

Amendment No. 343

Senate Amendment to Senate Bill No. 159	(BDR 49-608)
<b>Proposed by:</b> Senate Committee on Natural Resources	
<b>Amends:</b> Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will REMOVE the 2/3s majority vote requirement from S.B. 159.
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ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of **green bold underlining** is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

ERS/HAC



Date: 4/16/2023

S.B. No. 159—Revises provisions relating to pest control. (BDR 49-608)





## SENATE BILL NO. 159—SENATOR HAMMOND

FEBRUARY 15, 2023

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to pest control. (BDR 49-608)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.  
Effect on the State: Yes.

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

AN ACT relating to pest control; ~~establishing provisions governing the issuance of a provisional license as an applicator to engage in pest control;~~ requiring the Director of the State Department of Agriculture to ~~establish a fee for the issuance of such a provisional license;~~ **adopt regulations to authorize a person to train as an applicator to engage in pest control activities under certain circumstances;** providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law prohibits a natural person from engaging in, offering to engage in, advertising or soliciting to perform certain pest control activities without first obtaining a license from the Director of the State Department of Agriculture. (NRS 555.280, 555.285) **Section 1** of this bill ~~authorizes~~ **requires** the Director to ~~issue to a natural person a provisional license~~ **adopt regulations to authorize a person to train as an applicator to engage in certain pest control activities for a period of not less than 90 days without holding a license as an applicator. Section 1 requires such regulations to allow an applicator trainee to apply: (1) general-use pesticides under the direct supervision of a person who is licensed as an applicator. [A provisional license issued under section 1 expires 90 days after the date of issuance.] ; and (2) restricted-use pesticides under the immediate supervision of certain persons who are licensed as an applicator. Sections 2-4 [and 9]** of this bill make conforming changes to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

**Sections 5 and 6** of this bill ~~additionally prohibits a natural person from training~~ **make conforming changes to provide that section 1 is an exception to the requirement to obtain a license to engage in [and engaging in] certain pest control activities. [without first obtaining a provisional license as an applicator.**

~~Existing law requires the Director to develop and implement a process by which a person with a criminal history may petition the Director to review the criminal history of the person to determine if the person’s criminal history will disqualify the person from obtaining a business license or a license as an applicator. (NRS 555.305) Section 7 of this bill requires the Director to develop and implement such a process for persons obtaining a provisional license as an applicator pursuant to section 1.~~

~~Existing law requires the Director to collect a fee from each applicant for a business license or license as an applicator, which is established by regulation of the Director. (NRS 555.310) Section 8 of this bill requires the Director to collect a fee for the issuance of a provisional license.~~

~~Existing law authorizes the Director to investigate, refuse to issue, suspend, revoke or modify a business license or license issued to an applicator under certain circumstances. (NRS 555.330-555.3505) Sections 10-13 of this bill also authorize the Director to suspend, revoke or modify a provisional license under certain circumstances.]~~

Existing law provides that any person violating the provisions of law relating to the application of pesticides is guilty of a misdemeanor, must pay an administrative fine of not more than \$5,000 per violation and may be subject to an administrative fine for each violation, which may not exceed \$5,000 per day. (NRS 555.460, 555.470) **Sections 14 and 15** of this bill provide that a person violating the provisions of **section 1** governing ~~a provisional license as~~ an applicator **trainee** is also subject to criminal penalties and administrative fines.

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

**Section 1.** Chapter 555 of NRS is hereby amended by adding thereto a new section to read as follows:

**1. In accordance with the ~~requirements~~ provisions of this section, the Director ~~may grant~~ shall adopt regulations to authorize a natural person ~~to~~ provisional license to train as an applicator to engage in pest control for a period of not less than 90 days without holding a license as an applicator. Such regulations must provide:**

**(a) That an applicator trainee may only apply:**

**(1) A general-use pesticide under the direct supervision of a person licensed as an applicator in this State ~~to~~; and**

**(2) A restricted-use pesticide under the immediate supervision of an authorized commercial applicator, certified non-private applicator or private applicator in accordance with the provisions of NRS 555.351; and**

**(b) That the supervising applicator or pest control business that employs an applicator trainee is responsible and liable for all actions of the applicator trainee.**

**~~2. [An applicant for a provisional license as an applicator shall submit to the Director an application and the fee established by regulation pursuant to NRS 555.310. The application must set forth any information requested by the Director, including, without limitation, the qualifications of the applicant and the person who will supervise the applicant. The application must include the social security number of the applicant.~~**

**~~3. The] In adopting regulations pursuant to subsection 1, the Director ~~may~~~~**

**~~(a) Require an applicant for a provisional license as an applicator to establish to the satisfaction of the Director that the applicant will be under the direct supervision of a person who is licensed as an applicator; and~~**

**~~(b) Restrict the holder of the provisional license as an applicator to the use of a certain type or types of equipment or materials if the Director finds that the person who is supervising the applicant is qualified to use only a certain type or types of equipment or materials.~~**

**~~4. If the Director finds that an applicant for a provisional license as an applicator is qualified and satisfies the requirements of this section, the Director shall issue the provisional license.~~**

~~5. A provisional license issued pursuant to this section expires 90 days after the date of issuance.~~

~~6. If the Director denies an application for a provisional license as an applicator, the Director shall inform the applicant in writing of the reasons for the denial, shall ensure such regulations:~~

~~(a) Comply with all applicable provisions of federal law governing applicators and the application of pesticides and federal and state law relating to public safety; and~~

~~(b) Are consistent with industry best practices relating to safety and the training of employees.~~

~~3. As used in this section:~~

~~(a) "Direct supervision" means that an applicator trainee has direct access physically, telephonically or by some other means to an applicator licensed pursuant to NRS 555.2605 to 555.460, inclusive; and~~

~~(b) "Immediate supervision" means that a supervisor who is licensed pursuant to NRS 555.2605 to 555.460, inclusive, is physically present as all times while an applicator trainee is working.~~

**Sec. 2.** NRS 555.2605 is hereby amended to read as follows:

555.2605 As used in NRS 555.2605 to 555.460, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 555.261 to 555.2695, inclusive, have the meanings ascribed to them in those sections.

**Sec. 3.** NRS 555.273 is hereby amended to read as follows:

555.273 All state agencies, municipal corporations and public utilities or any other governmental agency are subject to the provisions of NRS 555.2605 to 555.460, inclusive, *and section 1 of this act* and rules adopted thereunder concerning the application of restricted-use pesticides by any person.

**Sec. 4.** NRS 555.277 is hereby amended to read as follows:

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

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

(b) The farmer-owner is not regularly engaged in the business of applying pesticides or performing pest control as an operator, primary principal or principal or as a regular occupation, and the farmer-owner does not advertise or solicit pest control or publicly hold himself or herself out as being in the business of pest control or as an applicator; and

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

2. The provisions of NRS 555.2605 to 555.460, inclusive, *and section 1 of this act*, except those provisions relating to a certificate or permit to use a restricted-use pesticide, do not apply to a gardener using hand-powered equipment, devices or contrivances to apply any pesticides of toxicity class III or IV, as classified by the United States Environmental Protection Agency, to any lawn or garden as an incidental part of his or her business of taking care of a lawn or garden for remuneration, if he or she does not advertise or solicit pest control or publicly hold himself or herself out as being in the business of pest control or applying pesticides. As used in this subsection, "gardener" means a person who owns,



~~6. The Director may impose a fee of up to \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Director may waive such fees or allow such fees to be covered by funds from a scholarship or grant.~~

~~7. The Director may post on the Internet website of the Department:~~

~~(a) The requirements to obtain a license from the Director; and~~

~~(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the Director.~~

~~8. The Director may request the criminal history record of a person who petitions the Director for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Director makes such a request of a person, the Director shall require the person to submit his or her criminal history record which includes a report from:~~

~~(a) The Central Repository for Nevada Records of Criminal History; and~~

~~(b) The Federal Bureau of Investigation.~~

~~9. A person who petitions the Director for a determination pursuant to subsection 1 shall not submit false or misleading information to the Director.~~

~~10. The Director of the State Department of Agriculture shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:~~

~~(a) The number of petitions submitted to the Director of the State Department of Agriculture pursuant to subsection 1;~~

~~(b) The number of determinations of disqualification made by the Director of the State Department of Agriculture pursuant to subsection 1;~~

~~(c) The reasons for such determinations; and~~

~~(d) Any other information that is requested by the Director of the Legislative Counsel Bureau or which the Director of the State Department of Agriculture determines would be helpful.~~

~~11. The Director of the Legislative Counsel Bureau shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.] **(Deleted by amendment.)**~~

**Sec. 8.** ~~[NRS 555.310 is hereby amended to read as follows:~~

~~555.310 1. The Director shall collect from each person applying for examination or reexamination a testing fee established by regulation of the Director.~~

~~2. The Director shall, before the license or certificate is issued, collect from each person applying for a business license, [or] license as an applicator or provisional license as an applicator a fee established by regulation of the Director. Any person employing primary principals, location principals, principals, operators or agents shall pay to the Director a fee established by regulation of the Director for each primary principal, location principal, principal, operator or agent licensed.] **(Deleted by amendment.)**~~

**Sec. 9.** ~~[NRS 555.325 is hereby amended to read as follows:~~

~~555.325 1. A natural person who applies for the issuance or renewal of a license pursuant to NRS 555.2605 to 555.460, inclusive, and section 1 of this act shall submit to the Director the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.~~

~~2. The Director shall include the statement required pursuant to subsection 1 in:~~

1 ~~— (a) The application or any other forms that must be submitted for the issuance~~  
2 ~~or renewal of the license; or~~

3 ~~— (b) A separate form prescribed by the Director.~~

4 ~~— 3. A license may not be issued or renewed by the Director if the applicant is a~~  
5 ~~natural person who:~~

6 ~~— (a) Fails to submit the statement required pursuant to subsection 1; or~~

7 ~~— (b) Indicates on the statement submitted pursuant to subsection 1 that the~~  
8 ~~applicant is subject to a court order for the support of a child and is not in~~  
9 ~~compliance with the order or a plan approved by the district attorney or other public~~  
10 ~~agency enforcing the order for the repayment of the amount owed pursuant to the~~  
11 ~~order.~~

12 ~~— 4. If an applicant indicates on the statement submitted pursuant to subsection~~  
13 ~~1 that the applicant is subject to a court order for the support of a child and is not in~~  
14 ~~compliance with the order or a plan approved by the district attorney or other public~~  
15 ~~agency enforcing the order for the repayment of the amount owed pursuant to the~~  
16 ~~order, the Director shall advise the applicant to contact the district attorney or other~~  
17 ~~public agency enforcing the order to determine the actions that the applicant may~~  
18 ~~take to satisfy the arrearage.] (Deleted by amendment.)~~

19 **Sec. 10.** ~~[NRS 555.230 is hereby amended to read as follows:~~

20 ~~— 555.230 1. The Director shall require from each applicant for a business~~  
21 ~~license proof of public liability and property damage insurance in an amount of:~~

22 ~~— (a) Except as otherwise provided in paragraph (b), not less than \$50,000.~~

23 ~~— (b) If the business license would authorize the application of pesticides by~~  
24 ~~aircraft:~~

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

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

29 ~~— (3) Not less than \$100,000 for each occurrence of damage to property in~~  
30 ~~any one accident.~~

31 ~~— The Director may accept a liability insurance policy or surety bond in the proper~~  
32 ~~amount.~~

33 ~~— 2. The Director may require drift insurance for the use of pesticides or other~~  
34 ~~materials declared hazardous or dangerous to humans, livestock, wildlife, crops or~~  
35 ~~plantlife.~~

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

40 ~~— 4. The Director on his or her own motion may, or upon receipt of a verified~~  
41 ~~complaint of an interested person shall, investigate, as he or she deems necessary,~~  
42 ~~any loss or damage resulting from the application of any pesticide by [a licensed]~~  
43 ~~any applicator [.] licensed pursuant to NRS 555.2605 to 555.460, inclusive, and~~  
44 ~~section 1 of this act, including, without limitation, a commercial applicator,~~  
45 ~~authorized commercial applicator, licensed pest control operator, primary principal,~~  
46 ~~location principal, [or] principal [.] or provisionally licensed applicator. A verified~~  
47 ~~complaint of loss or damage must be filed within 60 days after the time that the~~  
48 ~~occurrence of the loss or damage becomes known except that, if a growing crop is~~  
49 ~~alleged to have been damaged, the verified complaint must be filed before 50~~  
50 ~~percent of the crop has been harvested. A report of investigations resulting from a~~  
51 ~~verified complaint must be furnished to the person who filed the complaint.]~~  
52 **(Deleted by amendment.)**



1       **Sec. 11.** ~~[NRS 555.345 is hereby amended to read as follows:~~

2       ~~555.345 1. The Director may refuse to issue a license as an applicator or a~~  
3 ~~**provisional license as an applicator** to any person who:~~

4       ~~(a) Is a primary principal, location principal or principal or intends to act as a~~  
5 ~~primary principal, location principal or principal for a pest control business; and~~

6       ~~(b) Has been convicted of, or entered a plea of guilty, guilty but mentally ill or~~  
7 ~~nolo contendere to, a category A or B felony or a category C, D or E felony if the~~  
8 ~~conviction occurred or the plea was entered for the category C, D or E felony~~  
9 ~~during the immediately preceding 10 years in any court of competent jurisdiction in~~  
10 ~~the United States or any other country.~~

11       ~~2. In addition to any other requirements set forth in this chapter and except as~~  
12 ~~otherwise provided in subsection 3, each applicant for a license as an applicator~~  
13 ~~specified in paragraph (a) of subsection 1 shall submit with his or her application a~~  
14 ~~complete set of the applicant's fingerprints and written permission authorizing the~~  
15 ~~Director to forward the fingerprints to the Central Repository for Nevada Records~~  
16 ~~of Criminal History for submission to the Federal Bureau of Investigation for its~~  
17 ~~report. The application must be accompanied by a fee in an amount that is equal to~~  
18 ~~any fee charged by the Central Repository for Nevada Records of Criminal History~~  
19 ~~and the Federal Bureau of Investigation for processing the fingerprints of the~~  
20 ~~applicant.~~

21       ~~3. In lieu of submitting a complete set of his or her fingerprints and written~~  
22 ~~permission pursuant to subsection 2, an applicant may, in accordance with~~  
23 ~~regulations adopted by the Department and upon the payment of any fee required~~  
24 ~~by the Department pursuant to those regulations, submit any document or other~~  
25 ~~information required by the Department to perform a background check of the~~  
26 ~~applicant.~~

27       ~~4. A suspension or revocation of a license as an applicator or a **provisional**~~  
28 ~~**license as an applicator** pursuant to NRS 555.350 or any previous revocation or~~  
29 ~~current suspension of such a license or an equivalent license in this or any other~~  
30 ~~state, district or territory of the United States or any foreign country is grounds for~~  
31 ~~refusal to issue a license as an applicator.] **(Deleted by amendment.)**~~

32       **Sec. 12.** ~~[NRS 555.350 is hereby amended to read as follows:~~

33       ~~555.350 1. The Director may suspend, pending inquiry, for not longer than~~  
34 ~~10 days, and, after opportunity for a hearing, may revoke, suspend or modify any~~  
35 ~~business license, [or] license issued to an applicator or **provisional license as an**~~  
36 ~~**applicator** under NRS 555.2605 to 555.460, inclusive, and **section 1 of this act**, if~~  
37 ~~the Director finds that [:] **the licensee:**~~

38       ~~(a) [The licensee is:] **Is no longer qualified;**~~

39       ~~(b) [The licensee has:] **Has engaged in fraudulent business practices in pest**~~  
40 ~~**control;**~~

41       ~~(c) [The licensee has:] **Has made false or fraudulent claims through any media**~~  
42 ~~**by misrepresenting the effect of materials or methods to be used;**~~

43       ~~(d) [The licensee has:] **Has applied known ineffective or improper materials;**~~

44       ~~(e) [The licensee has:] **Has operated faulty or unsafe equipment;**~~

45       ~~(f) [The licensee has:] **Has made any application of materials in a manner**~~  
46 ~~**inconsistent with labeling or any restriction imposed by regulation of the Director,**~~  
47 ~~**or otherwise in a faulty, careless or negligent manner;**~~

48       ~~(g) [The licensee has:] **Has violated any of the provisions of NRS 555.2605 to**~~  
49 ~~**555.460, inclusive, and **section 1 of this act** or regulations adopted pursuant**~~  
50 ~~**thereto;**~~

51       ~~(h) [The licensee has:] **Has engaged in the business of pest control without**~~  
52 ~~**having a licensed agent, operator, primary principal or principal in direct on the job**~~  
53 ~~**supervision;**~~

1 ~~— (i) [The licensee has] *Has* aided or abetted a licensed or an unlicensed person~~  
2 ~~to evade the provisions of NRS 555.2605 to 555.460, inclusive, and section 1 of~~  
3 ~~*this act* combined or conspired with such a licensee or an unlicensed person to~~  
4 ~~evade the provisions, or allowed the license to be used by an unlicensed person;~~

5 ~~— (j) [The licensee was] *Was* intentionally guilty of fraud or deception in the~~  
6 ~~procurement of the license;~~

7 ~~— (k) [The licensee was] *Was* intentionally guilty of fraud, falsification or~~  
8 ~~deception in the issuance of an inspection report on wood-destroying pests or other~~  
9 ~~report or record required by regulation;~~

10 ~~— (l) [The licensee has] *Has* been convicted of, or entered a plea of *nolo*~~  
11 ~~*contendere* to, a category A or B felony or a category C, D or E felony if the~~  
12 ~~conviction occurred or the plea was entered for the category C, D or E felony~~  
13 ~~during the immediately preceding 10 years in any court of competent jurisdiction in~~  
14 ~~the United States or any other country; or~~

15 ~~— (m) [The licensee has] *Has* failed to provide adequate instruction or~~  
16 ~~supervision to any *holder of a provisional license or* unlicensed applicator working~~  
17 ~~under the supervision of the licensee;~~

18 ~~— 2. A business license and any license issued to a principal of the business as~~  
19 ~~an applicator is suspended automatically, without action of the Director, if the proof~~  
20 ~~of public liability and property damage or drift insurance filed pursuant to NRS~~  
21 ~~555.230 is cancelled, and the licenses remain suspended until the insurance is re-~~  
22 ~~established.~~

23 ~~— 3. If the licensee is a natural person, any license against whom the Director~~  
24 ~~initiates disciplinary action pursuant to this section shall, within 30 days after~~  
25 ~~receiving written notice of the disciplinary action from the Director and in~~  
26 ~~accordance with any regulations adopted by the Department, submit to the Director~~  
27 ~~any document or other information required by the Department to perform a~~  
28 ~~background check of the licensee. Any document or other information submitted~~  
29 ~~pursuant to this subsection must be accompanied by the appropriate fees, if any,~~  
30 ~~specified in regulations adopted by the Department for performing the background~~  
31 ~~check. A willful failure of a licensee to comply with the requirements of this~~  
32 ~~subsection constitutes an additional ground for the revocation, suspension or~~  
33 ~~modification of the license pursuant to this section.] **(Deleted by amendment.)**~~

34 **Sec. 13.** [NRS 555.3505 is hereby amended to read as follows:

35 ~~— 555.3505 — 1. If the Director receives a copy of a court order issued pursuant~~  
36 ~~to NRS 425.540 that provides for the suspension of all professional, occupational~~  
37 ~~and recreational licenses, certificates and permits issued to a natural person who is~~  
38 ~~the holder of a license issued pursuant to NRS 555.2605 to 555.460, inclusive, and~~  
39 ~~*section 1 of this act*, the Director shall deem the license issued to that person to be~~  
40 ~~suspended at the end of the 30th day after the date on which the court order was~~  
41 ~~issued unless the Director receives a letter issued to the holder of the license by the~~  
42 ~~district attorney or other public agency pursuant to NRS 425.550 stating that the~~  
43 ~~holder of the license has complied with the subpoena or warrant or has satisfied the~~  
44 ~~arrearage pursuant to NRS 425.560.~~

45 ~~— 2. The Director shall reinstate a license that has been suspended by a district~~  
46 ~~court pursuant to NRS 425.540 if the Director receives a letter issued by the district~~  
47 ~~attorney or other public agency pursuant to NRS 425.550 to the person whose~~  
48 ~~license was suspended stating that the person whose license was suspended has~~  
49 ~~complied with the subpoena or warrant or has satisfied the arrearage pursuant to~~  
50 ~~NRS 425.560.] **(Deleted by amendment.)**~~

51 **Sec. 14.** NRS 555.460 is hereby amended to read as follows:

52 555.460 Any person violating the provisions of NRS 555.2605 to 555.420,  
53 inclusive, *and section 1 of this act* or the regulations adopted pursuant thereto, is

1 guilty of a misdemeanor and, in addition to any criminal penalty, shall pay to the  
 2 Department an administrative fine of not more than \$5,000 per violation. If an  
 3 administrative fine is imposed pursuant to this section, the costs of the proceeding,  
 4 including investigative costs and attorney's fees, may be recovered by the  
 5 Department.

6 **Sec. 15.** NRS 555.470 is hereby amended to read as follows:

7 555.470 1. The Director shall adopt regulations specifying a schedule of  
 8 fines which may be imposed, upon notice and a hearing, for each violation of the  
 9 provisions of NRS 555.2605 to 555.460, inclusive ~~†~~, and *section 1 of this act*.  
 10 The maximum fine that may be imposed by the Director for each violation must not  
 11 exceed \$5,000 per day. All fines collected by the Director pursuant to this  
 12 subsection must be remitted to the county treasurer of the county in which the  
 13 violation occurred for credit to the county school district fund.

14 2. The Director may:

15 (a) In addition to imposing a fine pursuant to subsection 1, issue an order  
 16 requiring a violator to take appropriate action to correct the violation; or

17 (b) Request the district attorney of the appropriate county to investigate or file  
 18 a criminal complaint against any person that the State Board of Agriculture suspects  
 19 may have violated any provision of NRS 555.2605 to 555.460, inclusive ~~†~~, and  
 20 *section 1 of this act*.

21 **Sec. 16.** ~~Section 1 of this act is hereby amended as follows:~~

22 ~~Section 1. Chapter 555 of NRS is hereby amended by adding thereto~~  
 23 ~~a new section to read as follows:~~

24 ~~1. In accordance with the requirements of this section, the Director~~  
 25 ~~may grant a natural person a provisional license as an applicator to engage~~  
 26 ~~in pest control under the direct supervision of a person licensed as an~~  
 27 ~~applicator in this State.~~

28 ~~2. An applicant for a provisional license as an applicator shall submit~~  
 29 ~~to the Director an application and the fee established by regulation pursuant~~  
 30 ~~to NRS 555.310. The application must set forth any information requested~~  
 31 ~~by the Director, including, without limitation, the qualifications of the~~  
 32 ~~applicant and the person who will supervise the applicant. [The application~~  
 33 ~~must include the social security number of the applicant.]~~

34 ~~3. The Director may:~~

35 ~~(a) Require an applicant for a provisional license as an applicator to~~  
 36 ~~establish to the satisfaction of the Director that the applicant will be under~~  
 37 ~~the direct supervision of a person who is licensed as an applicator; and~~

38 ~~(b) Restrict the holder of the provisional license as an applicator to the~~  
 39 ~~use of a certain type or types of equipment or materials if the Director finds~~  
 40 ~~that the person who is supervising the applicant is qualified to use only a~~  
 41 ~~certain type or types of equipment or materials.~~

42 ~~4. If the Director finds that an applicant for a provisional license as an~~  
 43 ~~applicator is qualified and satisfies the requirements of this section, the~~  
 44 ~~Director shall issue the provisional license.~~

45 ~~5. A provisional license issued pursuant to this section expires 90~~  
 46 ~~days after the date of issuance.~~

47 ~~6. If the Director denies an application for a provisional license as an~~  
 48 ~~applicator, the Director shall inform the applicant in writing of the reasons~~  
 49 ~~for the denial.] (Deleted by amendment.)~~

50 **Sec. 17.** 1. This section ~~[and sections]~~ becomes effective upon passage  
 51 and approval.

52 2. Sections 1 to 15, inclusive, of this act become effective [on October 1,  
 53 2023.

~~21~~:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2023, for all other purposes.

3. Section 16 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,  
↪ are repealed by the Congress of the United States.