

ASSEMBLY BILL NO. 20—COMMITTEE ON NATURAL
RESOURCES, AGRICULTURE, AND MINING

(ON BEHALF OF THE STATE DEPARTMENT OF AGRICULTURE)

PREFILED DECEMBER 19, 2012

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Revises provisions governing agriculture.
(BDR 50-321)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

~

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

AN ACT relating to agriculture; deleting provisions which authorize the Director of the State Department of Agriculture to remove certain persons from office with the approval of the State Board of Agriculture; revising the classification and qualifications of certain persons appointed by the Director; expanding the purposes for which expenditures from the Livestock Inspection Account and for the Program for the Control of Pests and Plant Diseases may be made; requiring an inspector of the Department to notify an agricultural enforcement officer of certain findings made by the inspector concerning the actual legal owner of an animal; revising the circumstances under which a person may possess the carcass of a bovine animal; revising provisions governing certain farm products other than livestock, livestock products or poultry; revising the circumstances under which a person must obtain a license to engage in pest control; repealing provisions governing the Agricultural Loan Mediation Program and slaughtering cattle without a formal inspection; and providing other matters properly relating thereto.



* A B 2 0 R 1 *

Legislative Counsel's Digest:

1 Existing law requires the Director of the State Department of Agriculture to
2 appoint certain persons to manage and carry out the activities of the Department.
3 (NRS 561.205, 561.209, 561.214, 561.218, 561.225) **Sections 1-5** of this bill revise
4 the qualifications and duties of those persons and the authority of the Director to
5 remove them. Specifically, **section 4** provides that the person appointed by the
6 Director to manage the activities of the Department relating to natural resources
7 and land use planning will no longer manage activities relating to the control of
8 wild horses or the control of noxious weeds.

9 Existing law creates the Livestock Inspection Account and the Program for the
10 Control of Pests and Plant Diseases. (NRS 561.344, 561.375) **Sections 6 and 7** of
11 this bill expand the purposes for which money may be expended from the Account
12 or for the Program.

13 Under existing law, if a person is unable during a brand inspection to establish
14 his or her legal ownership of any animal offered for inspection and the inspector
15 conducting the brand inspection is able to determine the identity of the actual legal
16 owner of the animal, the inspector is required to notify the legal owner in writing of
17 the inspector's findings. (NRS 565.140) **Section 8** of this bill removes the
18 requirement to place such notice in writing and requires the inspector to notify an
19 agricultural enforcement officer of his or her findings. **Section 8** requires the
20 agricultural enforcement officer who receives the notice to investigate the findings
21 of the inspector and to provide notification of those findings to the legal owner of
22 the animal.

23 Under existing law, it is unlawful for a person to have in his or her possession
24 all or part of the carcass of any bovine animal unless the person exhibits the hide of
25 the animal, a certificate of inspection or a bill of sale to a certain peace officer
26 authorized by the Department. (NRS 566.025) **Section 9** of this bill deletes the
27 requirement that the exhibition be made to such a peace officer and instead requires
28 the exhibition to be made to an inspector or agricultural enforcement officer of the
29 Department.

30 Existing law requires the Department to adopt regulations pursuant to which a
31 person may obtain certification that he or she is an actual producer of an
32 agricultural product of the soil and authorizes the Department to impose fees for
33 that certification. A person who obtains that certification is exempt from the
34 payment of certain taxes. (NRS 576.128) **Section 14** of this bill revises existing law
35 by providing that a person may obtain certification that he or she is an actual
36 producer of farm products including all agricultural, horticultural, viticultural,
37 vegetable products and hay other than any livestock, livestock product or poultry.

38 Existing law prohibits a person from engaging in pest control in this State or
39 serving as an agent, operator or pilot for that purpose without obtaining a license
40 issued by the Director. (NRS 555.280) **Section 21** of this bill expands existing law
41 by prohibiting a person from serving as a primary principal or principal for that
42 purpose without obtaining such a license. **Section 17** of this bill defines the term
43 "principal" as an owner, officer, partner, member or technician of a pest control
44 business who has qualified by examination in one or more categories of pest
45 control. **Section 16** of this bill defines the term "primary principal" as a principal
46 who has been designated by a pest control business as the person responsible for
47 the daily supervision of each category of pest control. **Section 19** of this bill revises
48 the definition of "pest control" by adding certain activities to the definition.

49 Existing law requires any company or person employing pest control operators,
50 agents or pilots to pay to the Director a fee established by regulation of the State
51 Board of Agriculture. (NRS 555.310) **Section 22** of this bill revises that
52 requirement by requiring a company or person to pay the fee if the company or
53 person employs a primary principal or principal. **Section 22** deletes the requirement
54 for the payment of the fee for a pilot who is employed by the company or person.



55 Existing law: (1) requires each applicant for a pest control license to provide
56 proof of insurance in an amount that is not less than \$10,000, unless the license
57 authorizes the application of pesticides by aircraft; (2) authorizes the Director to
58 investigate any loss or damage from the application of a pesticide by a licensed pest
59 control operator; and (3) authorizes the Director to revoke, suspend or modify a
60 pest control license if he or she finds that the licensee engaged in the business of
61 pest control without having a licensed applicator or operator in direct on-the-job
62 supervision or the licensee was intentionally guilty of fraud or deception in issuing
63 an inspection report on wood-destroying pests or any other report required by
64 regulation. (NRS 555.330, 555.350) **Section 23** of this bill: (1) increases the
65 amount of insurance required for each applicant for a pest control license to an
66 amount which is not less than \$50,000; and (2) expands the authority of the
67 Director to conduct an investigation by authorizing him or her to investigate any
68 loss or damage resulting from the application of a pesticide by a primary principal
69 or principal. **Section 24** of this bill revises the authority of the Director to revoke,
70 suspend or modify a pest control license by authorizing him or her to revoke,
71 suspend or modify the license if he or she finds that the licensee: (1) engaged in the
72 business of pest control without having a licensed agent, operator, primary principal
73 or principal in direct on-the-job supervision; or (2) was intentionally guilty of fraud,
74 falsification or deception in issuing an inspection report on wood-destroying pests
75 or any other report or record required by regulation.

76 Under existing law, a person who is licensed to engage in pest control is
77 required to ensure that each of the licensee's business locations in this State has a
78 primary principal who is licensed in the appropriate categories of pest control. If
79 the licensee ceases to have a primary principal at each of those locations for 30
80 consecutive calendar days, his or her license is automatically suspended and
81 remains suspended until he or she obtains a primary principal for each of those
82 locations. (NRS 555.3507) **Section 25** of this bill deletes the requirement that the
83 licensee retain a primary principal for each of those locations and the
84 accompanying provisions concerning the suspension of the licensee. Instead,
85 **section 25** only requires the licensee to ensure that the licensee's business has a
86 primary principal who is licensed in the appropriate categories of pest control.

87 **Section 26** of this bill repeals provisions of existing law governing: (1) the
88 establishment and administration of the Agricultural Loan Mediation Program; (2)
89 the retention of hides by persons who slaughter cattle without a formal inspection
90 system; and (3) the conducting of inspections by inspectors of the Department and
91 peace officers. **Section 26** also repeals the provisions of NRS 571.035, which
92 impose a special tax upon certain classes of livestock. **Sections 10-13** of this bill
93 reenact the provisions relating to the tax without change within chapter 575 of
94 NRS, which governs the collection of taxes related to livestock, thereby expressing
95 the intent of the Legislature to move those provisions to a more appropriate chapter
96 of NRS. The reenactment of those provisions is not intended to be a substantive
97 change to those provisions.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 561.205 is hereby amended to read as follows:
2 561.205 The Director shall appoint a person to manage the
3 activities of the Department relating to the protection and promotion
4 of the livestock industry of the State of Nevada. The person is in the
5 unclassified service of the State and must:



- 1 1. Be appointed on the basis of merit;
- 2 2. Be a graduate of a veterinary school or college approved by
- 3 the American Veterinary Medical Association; and
- 4 3. Have at least 5 years' experience in official work for
- 5 regulating and controlling diseases in livestock.

6 ~~{→ The Director may remove the person from office with the~~
7 ~~approval of the Board.}~~

8 **Sec. 2.** NRS 561.209 is hereby amended to read as follows:

9 561.209 The Director shall appoint a person to manage the
10 activities of the Department relating to brands and marks and brand
11 inspection in the State of Nevada. The person must be appointed on
12 the basis of merit and is in the unclassified service of the State. ~~{The~~
13 ~~Director may remove the person from office with the approval of the~~
14 ~~Board.}~~

15 **Sec. 3.** NRS 561.214 is hereby amended to read as follows:

16 561.214 The Director shall appoint a person to manage the
17 activities of the Department relating to the protection and promotion
18 of the agricultural industry of the State of Nevada. The person is in
19 the ~~{unclassified}~~ *classified* service of the State and must ~~{}~~ *be:*

- 20 1. ~~{Be appointed}~~ *Appointed* on the basis of merit; *and*
- 21 2. ~~{Be a}~~ *A* graduate of an accredited college or university with
- 22 a major in *agricultural business or in* one of the agricultural
- 23 sciences. ~~{}~~ *and*
- 24 ~~3. Have at least 5 years' experience in official work for~~
25 ~~regulating agriculture.~~

26 ~~→ The Director may remove the person from office with the~~
27 ~~approval of the Board.}~~

28 **Sec. 4.** NRS 561.218 is hereby amended to read as follows:

29 561.218 1. The Director shall appoint a person to manage the
30 activities of the Department relating to natural resources ~~{}~~ *and* land
31 use planning. ~~{and the management and control of wild horses,~~
32 ~~estrays and feral livestock.}~~ The person must be appointed on the
33 basis of merit and is in the unclassified service of the State. ~~{The~~
34 ~~Director may remove the person from office with the approval of the~~
35 ~~Board.}~~

36 2. The person appointed shall:

37 (a) ~~{Establish and carry out a policy for the management and~~
38 ~~control of estrays and the preservation and allocation of natural~~
39 ~~resources necessary to advance and protect the livestock and~~
40 ~~agricultural industries in this State.~~

41 ~~—(b)}~~ Develop cooperative agreements and working relationships
42 with federal and state agencies and local governments for land use
43 planning and the preservation and allocation of natural resources
44 necessary to advance and protect the livestock and agricultural
45 industries in this State.



~~1 (e) Cooperate with private organizations and governmental
2 agencies to develop procedures and policies for the management and
3 control of wild horses.~~

4 ~~(d)~~ (b) Monitor gatherings of estrays and feral livestock
5 conducted pursuant to the provisions of NRS 569.040 to 569.130,
6 inclusive, and assist district brand inspectors in identifying
7 estrays before they are sold or given a placement or other
8 disposition through a cooperative agreement established pursuant to
9 NRS 569.031.

10 ~~(e)~~ (c) Provide the members of the general public with
11 information relating to the activities of the Department and solicit
12 recommendations from the members of the general public and
13 advisory groups concerning those activities.

14 ~~(f)~~ (d) Make assessments of the level of competition between
15 livestock and wildlife for food and water ~~and shall~~ collect data
16 concerning the movement of livestock . ~~and perform activities
17 necessary to control noxious weeds.~~

18 ~~(g)~~ (e) Participate in land use planning relating to the
19 competition for food and water between livestock and wildlife to
20 ensure the maintenance of the habitat of both livestock and wildlife.

21 ~~(h)~~ (f) Present testimony, conduct research and prepare reports
22 for the Governor, the Legislature, the Director and any other person
23 or governmental entity as directed by the Director.

24 ~~(i)~~ (g) Develop and carry out a program to educate the
25 members of the general public concerning the programs
26 administered by the Department, including programs for the
27 management and control of estrays and feral livestock.

28 ~~(j)~~ (h) Make proposals to the Director for the amendment of
29 the regulations adopted by the Board pursuant to NRS 561.105.

30 ~~(k)~~ (i) Perform such other duties as directed by the Director.

31 3. As used in this section:

32 (a) "Estray" has the meaning ascribed to it in NRS 569.0075.

33 (b) "Feral livestock" has the meaning ascribed to it in
34 NRS 569.008.

35 ~~(e) "Wild horse" means a horse, mare or colt which is
36 unbranded and unclaimed and lives on public land.~~

37 **Sec. 5.** NRS 561.225 is hereby amended to read as follows:

38 561.225 1. The Director shall appoint such technical, clerical
39 and operational staff as the execution of the Director's duties and
40 the operation of the Department may require.

41 2. The Director may designate such department personnel as
42 are required to be field agents and inspectors in the enforcement of
43 the provisions of Titles 49 and 50 of NRS and chapters 581, 582,
44 583, 586, 587, 588 and 590 of NRS. ~~The provisions of this
45 subsection do not authorize any department personnel so designated~~



1 ~~by the Director to retire from the Public Employees' Retirement~~
2 ~~System before having attained the minimum service retirement age~~
3 ~~of 60 years.~~

4 **Sec. 6.** NRS 561.344 is hereby amended to read as follows:

5 561.344 1. The Livestock Inspection Account is hereby
6 created in the State General Fund for the use of the Department.

7 2. The following special taxes, fees and other money must be
8 deposited in the Livestock Inspection Account:

9 (a) All special taxes on livestock as provided by law.

10 (b) Fees and other money collected pursuant to the provisions of
11 chapter 564 of NRS.

12 (c) Fees collected pursuant to the provisions of chapter 565 of
13 NRS.

14 (d) Unclaimed proceeds from the sale of estrays and feral
15 livestock by the Department pursuant to NRS 569.005 to 569.130,
16 inclusive, or proceeds required to be deposited in the Livestock
17 Inspection Account pursuant to a cooperative agreement established
18 pursuant to NRS 569.031.

19 (e) Fees collected pursuant to the provisions of chapter 573 of
20 NRS.

21 (f) Fees collected pursuant to the provisions of chapter 576 of
22 NRS.

23 (g) Laboratory fees collected for the diagnosis of infectious,
24 contagious and parasitic diseases of animals, as authorized by NRS
25 561.305, and as are necessary pursuant to the provisions of chapter
26 571 of NRS.

27 3. Expenditures from the Livestock Inspection Account must
28 be made only for carrying out the provisions of this chapter and
29 chapters 564, **565**, 569, 571, 573 and 576 of NRS.

30 4. The interest and income earned on the money in the
31 Livestock Inspection Account, after deducting any applicable
32 charges, must be credited to the Account.

33 **Sec. 7.** NRS 561.375 is hereby amended to read as follows:

34 561.375 1. The Program for the Control of Pests and Plant
35 Diseases is hereby established.

36 2. Money accepted by the Department under the provisions of
37 NRS 555.010 to 555.460, inclusive, from the Federal Government
38 or any federal department or agency, a county, a city, a public
39 district or any political subdivision of this State, a public or private
40 corporation, or a natural person, may be used in the Program for the
41 Control of Pests and Plant Diseases.

42 3. Expenditures for the Program for the Control of Pests and
43 Plant Diseases may be made only to carry out the provisions of this
44 chapter and ~~chapter~~ **chapters 552, 554, 555 and 587** of NRS.



1 **Sec. 8.** NRS 565.140 is hereby amended to read as follows:

2 565.140 1. Whenever, incident to any brand inspection under
3 the provisions of this chapter, any inspector shall find in the
4 possession of any person or persons offering animals for inspection
5 any animals to which such person or persons cannot establish their
6 legal ownership or right of possession and the inspector shall be able
7 to determine by means of the brands or brands and marks on such
8 animal or animals, or upon other reliable evidence, the actual legal
9 owner or owners of such animal or animals, the inspector shall
10 immediately notify ~~{such legal owner or owners in writing}~~ **an**
11 **agricultural enforcement officer** of the inspector's findings.

12 2. The inspector shall include in such notice:

13 (a) The date and place where such animal or animals were
14 found.

15 (b) A full description of the same.

16 (c) The name and address of any person or persons in whose
17 possession they were found.

18 (d) All other information which may aid the **agricultural**
19 **enforcement officer or the** legal owner or owners of such animal or
20 animals in securing the return thereof or compensation therefor, or
21 in any civil suit or criminal prosecution relating thereto.

22 3. **Upon receipt of the notice, the agricultural enforcement**
23 **officer shall investigate the findings of the inspector and, as soon**
24 **as practicable, provide notification of those findings to the legal**
25 **owner or owners of such animal or animals.**

26 4. **As used in this section, "agricultural enforcement officer"**
27 **has the meaning ascribed to it in regulations adopted by the**
28 **Department.**

29 **Sec. 9.** NRS 566.025 is hereby amended to read as follows:

30 566.025 1. It is unlawful for any person to have in his or her
31 possession all or part of the carcass of any bovine animal unless:

32 ~~{1}~~ (a) The animal was slaughtered at a slaughtering
33 establishment under a United States Government, state, county or
34 municipal inspection system which provides for adequate stamping
35 for identification of all carcasses or parts of carcasses before release;
36 or

37 ~~{2}~~ (b) The person exhibits to any ~~{peace officer authorized by~~
38 ~~the Department under NRS 566.035, or to any}~~ inspector **or**
39 **agricultural enforcement officer** of the Department, on demand:

40 ~~{a}~~ (1) The hide of the animal from which the carcass was
41 obtained, with ears and brands attached without disfiguration or
42 alteration;

43 ~~{b}~~ **or**

44 (2) A certificate of inspection or release of the carcass, or of
45 the carcass and hide, issued by an inspector of the Department. ~~{or~~



~~(c) A bill of sale, memorandum of sale or other document, signed by the seller or donor of the meat, showing the name and address of the seller or donor.]~~

2. As used in this section, "agricultural enforcement officer" has the meaning ascribed to it in regulations adopted by the Department.

Sec. 10. Chapter 575 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon approval of the report of owners of livestock and sheep pursuant to NRS 575.180, the Department shall fix the amount of the annual special tax on each head of the following specified classes of livestock, which, except as otherwise provided in subsection 2, must not exceed the following rates per head for each class:

<i>Class</i>	<i>Rate per head</i>
<i>Stock cattle</i>	<i>\$0.28</i>
<i>Dairy cattle</i>	<i>.53</i>
<i>Horses</i>	<i>.75</i>
<i>Mules</i>	<i>.75</i>
<i>Burros or asses</i>	<i>.75</i>
<i>Hogs and pigs</i>	<i>.07</i>
<i>Goats</i>	<i>.06</i>

2. The minimum special tax due annually pursuant to this section from each owner of livestock is \$5.

3. Upon the receipt of payment of the special tax and the report thereof by the State Controller, the Department shall credit the amount of the tax as paid on its records.

4. The special taxes paid by an owner of livestock, when transmitted to the State Treasurer, must be deposited in the Livestock Inspection Account.

5. As used in this section:

(a) "Dairy cattle" are bulls, cows and heifers of the dairy breeds that are more than 6 months old.

(b) "Stock cattle" are:

(1) Steers of any breed and other weaned calves of the beef breeds that are more than 6 months old; and

(2) Bulls, cows and older heifers of the beef breeds.

(c) The classes consisting of horses, mules, and burros and asses exclude animals that are less than 1 year old.

Sec. 11. NRS 575.080 is hereby amended to read as follows:
575.080 As used in NRS 575.080 to 575.230, inclusive, and section 10 of this act, unless the context otherwise requires:



1 1. "Board" means the State Board of Agriculture.
2 2. "Department" means the State Department of Agriculture.
3 3. "Livestock" means the animals subject to the taxes levied
4 pursuant to ~~NRS 571.035,~~ *section 10 of this act.*
5 4. "Sheep" means the animals subject to the taxes levied
6 pursuant to NRS 562.170 and 567.110.
7 5. "Tax" means any of the taxes levied pursuant to NRS
8 562.170, 567.110 and ~~571.035,~~ *section 10 of this act.*
9 **Sec. 12.** NRS 575.205 is hereby amended to read as follows:
10 575.205 1. Except as otherwise provided in subsection 2, any
11 person who fails to pay the tax levied by the Department pursuant to
12 ~~NRS 571.035,~~ *section 10 of this act,* within the time required,
13 shall pay a penalty of not more than 10 percent of the amount of the
14 tax that is owed, in addition to the tax, plus interest at the rate of 1.5
15 percent per month, or fraction of a month, from the date the tax was
16 due until the date of payment.
17 2. The Department may, for good cause shown, waive or
18 reduce the payment of the interest or penalty, or both, that is
19 required to be paid pursuant to subsection 1. The Department shall,
20 upon the request of any person, disclose:
21 (a) The name of the person whose interest or penalty was
22 waived or reduced; and
23 (b) The amount so waived or the amount of the reduction.
24 3. All taxes levied by the Department on livestock pursuant to
25 ~~NRS 571.035,~~ *section 10 of this act,* and all penalties and interest
26 accrued thereon, constitute a lien upon the livestock until paid.
27 **Sec. 13.** NRS 575.210 is hereby amended to read as follows:
28 575.210 Whenever any taxes, or penalties or interest for
29 delinquencies pursuant to NRS 562.175, 575.130 or 575.205 are
30 paid to the Department, the Department shall record the payment
31 and the date thereof with the name of the person liable therefor, and
32 the amount of taxes, penalties and interest collected pursuant to
33 NRS 562.170, 562.175, 567.110, ~~571.035,~~ 575.130 and 575.205,
34 *and section 10 of this act,* and transmit the revenue thereof to the
35 State Controller for deposit into the appropriate account or fund in
36 the State Treasury.
37 **Sec. 14.** NRS 576.128 is hereby amended to read as follows:
38 576.128 1. The Department shall adopt regulations pursuant
39 to which a person may obtain certification that the person is an
40 actual producer of ~~an agricultural product of the soil,~~ *farm*
41 *products other than any livestock, livestock product or poultry.*
42 The regulations may include provisions for the certification by
43 reciprocity of a person who holds a similar certification from
44 another jurisdiction where the requirements for that certification are
45 substantially equal to the requirements in this state.



1 2. The Department may impose fees for the certification of
2 ~~{persons}~~ **a person** as **an** actual ~~{producers}~~ **producer** of ~~{an~~
3 ~~agricultural product of the soil}~~ **farm products specified in**
4 **subsection 1** and any inspections necessary for that certification.
5 The fees must be set in an amount which approximates the cost to
6 the Department of performing those services and activities.

7 3. A person who obtains certification pursuant to this section is
8 exempt from any:

9 (a) Tax or other fee imposed pursuant to NRS 244.335, 266.355,
10 subsection 7 of NRS 266.600, NRS 268.095, 269.170 or 269.175,
11 relating to the issuance of any license to sell or offer to sell, in its
12 natural and unprocessed state directly to any consumer, restaurant or
13 grocery store, ~~{an agricultural product of the soil}~~ **farm products**
14 **specified in subsection 1** for which the person has obtained
15 certification pursuant to this section.

16 (b) Fee imposed for:

17 (1) The issuance of a permit pursuant to the provisions of
18 chapter 446 of NRS to sell or offer to sell, in its natural and
19 unprocessed state directly to any consumer, restaurant or grocery
20 store, ~~{an agricultural product of the soil}~~ **farm products specified in**
21 **subsection 1** for which the person has obtained certification
22 pursuant to this section; or

23 (2) Any inspection conducted pursuant to the provisions of
24 chapter 446 of NRS relating to such a sale or offer to sell.

25 **Sec. 15.** Chapter 555 of NRS is hereby amended by adding
26 thereto the provisions set forth as sections 16 and 17 of this act.

27 **Sec. 16.** ***“Primary principal” means a principal who has***
28 ***been designated by a pest control business as the person***
29 ***responsible for the daily supervision of each category of pest***
30 ***control.***

31 **Sec. 17.** ***“Principal” means an owner, officer, partner,***
32 ***member or technician of a pest control business who has qualified***
33 ***by examination in one or more categories of pest control.***

34 **Sec. 18.** NRS 555.2605 is hereby amended to read as follows:

35 555.2605 As used in NRS 555.2605 to 555.460, inclusive, ***and***
36 ***sections 16 and 17 of this act***, unless the context otherwise requires,
37 the words and terms defined in NRS 555.261 to 555.2695, inclusive,
38 ***and sections 16 and 17 of this act*** have the meanings ascribed to
39 them in those sections.

40 **Sec. 19.** NRS 555.2667 is hereby amended to read as follows:

41 555.2667 “Pest control” means ***publicly holding oneself out as***
42 ***being in*** the business of ***detecting, preventing, controlling or***
43 ***exterminating pests or otherwise*** engaging in, advertising or
44 soliciting for:



1 1. The use for hire of pesticides or mechanical devices for the
2 extermination, control or prevention of infestations of pests.

3 2. The inspection for hire of households or other structures and
4 the submission of reports of inspection, estimates or bids, written or
5 oral, for the inspection, extermination, control or prevention of
6 wood-destroying pests.

7 **Sec. 20.** NRS 555.277 is hereby amended to read as follows:

8 555.277 1. The provisions of NRS 555.2605 to 555.460,
9 inclusive, *and sections 16 and 17 of this act* relating to licenses and
10 requirements for their issuance, except a certificate or permit to use
11 a restricted-use pesticide, do not apply to any farmer-owner of
12 ground equipment applying pesticides for himself, herself or his or
13 her neighbors, if:

14 (a) The farmer-owner operates farm property and operates and
15 maintains equipment for applying pesticides primarily for his or her
16 own use.

17 (b) The farmer-owner is not regularly engaged in the business of
18 applying pesticides *or performing pest control* for hire as ~~††~~ *an*
19 *operator, primary principal or* principal or *as a* regular occupation,
20 and the farmer-owner does not *advertise or solicit pest control or*
21 publicly hold himself or herself out as *being in the business of pest*
22 *control or as* a pesticide applicator.

23 (c) The farmer-owner operates his or her equipment for applying
24 pesticides only in the vicinity of the farmer-owner's own property
25 and for the accommodation of the farmer-owner's neighbors for
26 agricultural purposes only.

27 2. The provisions of NRS 555.2605 to 555.460, inclusive, *and*
28 *sections 16 and 17 of this act*, except those provisions relating to a
29 certificate or permit to use a restricted-use pesticide, do not apply to
30 any person using hand-powered equipment, devices or contrivances
31 to apply pesticides to ~~†† lawns or to ornamental shrubs and trees~~ *any*
32 *landscaped area* as an incidental part of the person's business of
33 taking care of ~~†† lawns and yards~~ *a landscaped area* for
34 remuneration, if that person does not *advertise or solicit pest*
35 *control or* publicly hold himself or herself out as being in the
36 business of *pest control or* applying pesticides and the cost of
37 applying the pesticides does not exceed 20 percent of the total
38 remuneration received.

39 **Sec. 21.** NRS 555.280 is hereby amended to read as follows:

40 555.280 A person shall not engage in pest control or serve as
41 an agent, operator, ~~††~~ pilot, *primary principal or principal* for
42 that purpose within this State at any time without a license issued by
43 the Director.



1 **Sec. 22.** NRS 555.310 is hereby amended to read as follows:

2 555.310 1. The Director shall collect from each person
3 applying for the examination or reexamination a testing fee
4 established by regulation of the State Board of Agriculture.

5 2. Upon the successful completion of the testing, the Director
6 shall, before the license is issued, collect from each person applying
7 for a license for pest control an annual fee established by regulation
8 of the State Board of Agriculture. Any company or person
9 employing *primary principals, principals*, operators ~~[- pilots]~~ or
10 agents shall pay to the Director a fee established by regulation of the
11 Board for each *primary principal, principal*, operator ~~[- pilot]~~ or
12 agent licensed.

13 **Sec. 23.** NRS 555.330 is hereby amended to read as follows:

14 555.330 1. The Director shall require from each applicant for
15 a pest control license proof of public liability and property damage
16 insurance in an amount of:

17 (a) Except as otherwise provided in paragraph (b), not less than
18 ~~[\$10,000.]~~ *\$50,000.*

19 (b) If the license would authorize the application of pesticides
20 by aircraft:

21 (1) Not less than \$100,000 for bodily injury to or death of
22 one person in any one accident;

23 (2) Subject to the limit for one person, not less than \$300,000
24 for bodily injury to or death of two or more persons in any one
25 accident; and

26 (3) Not less than \$100,000 for each occurrence of damage to
27 property in any one accident.

28 ↳ The Director may accept a liability insurance policy or surety
29 bond in the proper amount.

30 2. The Director may require drift insurance for the use of
31 pesticides or other materials declared hazardous or dangerous to
32 humans, livestock, wildlife, crops or plantlife.

33 3. Any person injured by the breach of any such obligation is
34 entitled to sue in his or her own name in any court of competent
35 jurisdiction to recover the damages the person sustained by that
36 breach, if each claim is made within 6 months after the alleged
37 injury.

38 4. The Director on his or her own motion may, or upon receipt
39 of a verified complaint of an interested person shall, investigate, as
40 he or she deems necessary, any loss or damage resulting from the
41 application of any pesticide by a licensed pest control operator ~~[-]~~ ,
42 *primary principal or principal*. A verified complaint of loss or
43 damage must be filed within 60 days after the time that the
44 occurrence of the loss or damage becomes known except that, if a
45 growing crop is alleged to have been damaged, the verified



1 complaint must be filed before 50 percent of the crop has been
2 harvested. A report of investigations resulting from a verified
3 complaint must be furnished to the person who filed the complaint.

4 **Sec. 24.** NRS 555.350 is hereby amended to read as follows:

5 555.350 1. The Director may suspend, pending inquiry, for
6 not longer than 10 days, and, after opportunity for a hearing, may
7 revoke, suspend or modify any license issued under NRS 555.2605
8 to 555.460, inclusive, *and sections 16 and 17 of this act* if the
9 Director finds that:

10 (a) The licensee is no longer qualified;

11 (b) The licensee has engaged in fraudulent business practices in
12 pest control;

13 (c) The licensee has made false or fraudulent claims through any
14 media by misrepresenting the effect of materials or methods to be
15 used;

16 (d) The licensee has applied known ineffective or improper
17 materials;

18 (e) The licensee operated faulty or unsafe equipment;

19 (f) The licensee has made any application in a faulty, careless or
20 negligent manner;

21 (g) The licensee has violated any of the provisions of NRS
22 555.2605 to 555.460, inclusive, *and sections 16 and 17 of this act*
23 or regulations adopted pursuant thereto;

24 (h) The licensee engaged in the business of pest control without
25 having a licensed ~~applicator or~~ *agent*, operator, *primary principal*
26 *or principal* in direct on-the-job supervision;

27 (i) The licensee aided or abetted a licensed or an unlicensed
28 person to evade the provisions of NRS 555.2605 to 555.460,
29 inclusive, *and sections 16 and 17 of this act*, combined or conspired
30 with such a licensee or an unlicensed person to evade the provisions,
31 or allowed one's license to be used by an unlicensed person;

32 (j) The licensee was intentionally guilty of fraud or deception in
33 the procurement of his or her license;

34 (k) The licensee was intentionally guilty of fraud, *falsification*
35 or deception in the issuance of an inspection report on wood-
36 destroying pests or other report *or record* required by regulation; or

37 (l) The licensee has been convicted of, or entered a plea of nolo
38 contendere to, a felony or any crime involving moral turpitude in
39 any court of competent jurisdiction in the United States or any other
40 country.

41 2. A license is suspended automatically, without action of the
42 Director, if the proof of public liability and property damage or drift
43 insurance filed pursuant to NRS 555.330 is cancelled, and the
44 license remains suspended until the insurance is re-established.



1 3. A licensee against whom the Director initiates disciplinary
2 action to revoke, suspend or modify the license of the licensee
3 pursuant to this section shall, within 30 days after receiving written
4 notice of the disciplinary action from the Director, submit to the
5 Director a complete set of the licensee's fingerprints and written
6 permission authorizing the Director to forward the fingerprints to
7 the Central Repository for Nevada Records of Criminal History for
8 submission to the Federal Bureau of Investigation for its report.

9 4. A willful failure of a licensee to comply with the
10 requirements of subsection 3 constitutes an additional ground for the
11 revocation, suspension or modification of the license of the licensee
12 pursuant to this section.

13 5. The Director has additional grounds to revoke, suspend or
14 modify a license pursuant to this section if the report from the
15 Federal Bureau of Investigation indicates that the licensee has been
16 convicted of a felony or crime specified in paragraph (1) of
17 subsection 1.

18 **Sec. 25.** NRS 555.3507 is hereby amended to read as follows:

19 555.3507 ~~1-1~~ A person licensed to engage in pest control
20 shall ensure that ~~each of~~ the licensee's business ~~locations in this~~
21 ~~State~~ has a primary principal who is licensed in the appropriate
22 category or categories of pest control.

23 ~~2. If a licensee ceases to have a primary principal at each of~~
24 ~~the licensee's business locations in this State for 30 consecutive~~
25 ~~calendar days, his or her license for pest control is automatically~~
26 ~~suspended, without action of the Director, and remains suspended~~
27 ~~until such time as the licensee obtains a primary principal for each~~
28 ~~business location.~~

29 ~~3. As used in this section, "primary principal" means an owner,~~
30 ~~officer, partner, member or technician of a pest control business~~
31 ~~who has qualified by examination in one or more of the categories~~
32 ~~of pest control and who has been designated by the pest control~~
33 ~~business as the person responsible for the daily supervision of the~~
34 ~~category or categories of pest control performed by a business~~
35 ~~location of the pest control business within this State.~~

36 **Sec. 26.** NRS 561.247, 566.027, 566.035 and 571.035 are
37 hereby repealed.

38 **Sec. 27.** Any person who, before the effective date of this act,
39 has obtained certification that the person is an actual producer of an
40 agricultural product of the soil in accordance with regulations
41 adopted by the State Department of Agriculture pursuant to NRS
42 576.128 shall, if he or she is otherwise qualified for that
43 certification, be deemed to be certified as an actual producer of farm
44 products other than any livestock, livestock product or poultry in
45 accordance with NRS 576.128, as amended by section 14 of this act.



1 **Sec. 28.** 1. Any regulations adopted by the State Department
2 of Agriculture pursuant to NRS 561.247 are void. The Legislative
3 Counsel shall remove those regulations from the Nevada
4 Administrative Code as soon as practicable after the effective date
5 of this act.

6 2. Any information or document made confidential by the
7 regulations specified in subsection 1 remains confidential.

8 3. Any agreement for the resolution of an agricultural debt
9 entered into pursuant to the regulations specified in subsection 1
10 remains in effect in accordance with the provisions of the
11 agreement.

12 4. If the State Department of Agriculture receives any fees
13 from a participant in the Agricultural Loan Mediation Program
14 before the effective date of this section, and if any portion of those
15 fees remains unused on that date, the Department shall, as soon as
16 practicable after that date, return the unused portion of those fees to
17 the participant.

18 **Sec. 29.** This act becomes effective upon passage and
19 approval.

LEADLINES OF REPEALED SECTIONS

**561.247 Establishment and administration of Agricultural
Loan Mediation Program; fees for participation.**

**566.027 Persons slaughtering cattle without formal
inspection system required to retain hides for 30 days;
exhibition of hides or certificate of release.**

**566.035 Inspection by inspectors of Department and peace
officers.**

**571.035 Maximum rate of tax; minimum tax; deposit in
Livestock Inspection Account.**

