

**Date:             Friday, April 21, 2006**

**Locations:      Nevada Department of Agriculture Office, Reno  
350 Capitol Hill Avenue  
Reno NV 89502**

**Nevada Department of Agriculture Office, Las Vegas  
2300 McLeod Street  
Las Vegas NV 89104**

Written comments and testimony may be submitted prior to the hearing date and will be included with any testimony presented at the hearing. All oral and written testimony will be in the record of the hearing.

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

1. Adverse effect: None
2. Beneficial effects: Ability to offer resistant elm species to consumer
3. Immediate and long term effect: Same.

Economic effects of the proposed amendments on the public:

1. Adverse effects: None
2. Beneficial effects: Ability to obtain resistant elm species
3. Immediate and long-term effects: Same

There will be no additional costs to the Department for enforcement of the amendments.

This regulation does not overlap or duplicate any other state, local or federal regulation.

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 or Winnemucca during the hours of 8:00 a.m. until 5:00 p.m. Monday through 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  
1351 Elm Street  
Elko, NV 89801

Nevada Department of Agriculture  
2300 McLeod  
Las Vegas, NV 89104

Churchill County Library 553 South Maine Street Fallon, NV 89406	Las Vegas – Clark County Library 833 Las Vegas Blvd North Las Vegas, NV 89101	Elko County Library 720 Court Street Elko, NV 89801
Esmeralda County Library P.O. Box 430 Goldfield, NV 89013-0430	Eureka Branch Library 10190 Monroe Street Eureka, NV 89316-0293	Humboldt County Library 85 East 5 <sup>th</sup> Street Winnemucca, NV 89445
Lincoln County Library 93 Main Street Pioche, NV 89043-0330	Lyon County Library 20 Nevin Way Yerington, NV 89447	Mineral County Library First & A Street Hawthorne, NV 89415-1390
Goldfield Public Library Forth & Crook Street Goldfield, NV 89013-0430	Tonopah Public Library 171 Central Street Tonopah, NV 89049-0449	Pershing County Library 1125 Central Avenue Lovelock, NV 89419-0781
Storey County Library 95 South R Street Virginia City, NV 89440-0014	Washoe County Library 301 South Center Reno, NV 89505-2151	White Pine County Library 950 Campton Street Ely, NV 89301

Battle Mountain Branch Library Battle Mountain, NV 89820-0141	Carson City Library 900 N. Roop Street Carson City, NV 89701	Douglas County Library 1625 Library Lane Minden, NV 89423-0337
State Library 100 North Stewart Street Carson City, NV 89701-4285	Smith Valley Library 22 Day Lane Smith, NV 89430	

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 Ed Foster at the Nevada Department of Agriculture, (775) 688-1182 Ext. 272 as soon as possible.

NRS 233B.064 Permanent regulations not to be adopted or revised by the Legislative Counsel; agency’s reasons for adoption.

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 adoption, and incorporate therein its reasons for overruling the consideration urged against its adoption.

**LCB File No. R054-06**

**PROPOSED REGULATION OF THE  
STATE QUARANTINE OFFICER**

**PROPOSED AMENDMENT TO NAC 554**

Need and Purpose of the proposed amendments: Update the Japanese beetle quarantine to add an infested state specifically New Mexico (Bernalillo County). The proposed change is *italicized* below:

**NAC 554.180 Areas under quarantine.** (NRS 554.020, 554.030) The area under quarantine against the Japanese beetle consists of:

1. The states of Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, *New Mexico* New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia and Wisconsin;
2. The District of Columbia; and
3. The provinces of Ontario and Quebec, Canada.

**NAC 554.185 Maintenance of list of counties not infested in areas under quarantine.** (NRS 554.020, 554.030)

1. The Director will maintain a list of counties in areas under quarantine against the Japanese beetle that are not infested with the Japanese beetle. A county may be placed or maintained on the list if the Director finds that:

- (a) An annual survey for the presence of the Japanese beetle is made in the county; and
- (b) The results of the survey indicate that the county is not infested with the Japanese beetle.

2. An agricultural official in another state may request that a county be placed on the list by submitting a written request to the Director that:

- (a) Includes the most recent annual survey; and
- (b) Indicates the manner in which the survey was conducted, including, without limitation:

- (1) The area surveyed;
- (2) The personnel who conducted the survey; and
- (3) If the county has ever been previously infested with the Japanese beetle, the date of the last infestation.

3. An agricultural official in another state may request that a county be maintained on the list by submitting a written request to the Director annually in the form required by subsection 2. If such a request is not received by the Director, the Director will remove the county from the list.

4. If a heavy infestation of Japanese beetles occurs in a county that is adjacent to a county which wishes to be placed or maintained on the list, the Director may refuse to place or maintain the noninfested county on the list.

5. Before placing or maintaining a county on the list, the Director will submit the written request received pursuant to subsection 2 or 3 to the Division of Plant Industry of the Department for its evaluation.

## SMALL BUSINESS IMPACT STATEMENT

The purpose of this Small Business Impact Form is to provide a framework 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 question two (2) is answered with a **YES**, then a small business impact statement is required prior to conducting a public workshop(s) 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: NAC 554, pertaining to Japanese Beetle Quarantine

### 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).**