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SB 172
MAKES VARIOUS CHANGES CONCERNING THE CONTROL OF PESTS

Mr. Chairman, Committee Members—Don Henderson, Acting Director

SB 172 is a housekeeping bill that covers two important programs in the Department:

1. Nursery licenses and plant quarantines; and,
2. Licensing of pest control operators

The purpose of the statutory amendments offered in SB 172 is to clarify and streamline provisions within these two important department programs.

With your permission, I would like to highlight to you some of the more pertinent sections in SB 172 to familiarize you with the scope and content of this bill, and then open it up for any questions you might have.

- **Section 1** involves amending NRS 555.085 to establish civil penalties and fines for violations to quarantine regulations established by the Director. Because of heavy case loads, the current administrative fines authorized in this existing statute are ineffective because the involved district attorneys will not take these cases up to prosecute.

The second problem with the existing administrative fines is that most of the involved violators are located outside of the State and it is impossible to get these violators back to Nevada to deal with the administrative fine procedures, or to get them to pay the imposed fines once the proceedings have been completed.

Based on this situation, the Dept. has worked with the Washoe Co. District Attorney's Office to develop the offered statutory language. We have been assured that the recommended approach using civil penalties is preferable and will be more easily enforced.

This civil penalty approach for violations in state quarantines also dovetails in nicely with the criminal penalties authorized in NRS 555.090.

- **Sections 2-18** of the bill primarily provides added definitions to better define and clarify the requirements of this Chapter.

- **Section 2.** provides clarification that a pest control business will automatically lose its Primary Principal License if the business loses its licensed Principal and this position is not replaced within a 30-day period. This clarification is needed to make certain all pest control businesses operating in Nevada have a qualified Principal registered with the State at all times who can oversee and supervise the proper application of pesticides by that business.
- **Sections 12 & 13.** Amends the definition of a nursery to include places where nursery stock is grown, propagated, healed, stored or distributed directly to a customer.

There have been many businesses that sell nursery stock and were not aware of the requirement to obtain a license. This section clearly defines businesses that are required to be licensed. All licensed sellers of nursery stock have to comply with the laws and regulations enacted to ensure only pest free healthy plants are sold to the public.

- **Section 22.** Related to Section 13, this section amends and clarifies who must obtain a nursery license and comply with the rules and regulations on selling nursery stock.
 - During the hearing of this bill on the Senate side, the Dept. coordinated closely with the So. Nevada Builders Assn. and gained their concurrence with this bill.
- **Section 25.** Establishes a penalty fee not to exceed \$200 for late renewal of a nursery license. The current late fee of \$10 is not an effective deterrent to late renewal of a license.
- In **Section 34**, the Dept. is adding a determination factor to standardize regulations for "incidental pest control." There currently is an exemption to obtain a pest control license to apply pesticides for hire if it is an incidental part of a business taking care of lawns or trees. There is no method of determining what is an incidental portion of a business. This section adds the needed definition.

- Finally in **Section 35** a pest control applicator license expires on December 31 each year. Existing statutes allow renewal of a license by payment of fees prior to January 16 of each year. To eliminate this inconsistency, the proposed amendment requires renewal of a license by payment of fees prior to December 31 of each year.

On the Senate side, this bill was amended to address three concerns:

- The first involved replacing the administrative fines with civil penalties in **Section 1** of the bill.
- The second portion of the amendment is found in **Section 22** where garden clubs, charitable organizations, and state and local government agencies were exempted from the requirement of maintaining a commercial nursery license

Line
6-1

- And, finally in **Section 25** where the increase in penalty for failing to license as a commercial nursery in a timely manner was capped at a \$200 fine.

Line
8-5

That concludes our overview of SB 172 and its offered amendments. We'd be happy to address any questions you may have.