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## DEPARTMENT OF AGRICULTURE

405 South 21<sup>st</sup> Street  
Sparks, Nevada 89431-5557  
Telephone (775) 353-3601 Fax (775) 353-3661  
Website: <http://www.agri.nv.gov>

### NOTICE OF INTENT TO ACT UPON A REGULATION

#### Notice of Meeting for the Amendment of Regulations of the Nevada Department of Agriculture

The Nevada Department of Agriculture (NDA) will hold a public meeting on Thursday, March 20, 2014 at 9:00 AM at the Department of Agriculture, main conference room, 405 South 21<sup>st</sup> Street, Sparks, Nevada 89431. Video conferencing will be available at the following locations:

Department of Agriculture  
2300 McLeod Street  
Las Vegas, Nevada 89107

Department of Agriculture  
4780 E. Idaho Street  
Elko, Nevada 89801

The following information is provided pursuant to the requirements of NRS 233B.0603:

The purpose of this meeting is to notify the public – to include businesses – that the Department of Agriculture intends to adopt the changes to NAC 581 as specified in the revised LCB File # R179-12. Comments from the public are welcomed.

**Statement of Need:** The purpose of this change was prompted by the following three issues: 1. the 76<sup>th</sup> legislature's concern that the Nevada Department of Agriculture (Weights and Measures Bureau) was not conducting enough price verifications; 2. the Department's concern that the State needs to have more defined fuel standards; and, 3. the Department's intention to account for fuel cost increases and metrology calibration support for maintenance businesses servicing Nevada. Price verification changes involve initiating a new fee; fuel standard changes involve adopting Handbook 130 standards by reference; and mileage rate increases and metrology changes regard an hourly fee increase.

The methods used by the agency in determining the impact on a small business was prepared pursuant to subsection 3 of NRS 233B.0608 . Additionally:

The NDA conducted three workshops inviting both the public and the business community to contribute. Invitations went to the Reno/Sparks Chamber of Commerce, Nevada Retailers Association, Local Marketers Association, and the Las Vegas Chamber of Commerce. Regarding the hourly inspection fee increase from \$40.00 to \$50.00 and the adoption of Handbook 130 fuel standards no significant opposition was cited. Attendees did express concerns regarding the initiation of fees associated price verifications. The purpose was to generate fees to sustain an increase of two staff members and a new database.

The NDA accepted a recommendation to conduct a six month test. During the test the NDA indentified positive results from the business community. Additionally, the NDA identified that during that half of the fiscal year – while developing more productive procedures – we were able to accomplish 118 inspections. This was an improvement over previous years; for this year DCE's productivity rate is on track to accomplish 400

inspections. Although NDA will produce 400 inspections on an annual rate, relative to the 5800 retail establishments located in Nevada, inspection coverage remains lacking.

This proposed regulation change will be permanent; the revised text of this proposed change is attached and may be accessed on the Department of Agriculture's web site.

The estimated economic effect on business is:

**Adverse**

Cost impact will add an additional fee for Price Verification inspections:

\$25.00 per each retail location with three or less point-of-sales systems.

\$50.00 per each retail location with four or more point-of-sales systems.

Recheck and special inspection, and calibration hourly fees increase from \$40.00 to \$50.00.

Recheck and special inspection mileage rate increases (refer to revised LCB File number R179-12).

**Beneficial**

Better defined fuel standards for Nevada.

The estimated economic effect on the public is:

**Adverse**

Unknown.

**Beneficial**

Unknown

The Department of Agriculture, Division of Consumer Equitability, reached out to both the public and industries. The Workshops were communicated to the public in accordance with NRS 241. Additionally, the Division reached out to the Local Marketers Association, Nevada Retail Association, Reno/Sparks chamber of commerce and the Las Vegas Chamber of Commerce.

The Department of Agriculture, Division of Consumer Equitability, conducted three Workshops regarding NAC 581 revisions. The Workshops were conducted April 12, 2012, July 10, 2012, and October 22, 2013. Impacts to businesses, both large and small, were requested at two of three of those public meetings; the third workshop provided tests results and input was taken.

The estimated cost to the agency for implementing and supporting this regulation modification is approximately \$150,000.00.

The proposed regulation does not overlap or duplicate other state or local governmental agencies, and, it does not overlap or duplicate federal regulations. This regulation will further help increase Price Verifications, provide for weights and measures logistics and attach by reference Handbook 130 standards regarding fuel.

This regulation is not required pursuant to federal law.

The regulation implements: a price verification fee pertaining to retail locations - a fee to increase staff and infrastructure; a mileage and hourly fee rates; and adopts, by reference, fuel standards.

Interested persons may present their views on the proposed regulation, March 20, 2014, 9:00 AM at:

Department of Agriculture  
405 South 21<sup>st</sup> Street  
Sparks, Nevada 89431

Department of Agriculture  
4780 E. Idaho Street  
Elko, Nevada 89801

Department of Agriculture  
Main Conference Room  
2300 McLeod Street  
Las Vegas, Nevada 89104

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

This proposed regulation does establish a new fee: 1. \$50.00 per retail location containing four or more point-of-sale systems and \$25.00 per retail location containing three or less point-of-sale systems; 2. increases mileage rates; and, 3. increases inspector and metrologist hourly rates from \$40.00 to \$50.00.

Persons wishing to comment upon the proposed action of the Department of Agriculture may appear at the scheduled public meeting or may address their comments, data, views, or arguments, in written form to Dave Jones, Department of Agriculture, 2150 Frazer Avenue, Sparks, Nevada 89431. If mailed, written submissions must be received by March 7, 2014; written documents may be hand delivered to the meeting at the Department of Agriculture, Main Conference Room, Attention: Dave Jones, 405 South 21<sup>st</sup> Street, Sparks, Nevada 89431. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Department of Agriculture and Board of Agriculture may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted will be on file at the State Library, 100 Steward Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and regulation to be adopted will be available at:

Nevada Department of Agriculture  
405 South 21<sup>st</sup> Street  
Sparks, NV 89431

Nevada Department of Agriculture  
2300 McLeod  
Las Vegas, NV 89104

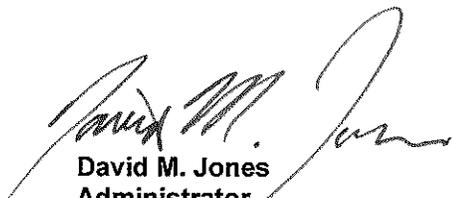
Nevada Department of Agriculture  
4780 E. Idaho Street  
Elko, NV 89445

Nevada Department of Agriculture  
2150 Frazer Street  
Sparks, NV 89431

Additionally, copies will be available in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation can also be found on the Nevada Department of Agriculture website at [www.agri.nv.gov](http://www.agri.nv.gov). Should a person require copies will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

This notice of hearing has been posted at the following locations:

<p><b>Churchill County Library</b>                      553 South Maine Street                      Fallon, NV 89406</p>	<p><b>Clark County District Library</b>                      833 Las Vegas Boulevard North                      Las Vegas, NV 89101</p>	<p><b>Elko County Library</b>                      720 Court Street                      Elko, NV 89801</p>
<p><b>Esmeralda County Library</b>                      Corner of Crook &amp; 4<sup>th</sup> Streets                      Goldfield, NV 89013</p>	<p><b>Eureka Branch Library</b>                      P.O. Box 293                      10190 Monroe Street                      Eureka, NV 89316-0293</p>	<p><b>Humboldt County Library</b>                      85 East 5<sup>th</sup> Street                      Winnemucca, NV 89445</p>
<p><b>Lincoln County Library</b>                      63 Main Street                      Pioche, NV 89043</p>	<p><b>Lyon County Library</b>                      20 Nevin Way                      Yerington, NV 89447</p>	<p><b>Mineral County Library</b>                      110 1<sup>st</sup> Street                      Hawthorne, NV 89415</p>
<p><b>Nevada Farm Bureau Federation</b>                      2165 Green Vista Drive,                      Suite 205                      Sparks, NV 89431</p>	<p><b>Tonopah Public Library</b>                      167 Central Street                      Tonopah, NV 89049</p>	<p><b>Pershing County Library</b>                      1125 Central Avenue                      Lovelock, NV 89419</p>
<p><b>Storey County Public Library</b>                      95 South R Street                      Virginia City, NV 89440</p>	<p><b>Washoe County Library</b>                      301 South Center Street                      Reno, NV 89501</p>	<p><b>White Pine County Library</b>                      950 Campton Street                      Ely, NV 89301</p>
<p><b>Lander County Library</b>                      625 South Broad Street                      Battle Mountain, NV 89820</p>	<p><b>Carson City Library</b>                      900 N. Roop Street                      Carson City, NV 89702</p>	<p><b>Douglas County Library</b>                      1625 Library Lane                      Minden, NV 89423</p>
<p><b>State Library</b>                      100 North Stewart Street                      Carson City, NV 89701-4285</p>	<p><b>Smith Valley Library</b>                      22 Day Lane                      Smith, NV 89430</p>	<p><b>Las Vegas Review Journal</b>                      Ed Vogel/Capital Bureau                      102 N. Curry Street                      Carson City, NV 89703</p>



**David M. Jones**  
 Administrator  
 Division of Consumer Equitability