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August 23, 2016

Ruth Tietjen
Administrative Assistant
Plant Industry Division
Nevada Department of Agriculture
405 South 21st Street
Sparks, Nevada 89431

Re: LCB File No. R147-16

RECEIVED
STATE OF NEVADA
DEPARTMENT OF
AGRICULTURE
2016 AUG 31 AM 10:07

Dear Ms. Tietjen:

A proposed regulation R147-16 of the State Board of Agriculture has been examined pursuant to NRS 233B.063 and is returned in revised form.

We invite you to discuss with us any questions which you may have concerning this review. Please make reference to our file number in all further correspondence relating to this regulation.

Sincerely,

A handwritten signature in blue ink that reads "Jessica Dummer".

Jessica F. Dummer
Deputy Legislative Counsel

Brenda J. Erdoes
Legislative Counsel

JFD/slj
Enclosure

**PROPOSED REGULATION OF THE
STATE BOARD OF AGRICULTURE**

LCB File No. R147-16

August 23, 2016

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

AUTHORITY: §1, NRS 561.105 and 588.210; §2, NRS 588.210; §3, NRS 588.164 and 588.170.

A REGULATION relating to fees; deleting provisions which waive certain quarterly tonnage fees for sales of commercial fertilizers and agricultural minerals; imposing a fee for failure to pay the tonnage fees when due; increasing the tonnage fees for the sale, distribution or offering for sale of commercial fertilizers and agricultural minerals; increasing the fee for registering commercial fertilizers and agricultural minerals; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the registrant of each brand of commercial fertilizer or agricultural minerals to pay certain fees to the State Department of Agriculture for each ton sold and to report to the Department the total tonnage sold, unless the responsibility for reporting and payment has been assigned to another person by contract. (NRS 588.210) Existing law and regulations require that tonnage sales reports be made using forms prepared by the Department for that purpose. (NRS 588.210; NAC 588.020) Existing law also requires that quarterly tonnage fees be paid to the Department at a rate established by regulation of the State Board of Agriculture. (NRS 588.210) The regulations establishing the tonnage fee must specify the amount of the fee for each ton of agricultural minerals that is sold in packages and the amount of the fee for each ton of those minerals that is sold in bulk. (NRS 588.210) Under existing regulations, the fee for quarterly sales or distribution of 20 tons or more of commercial fertilizers is 25 cents per ton. The fee for quarterly sales or distribution of 20 tons or more of agricultural minerals sold in packages is 25 cents per ton. The fee for quarterly sales or distribution of 100 tons or more of agricultural minerals sold in bulk is 5 cents per ton. No fee is currently required for quarterly sales or distribution of commercial fertilizer or agricultural minerals in quantities smaller than the foregoing amounts. (NAC 588.025) Existing regulations also require a person applying for the registration of a brand and grade of commercial fertilizer or agricultural mineral to pay a registration fee of \$60 for each combined registration of brand and grade. (NAC 588.035)

Section 1 of this regulation removes duplicative provisions requiring that tonnage sales reports be submitted on forms supplied by the Department and also removes a provision waiving tonnage fees when the amount owed is \$1 or less. **Section 1** also imposes an additional fee which must be paid to the Department if the tonnage fee is not paid within 15 days after the date that the fee is due.

Section 2 of this regulation revises the quarterly fee for sales or distribution of commercial fertilizers or agricultural minerals of 20 tons or more to 30 cents per ton, regardless of whether the commercial fertilizers or agricultural minerals are sold in packages or in bulk. **Section 2** also provides that the fee for quarterly sales or distribution of commercial fertilizers or agricultural minerals of less than 20 tons is \$5 per quarter. **Section 3** of this regulation raises the fee for registering a brand and grade of commercial fertilizer or agricultural mineral to \$80 for each combined registration of brand and grade.

Section 1. NAC 588.020 is hereby amended to read as follows:

588.020 1. A tonnage report on sales of commercial fertilizers and agricultural minerals, together with the tonnage fee, must be submitted quarterly on or before the 15th day of the following month (15th day of April, July, October and January).

2. ~~Reports must be made on forms supplied by, and checks for the tonnage fee must be made payable to, the Department. A quarterly fee in an amount of \$1 or less need not be paid.~~ *If the tonnage fee required pursuant to subsection 1 is not submitted within 15 days after the date on which the tonnage fee is due, the person responsible for paying the tonnage fee must pay, in addition to the tonnage fee, a fee in the amount of 50 percent of the tonnage fee.*

Sec. 2. NAC 588.025 is hereby amended to read as follows:

588.025 ~~{1-}~~ Except as otherwise provided in NRS 588.210 and 588.215 and NAC 588.030, a person who offers for sale, sells or distributes in this State commercial fertilizers or agricultural minerals, or both, shall pay to the Department the following fees:

~~{(a)}~~ 1. For quarterly sales or distribution of commercial fertilizers *or agricultural minerals* of 20 tons or more, ~~{25}~~ *whether sold in packages or in bulk, 30 cents per ton* ~~{; and~~

~~—(b) For agricultural minerals:~~

~~——(1) If sold in packages, for quarterly sales or distribution of 20 tons or more, 25 cents per ton; and~~

~~——(2) If sold in bulk, for quarterly sales or distribution of 100 tons or more, 5 cents per ton.]~~

; or

2. ~~{No fees are required to be paid for quarterly sales or distribution of commercial fertilizers or agricultural minerals in quantities smaller than those established in subsection 1.}~~

For quarterly sales or distribution of commercial fertilizers or agricultural minerals of less than 20 tons, whether sold in packages or in bulk, \$5 per quarter.

Sec. 3. NAC 588.035 is hereby amended to read as follows:

588.035 An application for the registration of a brand and grade of commercial fertilizer or agricultural mineral must be accompanied by a registration fee of ~~[\$60]~~ **\$80** for each combined registration of brand and grade.

