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## MEMORANDUM

TO: Nevada Department of Agriculture Offices  
State Capitol Building  
State Library and Archives  
Dennis Belcourt – AG's Office

FROM: Lynn Hettrick, Division Administrator – 775-353-3729  
[lhhettrick@agri.nv.gov](mailto:lhhettrick@agri.nv.gov) Fax Number 775-353-3661

SUBJECT: Posting of Agenda for Hearing on Notice of Intent to Act Upon a Regulation Scheduled for the 16<sup>th</sup> Day, of August, 2017, at 1:00 pm,

DATE: July 11, 2017.

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I have attached a copy of the agenda for the Nevada Department of Agriculture Hearing for Notice of Intent to Act Upon a Regulation that will be held on August 16, 2017, at 1:00 pm.

Please post the agenda for R158-16, before 9:00 am on July 15, 2017, per *open meeting law* and return this memo to my attention, signed with the date of posting, as I need this for our files.

We appreciate your assistance in this posting.

Thank you.

Distribution: State Capitol Building  
State Library and Archives  
Dennis Belcourt – AG's Office  
Sparks Office – Nevada Department of Agriculture  
Las Vegas Office – Nevada Department of Agriculture  
Elko Office – Nevada Department of Agriculture  
Consumer Equitability – Department of Agriculture

OFFICE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE & TIME OF POST: \_\_\_\_\_

# PROPOSED REGULATION OF THE NEVADA DEPARTMENT OF AGRICULTURE

LCB File No. R158-16

DIVISION OF PLANT INDUSTRY

## NOTICE OF INTENT TO ACT UPON A REGULATION And NOTICE OF HEARING FOR THE ADOPTION OF REGULATIONS

The Nevada Department of Agriculture will hold a public hearing on 16<sup>th</sup> Day, of August, 2017, at 1:00 pm, at Agriculture Headquarters, 405 South 21<sup>st</sup> Street, Sparks, NV 89431; Phone: (775) 353-3601. The purpose of the hearing is to receive comments from all interested persons regarding the Amendment of regulations that pertain to chapter 552, of the Nevada Administrative Code. The proposal has been designated as File No. R158-16 by the Nevada Legislative Counsel Bureau.

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

The purpose is to solicit public comments from interested persons on the following proposed regulation: NAC 552; a regulation relating to *Unlawful removal of diseased bees without permit; and providing other matters properly relating thereto.*

1. **The need for and the purpose of the proposed regulation or amendment**  
Public safety in regard to bee removal in a quarantined area.
2. **Either the terms or the substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved.**  
A requirement for individuals removing bees in a quarantined area to provide information demonstrating that they are qualified and proof of general liability insurance.
3. **The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:**  
**Business:**
  - a) **Both adverse and beneficial effects:** minimal, the proposed fee is up to \$15/year
  - b) **Both immediate and long-term effects:** enhanced public safety**Public:**
  - c) **Both adverse and beneficial effects:** insignificant economic impact
  - d) **Both immediate and long-term effects:** enhanced public safety
4. **The estimated cost to the agency for enforcement of the proposed regulation.**  
Insignificant cost to the agency
5. **A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.**  
None
6. **If the regulation is required pursuant to federal law, a citation and description of the federal law.**  
N/A
7. **If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**  
N/A
8. **Whether the proposed regulation establishes a new fee or increases an existing fee.**  
It establishes a new fee of \$15/year which has insignificant impact.

A concerted effort was made to determine the impact of the proposed regulation on small businesses. **Staff of the division determined that this regulation change will have an insignificant economic effect on small businesses and a significant increase in public safety.**

The LCB approved revision can be found on the Nevada Department of Agriculture website at [www.agri.nv.gov](http://www.agri.nv.gov).

Persons wishing to comment upon the proposed action of the Nevada Department of Agriculture may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the address below.

**Nevada Department of Agriculture  
405 S. 21<sup>st</sup> Street  
Sparks, NV 89431  
ATTN: Ruth Tietjen  
(775) 353-3670  
[rtietjen@agri.nv.gov](mailto:rtietjen@agri.nv.gov)**

Written submissions must be received by the Nevada Department of Agriculture on or before August 10, 2017. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada Department of Agriculture may proceed immediately to act upon any written submissions.

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

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

Nevada Department of Agriculture  
2300 E. St Louis Avenue  
Las Vegas, NV 89104

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

And 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 will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

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 notice of hearing has been posted at the following locations:

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

Clark County Library, 833 Las Vegas Boulevard North, Las Vegas, NV 89101  
Douglas County Library, 1625 Library Lane, Minden, NV 89423  
Elko County Library, 720 Court Street, Elko, NV 89801  
Esmeralda County Library, Corner of Crook & 4<sup>th</sup> Streets, Goldfield, NV 89013  
Eureka Branch Library, 10190 Monroe Street, P.O. Box 293, Eureka, NV 89316  
Humboldt County Library, 85 East 5<sup>th</sup> Street, Winnemucca, NV 89445  
Lander County Library, 625 South Broad Street, Battle Mountain, NV 89820  
Lincoln County Library, 63 Main Street, Pioche, NV 89043

Lyon County Library, 20 Nevin Way, Yerington, NV 89447  
Mineral County Public Library, 110 1<sup>st</sup> Street, Hawthorne, NV 89415  
Pershing County Library, 1125 Central Avenue, Lovelock, NV 89419  
Storey County Public Library, 95 South R Street, Virginia City, NV 89440  
Tonopah Public Library, 167 Central Street, Tonopah, NV 89049  
Washoe County Library, 301 South Center Street, Reno, NV 89501  
White Pine County Library, 950 Campton Street, Ely, NV 89301  
Nevada State Legislature Website: [www.leg.state.nv.us](http://www.leg.state.nv.us)

## MEETING NOTICE AND AGENDA

Public Hearing

Notice of Intent to Act Upon a Regulation

LOCATION: Nevada Department of Agriculture  
405 S. 21<sup>st</sup> Street  
Sparks, NV 89431  
Phone: 775-353-3601

*Video-conference to:* Nevada Department of Agriculture  
2300 E. St Louis Avenue  
Las Vegas, NV 89104  
Phone: 702-668-4590

Nevada Department of Agriculture  
4780 E. Idaho Street  
Elko, NV 89801  
Phone: 775-738-8076

DATE AND TIME: August 16, 2017, at 1:00 pm.

Public comment will be taken on the intent to adopt a regulation. The purpose is to solicit public comments from interested persons on the following proposed regulation: NAC 552; *a regulation relating to Unlawful removal of diseased bees without permit; and providing other matters properly relating thereto.*

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, please notify The Dept. of Agriculture in writing at 405 S. 21<sup>st</sup> Street, Sparks, NV 89431 or contact Jerri Conrad at 775-353-3619.

Copies of both the State of Nevada Board of Agriculture Agenda with supporting documentation and Open Meeting Minutes are available, at no charge, for inspection at the Dept. of Agriculture 405 S. 21<sup>st</sup> Street, Sparks, NV, 89431 or Dept. of Agriculture website at [www.agri.nv.gov](http://www.agri.nv.gov). For additional information contact Jerri Conrad at 775-353-3619.

Notice of this meeting was posted on or before 9:00 a.m. on the third working day before the meeting at the following locations: Nevada Department of Agriculture, 405 S. 21<sup>st</sup> Street, Sparks, NV 89431, Nevada Department of Agriculture, 2150 Frazer Ave., Sparks, NV 89431, Nevada Department of Agriculture, 4780 E. Idaho Street, Elko, NV 89801, Nevada Department of Agriculture, 2300 E. St Louis Avenue, Las Vegas, NV 89104, State of Nevada Capital Building, Carson City NV, State Library and Archives, Carson City.

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

**LCB File No. R158-16**

June 14, 2017

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

AUTHORITY: §1, NRS 552.095, 554.110 and 561.153.

A REGULATION relating to quarantined bees; requiring a person to obtain a permit before removing any feral honeybee, colonies or swarm located in an area that is subject to a quarantine against Africanized honeybees; establishing the procedure for obtaining such a permit; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law confers upon the State Department of Agriculture control of all matters pertaining to the apiary industry in this State and authorizes the Director of the Department to adopt regulations to carry out certain provisions related to the apiary industry. (NRS 552.095) Existing law authorizes the Director to prescribe a fee to cover the costs incurred by the Department for any service, product or publication provided by the Department. (NRS 561.153)

Existing law designates the Director of the Department as the ex officio State Quarantine Officer and authorizes the State Quarantine Officer to proclaim and enforce a quarantine relating to certain commodities that have been or may have been exposed to a dangerous infection, contagion or disease. (NRS 554.110, 561.165) Such a quarantine has been established against Africanized honeybees in certain areas of this State. (NAC 554.805) This regulation requires a person to obtain a permit from the Department and pay a fee before collecting, relocating, transporting or otherwise removing a feral honeybee, colony or swarm located in an area that is subject to that quarantine. This regulation also sets forth the requirements for obtaining and renewing such a permit.

**Section 1.** Chapter 554 of NAC is hereby amended by adding thereto a new section to read as follows:

*1. In addition to any written permission required pursuant to NRS 552.280 or any certification required pursuant to NAC 554.815, a person shall not collect, relocate, transport or otherwise remove a feral honeybee, colony or swarm located in an area quarantined pursuant to NAC 554.805, unless the person first obtains a permit from the State Department of Agriculture.*

*2. A person may obtain a permit required pursuant to subsection 1 by submitting to the Department:*

*(a) An application for a permit on a form prescribed by the Director of the Department; and*

*(b) A fee of \$15 for the issuance of the permit.*

*3. A permit issued pursuant to subsection 2 is valid for 1 year and may be renewed pursuant to this subsection. The holder of a permit:*

*(a) Shall, before collecting, relocating, transporting or otherwise removing a feral honeybee, colony or swarm, submit to the Department a risk disclosure statement specified by the Department which is signed by the holder of the permit and the owner of the property harboring the feral honeybees, if other than the holder of the permit;*

*(b) Shall maintain a copy of any risk disclosure statement submitted pursuant to paragraph (a) for not less than 2 years; and*

*(c) May annually renew the permit by submitting to the Department:*

*(1) An application to renew the permit on a form prescribed by the Director; and*

*(2) A fee of \$15 for renewal of the permit.*

*4. The Department may revoke or refuse to renew a permit if the Department determines the holder of the permit failed to comply with any term or condition of the permit or any provisions of this section. Notice of the revocation or refusal to renew a permit must be given to the holder of the permit personally, or by registered mail sent to the last known address of the holder of the permit. If the notice is given by registered mail, the notice shall be deemed received by the holder of the permit on the date 14 days after the notice is mailed.*

*5. As used in this section, "feral honeybee" means any honeybee which is wild or no longer part of a colony of honeybees that is owned or managed by a person.*



**SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY NRS 233B.0608**

**(Revised LCB# R158-16)**

**1. A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

- The NDA contacted every Nevada licensed Pest Control Operator (PCO) or honey producer regarding the removal of diseased bees without a permit. Information was available on the website of the Department of Agriculture, [www.agri.nv.gov](http://www.agri.nv.gov) and posted at the following locations:

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

Nevada Department of  
Agriculture  
2300 East St. Louis Ave.  
Las Vegas, NV 89104

Nevada Department of  
Agriculture  
4780 East Idaho St.  
Elko, NV 89801

**2. The manner in which the analyses was conducted.**

- This regulation was caused by the death of an individual that occurred during the removal of diseased bees in violation of existing statute.

**3. The estimated economic effect of the proposed regulation on the small businesses it is to regulate, including, without limitation:**

- These regulations will have a minimal economic impact. The proposed fee for the permit is fifteen dollars.

**4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.**

- The impact is insignificant and the fee is to cover the agencies cost to issue a permit.

**5. The estimated cost to the agency for enforcement of the proposed regulation.**

- No additional costs.

**6. If the proposed regulation provides 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.**

- The proposed fee will generate up to \$600.00 to issue the permits.


**7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.**

- This regulation requires that the applicant demonstrate the knowledge to safely remove diseased bees and that the applicant has appropriate liability insurance coverage.

**8. The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.**

- The impact on small businesses will be insignificant. NDA has concluded that these regulations are required, in light of the fatality in Las Vegas, for the safety of the public and PCO's.

I certify that to the best of my knowledge or belief, a concerted effort was made to determine the impact of this proposed regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

 Deputy Director

James R. Barbee  
Director  
Nevada Department of Agriculture

BRIAN SANDOVAL  
Governor

STATE OF NEVADA

JAMES R. BARBEE  
Director



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(702) 668-4590  
Fax (702) 668-4567

Elko Office:  
4780 E. Idaho Street  
Elko NV 89801-4672  
(775) 738-8076  
Fax (775) 738-2639

## 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>

### Hearing for Proposed Regulation Amendments to Nevada Administrative Code Chapter 552 – Bee Removal

**Date:** August 16<sup>th</sup> 2017

**Time:** 1:00 pm

**Location:** Video conference between the Nevada Department of Agriculture's Sparks, Las Vegas and Elko offices (addresses listed above)

This hearing has been properly noticed as required by the Nevada Open Meeting Law. The workshop is being recorded and all attendees are required to sign in and those who wish to speak are asked to identify themselves for the record. All participants are encouraged to engage in discussion; therefor there is no formal public comment period.

#### Agenda:

- I. Welcome & Introductions
- II. Overview of Specific Amendments
- III. Open Discussion Pertaining to Proposed Amendment(s)
- IV. Adjourn