

Assembly Bill No. 103–Assemblymen Marvel, de Braga, Hettrick,

Dini, Carpenter, Collins, Neighbors and Humke

Joint Sponsors: Senators Rhoads and McGinness

CHAPTER.....

AN ACT relating to state government; reestablishing the state department of agriculture; requiring the commission on mineral resources to establish fees for the production of certain oil and gas and for filing certain documents and issuing certain permits to drill wells; and providing other matters properly relating thereto.

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

Section 1. NRS 232.510 is hereby amended to read as follows:

232.510 1. The department of business and industry is hereby created.

2. The department consists of a director and the following:

- (a) Consumer affairs division.
- (b) Division of financial institutions.
- (c) Housing division.
- (d) Manufactured housing division.
- (e) Real estate division.
- (f) Division of unclaimed property.
- (g) ~~Division of agriculture.~~
- ~~(h) Division of minerals.~~
- ~~(i)~~ Division of insurance.
- ~~(j)~~ ~~(h)~~ Division of industrial relations.
- ~~(k)~~ ~~(i)~~ Office of labor commissioner.
- ~~(l)~~ ~~(j)~~ Taxicab authority.
- ~~(m)~~ ~~(k)~~ Nevada athletic commission.
- ~~(n)~~ ~~(l)~~ Office of the Nevada attorney for injured workers.
- ~~(o) State predatory animal and rodent committee.~~
- ~~(p)~~ ~~(m)~~ Transportation services authority.
- ~~(q)~~ ~~(n)~~ Any other office, commission, board, agency or entity created or placed within the department pursuant to a specific statute, the budget approved by the legislature or an executive order, or an entity whose budget or activities have been placed within the control of the department by a specific statute.

Sec. 2. NRS 232.520 is hereby amended to read as follows:

232.520 The director:

1. Shall appoint a chief or executive director, or both of them, of each of the divisions, offices, commissions, boards, agencies or other entities of the department, unless the authority to appoint such a chief or executive director, or both of them, is expressly vested in another person, board or commission by a specific statute. In making the appointments, the director

may obtain lists of qualified persons from professional organizations, associations or other groups recognized by the department, if any. The chief of the consumer affairs division is the commissioner of consumer affairs, the chief of the division of financial institutions is the commissioner of financial institutions, the chief of the housing division is the administrator of the housing division, the chief of the manufactured housing division is the administrator of the manufactured housing division, the chief of the real estate division is the real estate administrator, the chief of the division of unclaimed property is the administrator of unclaimed property, the chief of the division of ~~agriculture is the administrator of the division of agriculture, the chief of the division of minerals is the administrator of the division of minerals, the chief of the division of~~ insurance is the ~~insurance commissioner,~~ **commissioner of insurance**, the chief of the division of industrial relations is the administrator of the division of industrial relations, the chief of the office of labor commissioner is the labor commissioner, the chief of the taxicab authority is the taxicab administrator, the chief of the transportation services authority is the chairman of the authority and the chief of any other entity of the department has the title specified by the director, unless a different title is specified by a specific statute.

2. Is responsible for the administration of all provisions of law relating to the jurisdiction, duties and functions of all divisions and other entities within the department. The director may, if he deems it necessary to carry out his administrative responsibilities, be considered as a member of the staff of any division or other entity of the department for the purpose of budget administration or for carrying out any duty or exercising any power necessary to fulfill the responsibilities of the director pursuant to this subsection. ~~[Nothing contained in] The provisions of~~ this subsection ~~[may be construed as allowing]~~ **do not authorize** the director to preempt any authority or jurisdiction granted by statute to any division or other entity within the department or ~~[as allowing]~~ **authorize** the director to act or take on a function that would ~~[be in contravention of]~~ **contravene** a rule of court or a statute.

3. ~~[Has authority to:]~~ **May:**

(a) Establish uniform policies for the department, consistent with the policies and statutory responsibilities and duties of the divisions and other entities within the department, relating to matters concerning budgeting, accounting, planning, program development, personnel, information services, dispute resolution, travel, workplace safety, the acceptance of gifts or donations, the management of records and any other subject for which a uniform departmental policy is necessary to ensure the efficient operation of the department.

(b) Provide coordination among the divisions and other entities within the department, in a manner which does not encroach upon their statutory powers and duties, as they adopt and enforce regulations, execute agreements, purchase goods, services or equipment, prepare legislative requests and lease or ~~utilize~~ use office space.

(c) Define the responsibilities of any person designated to carry out the duties of the director relating to financing, industrial development or business support services.

4. May, within the limits of the financial resources made available to him, promote, participate in the operation of, and create or cause to be created, any nonprofit corporation, pursuant to chapter 82 of NRS, which he determines is necessary or convenient for the exercise of the powers and duties of the department. The purposes, powers and operation of the corporation must be consistent with the purposes, powers and duties of the department.

5. For any bonds which he is otherwise authorized to issue, may issue bonds the interest on which is not exempt from federal income tax or excluded from gross revenue for the purposes of federal income tax.

6. May, except as otherwise provided by specific statute, adopt by regulation a schedule of fees and deposits to be charged in connection with the programs administered by him pursuant to chapters 348A and 349 of NRS. Except as ~~so~~ otherwise provided, the amount of any such fee or deposit must not exceed 2 percent of the principal amount of the financing.

7. May designate any person within the department to perform any of the duties or responsibilities, or exercise any of the authority, of the director on his behalf.

8. May negotiate and execute agreements with public or private entities which are necessary to the exercise of the powers and duties of the director or the department.

9. May establish a trust account in the state treasury for ~~the purpose of~~ depositing and accounting for money that is held in escrow or is on deposit with the department for the payment of any direct expenses incurred by the director in connection with any bond programs administered by the director. The interest and income earned on money in the trust account, less any amount deducted to pay for applicable charges, must be credited to the trust account. Any balance remaining in the account at the end of a fiscal year may be:

(a) Carried forward to the next fiscal year for use in covering the expense for which it was originally received; or

(b) Returned to any person entitled thereto in accordance with agreements or regulations of the director ~~pertaining to such~~ relating to those bond programs.

Sec. 3. NRS 235.012 is hereby amended to read as follows:

235.012 1. The director, after consulting with the executive director of the commission on tourism, the administrator of the division of museums and history of the department of museums, library and arts and the

administrator of the division of minerals of the ~~{department of business and industry,}~~ **commission on mineral resources**, may contract with a mint to produce medallions made of gold, silver, platinum or nonprecious metals and bars made of gold, silver or platinum.

2. The decision of the director to award a contract to a particular mint must be based on the ability of the mint to:

- (a) Provide a product of the highest quality;
- (b) Advertise and market the product properly, including the promotion of museums and tourism in this state; and
- (c) Comply with the requirements of the contract.

3. The director shall award the contract to the lowest responsible bidder, except that if in his judgment no satisfactory bid has been received, he may reject all bids.

4. All bids for the contract must be solicited in the manner prescribed in NRS 333.310 and comply with the provisions of NRS 333.330.

Sec. 4. NRS 235.014 is hereby amended to read as follows:

235.014 1. The ore used to produce a medallion or bar must be mined in Nevada, if the ore is available. If it is not available, ore newly mined in the United States may be used. Each medallion or bar made of gold, silver or platinum must be 0.999 fine. Additional series of medallions made of gold, silver or platinum at degrees of fineness of 0.900 or greater may be approved by the director with the concurrence of the interim finance committee. The degree of fineness of the materials used must be clearly indicated on each medallion.

2. Medallions may be minted in weights of 1 ounce, 0.5 ounce, 0.25 ounce and 0.1 ounce.

3. Bars may be minted in weights of 1 ounce, 5 ounces, 10 ounces and 100 ounces.

4. Each medallion must bear on its obverse The Great Seal of the State of Nevada and on its reverse a design selected by the director, in consultation with the executive director of the commission on tourism, the administrator of the division of museums and history of the department of museums, library and arts and the administrator of the division of minerals of the ~~{department of business and industry,}~~ **commission on mineral resources**.

Sec. 5. NRS 235.016 is hereby amended to read as follows:

235.016 1. The director shall set and collect a royalty for the use of The Great Seal of the State of Nevada from the mint which produces the medallions or bars. The amount of the royalty must be:

- (a) Based on the usual and customary fee charged as a commission by dealers of similar medallions or bars; and
- (b) Adjusted at least once each year to ensure it is competitive with the usual and customary fee.

2. The director shall report every 6 months to the legislature, if it is in session, or to the interim finance committee, if the legislature is not in session. The report must contain:

- (a) The amount of the royalties being charged; and
- (b) The information used to determine the usual and customary fee charged by dealers.

3. The money collected pursuant to this section must be deposited in the account for the division of minerals ~~{of the department of business and industry}~~ created pursuant to NRS 513.103.

Sec. 6. NRS 244.327 is hereby amended to read as follows:

244.327 The ~~{board}~~ **boards** of county commissioners ~~{have power and jurisdiction}~~ **may** in their respective counties : ~~{to:}~~

1. Execute contracts or agreements with the ~~{division}~~ **state department** of agriculture ~~{of the department of business and industry}~~ pursuant to the provisions of NRS 561.245; and

2. Make money and contributions available to the ~~{division}~~ **state department** of agriculture pursuant to the provisions of NRS 561.255.

Sec. 7. NRS 244.361 is hereby amended to read as follows:

244.361 1. Except as **otherwise** provided in subsection 3, the boards of county commissioners of the ~~{various}~~ counties of this state ~~{are granted the power and authority,}~~ **may**, by ordinance regularly enacted, ~~{to}~~ regulate, control and prohibit, as a public nuisance, the excessive emission of dense smoke and air pollution caused by excessive soot, cinders, fly ash, dust, noxious acids, fumes and gases within the boundaries of the county.

2. If an ordinance adopted pursuant to subsection 1 involves or affects agricultural operations, any plan or program to ~~{effectuate}~~ **carry out** that ordinance must allow for customarily accepted agricultural practices to occur on agricultural land. A governmental entity which is considering the adoption of such a plan or program shall consult with the ~~{division}~~ **state department** of agriculture ~~{of the department of business and industry}~~ or local conservation districts to determine ~~{what}~~ **the** customarily accepted agricultural practices **that** may be affected by the proposed plan or program.

3. ~~{No}~~ **An** existing compliance schedule, variance order or other enforcement action relating to air pollution by fossil fuel-fired steam generating facilities, with a capacity greater than 1,000 megawatts, may **not** be enforced until July 1, 1977.

Sec. 8. NRS 268.410 is hereby amended to read as follows:

268.410 1. Except as **otherwise** provided in subsection 3, and in addition to any authority ~~{or power}~~ provided by the charter of any incorporated city in this state, whether incorporated by general or special act, or otherwise, there is granted to the governing body of each of the cities incorporated under any law of this state the ~~{power and}~~ authority, by ordinance regularly enacted, to regulate, control and prohibit, as a public nuisance, the excessive emission of dense smoke and air pollution caused by excessive soot, cinders, fly ash, dust, noxious acids, fumes and gases within the corporate limits of the city.

2. If an ordinance adopted pursuant to subsection 1 involves or affects agricultural operations, any plan or program to ~~effectuate~~ **carry out** that ordinance must allow for customarily accepted agricultural practices to occur on agricultural land. A governmental entity which is considering the adoption of such a plan or program shall consult with the ~~division~~ **state department** of agriculture ~~of the department of business and industry~~ or local conservation districts to determine ~~what~~ **the** customarily accepted agricultural practices **that** may be affected by the proposed plan or program.

3. ~~No~~ **An** existing compliance schedule, variance order or other enforcement action relating to air pollution by fossil fuel-fired steam generating facilities, with a capacity greater than 1,000 megawatts, may **not** be enforced until July 1, 1977.

Sec. 9. NRS 289.290 is hereby amended to read as follows:

289.290 1. A person designated by the ~~administrator~~ **director** of the ~~division~~ **state department** of agriculture ~~of the department of business and industry~~ as a field agent or an inspector pursuant to subsection 2 of NRS 561.225 has the powers of **a** peace ~~officers~~ **officer** to make investigations and arrests and to execute warrants of search and seizure, and may temporarily stop the movement of livestock and carcasses for ~~purposes~~ **the purpose** of inspection.

2. An inspector of the state board of sheep commissioners and his deputies have the powers of a peace officer.

3. An officer appointed by the Nevada junior livestock show board pursuant to NRS 563.120 has the powers of a peace officer for the preservation of order and peace on the grounds and in the buildings and the approaches thereto of the livestock shows and exhibitions that the board conducts.

4. In carrying out the provisions of chapter 565 of NRS, an inspector of the ~~division~~ **state department** of agriculture has the powers of a peace officer to make investigations and arrests and to execute warrants of search and seizure. ~~This subsection does~~ **The provisions of this subsection do** not authorize any inspector to retire under the public employees' retirement system before having attained the minimum service age of 60 years.

Sec. 10. NRS 321.5967 is hereby amended to read as follows:

321.5967 1. There is hereby created a board of review composed of:

(a) The director of the state department of conservation and natural resources;

(b) The administrator of the division of environmental protection of the state department of conservation and natural resources;

(c) The administrator of the division of minerals of the ~~department of business and industry~~ **commission on mineral resources**;

(d) The administrator of the division of state parks of the state department of conservation and natural resources;

(e) The state engineer;

(f) The state forester firewarden

;

- (g) The chairman of the state environmental commission;
- (h) The ~~{administrator}~~ **director** of the ~~{division}~~ **state department** of agriculture ; ~~{of the department of business and industry;}~~
- (i) The chairman of the board of wildlife commissioners; and
- (j) The administrator of the office of historic preservation of the department of museums, library and arts.

2. The chairman of the state environmental commission ~~{shall serve}~~ **serves** as chairman of the board.

3. The board shall meet at such times and places as are specified by a call of the chairman. Six members of the board constitute a quorum. The affirmative vote of a majority of the board members present is sufficient for any action of the board.

4. Except as otherwise provided in this subsection, the members of the board serve without compensation. The chairman of the state environmental commission and the chairman of the board of wildlife commissioners are entitled to receive a salary of not more than \$80, as fixed by the board, for each day's attendance at a meeting of the board.

5. While engaged in the business of the board, each member and employee of the board is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. The board:

(a) Shall review and approve or disapprove all regulations proposed by the state land registrar pursuant to NRS 321.597.

(b) May review any decision of the state land registrar made pursuant to NRS 321.596 to 321.599, inclusive, if an appeal is taken pursuant to NRS 321.5987, and affirm, modify or reverse the decision.

(c) Shall review any plan or statement of policy concerning the use of lands in Nevada under federal management which is submitted by the state land use planning agency.

Sec. 11. NRS 445B.200 is hereby amended to read as follows:

445B.200 1. The state environmental commission is hereby created ~~{in}~~ **within** the state department of conservation and natural resources. The commission consists of:

- (a) The administrator of the division of wildlife of the department;
- (b) The state forester firewarden;
- (c) The state engineer;
- (d) The ~~{administrator}~~ **director** of the ~~{division}~~ **state department** of agriculture ; ~~{of the department of business and industry;}~~
- (e) The administrator of the division of minerals of the ~~{department of business and industry;}~~ **commission on mineral resources;**
- (f) A member of the state board of health to be designated by that board; and
- (g) Five members appointed by the governor, one of whom is a general engineering contractor or a general building contractor licensed pursuant to chapter 624 of NRS and one of whom possesses expertise in performing mining reclamation.

2. The governor shall appoint the chairman of the commission from among the members ~~of~~ **of the commission**.

3. A majority of the members constitutes a quorum , and a majority of those present must concur in any decision.

4. Each member who is appointed by the governor is entitled to receive a salary of not more than \$80, as fixed by the commission, for each day's attendance at a meeting of the commission.

5. While engaged in the business of the commission, each member and employee of the commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. Any person who receives or has **received** during the previous 2 years ~~received~~ a significant portion of his income, as defined by any applicable state or federal law, directly or indirectly from one or more holders of or applicants for a permit required by NRS 445A.300 to 445A.730, inclusive, is disqualified from serving as a member of the commission. ~~This subsection does~~ **The provisions of this subsection do** not apply to any person who receives or has received during the previous 2 years, a significant portion of his income from any department or agency of state government which is a holder of or an applicant for a permit required by NRS 445A.300 to 445A.730, inclusive.

7. The state department of conservation and natural resources shall provide technical advice, support and assistance to the commission. All state officers, departments, commissions and agencies, including the department of transportation, the department of human resources, the University and Community College System of Nevada, the state public works board, the department of motor vehicles and public safety, the public utilities commission of Nevada, the transportation services authority and the ~~division~~ **state department** of agriculture ~~of the department of business and industry~~ may also provide technical advice, support and assistance to the commission.

Sec. 12. NRS 446.020 is hereby amended to read as follows:

446.020 1. Except as **otherwise** limited by subsection 2, "food establishment" means any place, structure, premises, vehicle or vessel, or any part thereof, in which any food intended for ultimate human consumption is manufactured or prepared by any manner or means whatever, or in which any food is sold, offered or displayed for sale or served.

2. The term does not include:

- (a) Private homes;
- (b) Fraternal or social clubhouses at which attendance is limited to members of the club;
- (c) Vehicles operated by common carriers engaged in interstate commerce;
- (d) Any establishment in which religious, charitable and other nonprofit organizations sell food occasionally to raise money or in which charitable

organizations receive salvaged food in bulk quantities for free distribution, unless the establishment is open on a regular basis to sell food to members of the general public;

(e) Any establishment where animals are slaughtered which is regulated and inspected by the ~~[division]~~ **state department** of agriculture ; ~~[of the department of business and industry;]~~

(f) Dairy farms and plants which process milk and products of milk or frozen desserts which are regulated under chapter 584 of NRS; or

(g) The premises of a wholesale dealer of alcoholic beverages licensed under chapter 369 of NRS who handles only those beverages which are in sealed containers.

Sec. 13. NRS 455.030 is hereby amended to read as follows:

455.030 1. ~~[Whenever]~~ **If** a board of county commissioners receives information from the division of minerals of the ~~[department of business and industry]~~ **commission on mineral resources** that there is in the county a dangerous condition that results from mining practices which took place at a mine that is no longer operating, if the information identifies a person responsible for the condition, the board shall transmit this information to the sheriff or the constable of the township where the condition exists.

2. Upon receipt of information pursuant to subsection 1 or upon the filing of the notice, as provided for in NRS 455.020, the sheriff or constable shall serve a notice, in the same manner and form as a summons, upon each person identified as owner or otherwise responsible.

Sec. 14. NRS 455.060 is hereby amended to read as follows:

455.060 1. If the notice states that the excavation, shaft or hole has been abandoned, and no person claims the ownership thereof, the sheriff or constable shall notify the board of county commissioners of the county, or any member of the board of county commissioners, of its location. Upon receipt of ~~[this]~~ **the** notice, or of information from the division of minerals of the ~~[department of business and industry]~~ **commission on mineral resources** that there is in the county a dangerous condition resulting from mining practices which took place at a mine that is no longer operating, if the information does not identify any person responsible for the dangerous condition, the board shall, as soon as possible thereafter, decide whether it should be ~~[so]~~ fenced or otherwise guarded ~~[as]~~ to prevent accidents to persons or animals.

2. All expenses thus incurred must be paid first out of the judgments collected in accordance with the provisions of NRS 455.010 to 455.180, inclusive, in the same manner as other county expenses.

Sec. 15. NRS 482.368 is hereby amended to read as follows:

482.368 1. Except as otherwise provided in subsection 2, the department shall provide suitable distinguishing license plates for exempt vehicles. These plates must be displayed on the vehicles in the same manner as provided for privately owned vehicles. The fee for the issuance of the plates is \$5. Any license plates authorized by this section must be

immediately returned to the department when the vehicle for which they were issued ceases to be used exclusively for the purpose for which it was exempted from the privilege tax.

2. License plates furnished for:

(a) Those vehicles which are maintained for and used by the governor or under the authority and direction of the chief parole and probation officer, the state contractors' board and auditors, the state fire marshal, the investigation division of the department and any authorized federal law enforcement agency or law enforcement agency from another state;

(b) One vehicle used by the department of prisons, three vehicles used by the division of wildlife of the state department of conservation and natural resources, two vehicles used by the Caliente youth center and four vehicles used by the Nevada youth training center;

(c) Vehicles of a city, county or the state, if authorized by the department for **the** purposes of law enforcement or work related thereto or such other purposes as are approved upon proper application and justification; and

(d) Vehicles maintained for and used by investigators of the following:

(1) The state gaming control board;

(2) The ~~{division}~~ **state department** of agriculture ; ~~{of the department of business and industry;}~~

(3) The attorney general;

(4) City or county juvenile officers;

(5) District attorneys' offices;

(6) Public administrators' offices;

(7) Public guardians' offices;

(8) Sheriffs' offices;

(9) Police departments in the state; and

(10) The securities division of the office of the secretary of state, must not bear any distinguishing mark which would serve to identify the vehicles as owned by the state, county or city. These license plates must be issued annually for \$12 per plate or, if issued in sets, per set.

3. The director may enter into agreements with departments of motor vehicles of other states providing for exchanges of license plates of regular series for vehicles maintained for and used by investigators of the law enforcement agencies enumerated in paragraph (d) of subsection 2, subject to all of the requirements imposed by that paragraph, except that the fee required by that paragraph must not be charged.

4. Applications for the licenses must be made through the head of the department, board, bureau, commission, school district or irrigation district, or through the chairman of the board of county commissioners of the county or town or through the mayor of the city, owning or controlling the vehicles, and no plate or plates may be issued until a certificate has been filed with the department showing that the name of the department, board, bureau, commission, county, city, town, school district or irrigation district,

as the case may be, and the words “For Official Use Only” have been permanently and legibly affixed to each side of the vehicle, except those vehicles enumerated in subsection 2.

5. As used in this section, “exempt vehicle” means a vehicle exempt from the privilege tax, except ~~one~~ **a vehicle** owned by the United States.

6. The department shall adopt regulations governing the use of all license plates provided for in this section. Upon a finding by the department of any violation of its regulations, it may revoke the violator’s privilege of registering vehicles pursuant to this section.

Sec. 16. NRS 501.352 is hereby amended to read as follows:

501.352 The administrator shall require the personnel of the division to report to him as soon as practicable any reasonable suspicion that a communicable disease may be present in wildlife in Nevada. The administrator shall, as soon as possible, inform the ~~administrator~~ **director** of the ~~division~~ **state department** of agriculture ~~of the department of business and industry~~ of any reasonable suspicion ~~so~~ reported to him. Any sample collected by the personnel of the division in evaluating such a suspicion must be forwarded to the ~~administrator~~ **director** of the ~~division~~ **state department** of agriculture as soon as practicable.

Sec. 17. NRS 503.570 is hereby amended to read as follows:

503.570 1. A person taking or causing to be taken wild mammals by means of traps, snares or any other devices which do not, or are not designed to, cause immediate death to the mammals, shall, ~~when~~ **if** the traps, snares or devices are placed or set ~~for the purpose of taking~~ **to take** mammals, visit or cause to be visited at least once each 96 hours each trap, snare or other device during all of the time the trap, snare or device is placed, set or used ~~in the taking of~~ **to take** wild mammals, and remove therefrom any mammals caught therein.

2. The provisions ~~in~~ **of** subsection 1 do not apply to employees of the ~~division~~ **state department** of agriculture ~~of the department of business and industry~~ or the United States Department of Agriculture when acting in their official capacities.

Sec. 18. Chapter 513 of NRS is hereby amended by adding thereto a new section to read as follows:

The commission consists of:

1. The members of the commission appointed pursuant to NRS 513.023; and

2. The division.

Sec. 19. NRS 513.011 is hereby amended to read as follows:

513.011 As used in this chapter, unless the context requires otherwise:

1. “Administrator” means the administrator of the division.

2. “Commission” means the commission on mineral resources.

3. “Division” means the division of minerals of the ~~department of business and industry~~ **commission**.

Sec. 20. NRS 513.063 is hereby amended to read as follows:

513.063 The commission shall:

1. Keep itself informed of and interested in the entire field of legislation and administration charged to the ~~{department.}~~ **division.**
2. Report to the governor and the legislature on all matters which it may deem pertinent to the ~~{department.}~~ **division**, and concerning any specific matters previously requested by the governor.
3. Advise and make recommendations to the governor and the legislature concerning the policy of this state relating to minerals.
4. Formulate the administrative policies of the ~~{department and its various divisions.}~~ **division.**
5. Adopt regulations necessary for carrying out the duties of the commission and the ~~{department.}~~ **division.**

Sec. 21. NRS 513.083 is hereby amended to read as follows:

513.083 1. The chief administrative officer of the division is the administrator, who must be appointed by the ~~{director of the department of business and industry from a list of three nominees selected by the}~~ commission.

2. The administrator of the division:

- (a) Must be a graduate of an accredited college or university and have substantial experience as an administrator or at least 5 years' experience in the exploration for or the production or conservation of minerals.
- (b) Is in the unclassified service of the state.
- (c) Except as otherwise provided in NRS 284.143, shall devote his entire time and attention to his duties as a public officer and shall not pursue any other business or occupation or hold any other office of profit.

Sec. 22. NRS 513.094 is hereby amended to read as follows:

513.094 1. An additional fee ~~{of \$1 per}~~ **, established by the commission for each** claim, is imposed upon all filings to which NRS 517.185 applies. Each county recorder shall collect and pay over the additional fee, and the additional fee must be deposited in the same manner as provided in that section.

2. The administrator shall, within the limits of the money provided by this fee, establish a program to discover dangerous conditions that result from mining practices which took place at a mine that is no longer operating, identify if feasible the owner or other person responsible for the condition, and rank the conditions found in descending order of danger. ~~{He}~~ **The administrator** shall annually during the month of January, or more often if the danger discovered warrants, inform each board of county commissioners concerning the dangerous conditions found in the respective counties, including their degree of danger relative to one another and to ~~{such}~~ **those** conditions found in the state as a whole. ~~{He}~~ **The administrator** shall further work to educate the public to recognize and avoid those hazards resulting from mining practices which took place at a mine that is no longer operating.

3. To carry out this program and these duties, the administrator shall employ a qualified assistant, who must be in the unclassified service of the state and whose position is in addition to the unclassified positions otherwise authorized in the division by statute.

4. The commission shall provide by regulation:

(a) Standards for determining ~~which~~ *the* conditions created by the abandonment of a former mine or its associated works *that* constitute a danger to persons or animals and for determining the relative degree of danger. A condition whose existence violates a federal or state statute or regulation intended to protect public health or safety is a danger ~~by virtue~~ *because* of that violation.

(b) Standards for abating the kinds of dangers usually found, including, but not limited to, standards for excluding persons and animals from dangerous open excavations.

Sec. 23. Chapter 517 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in this chapter, unless the context otherwise requires, "division" means the division of minerals of the commission on mineral resources.

Sec. 24. NRS 517.040 is hereby amended to read as follows:

517.040 1. Within 90 days after posting the notice of location, the locator of a lode mining claim shall prepare two copies of a map of the claim on a scale of not less than 500 feet to the inch, which sets forth the position of the monuments in relation to each other and establishes numbers of the boundary monuments. ~~Where~~ *If* the land has been surveyed by the United States, the description must be connected by courses and distances to an official corner of the public land survey. ~~Where~~ *If* the land has not been surveyed by the United States or ~~where~~ *if* official corners cannot be found through the exercise of due diligence, the description must be tied by courses and distance to a natural landmark or a readily identifiable artificial landmark which is customarily shown on a map, including, without limitation, a bench mark or the point at which two roads intersect. The description must also state the township and range, and ~~where~~ *if* the lands are surveyed lands, the quarter section and section in which the landmark and the mining claim are situated. The locator ~~need not~~ *is not required to* employ a professional surveyor or engineer, but each locator shall prepare a map which is in accordance with his abilities to map and properly set forth the boundaries and location of his claim. The size of each sheet must be ~~either~~ 8 1/2 by 14 inches or 24 by 36 inches. Any 8 1/2- by 14-inch sheet must be capable of being photocopied. Any 24- by 36-inch sheet must be a mylar print or other material capable of being reproduced by standard means.

2. Within 90 days after the posting of the notice of location, the locator shall file both copies of the map with the county recorder in the county in which the claim is located together with a filing fee of \$15 for each claim whose boundaries and location are set forth on the map.

3. Using the proceeds of these filing fees, the county:

(a) Shall establish and maintain, in accordance with the regulations of the division, ~~{of minerals of the department of business and industry,}~~ a map of the mining claims in the county that must accurately record the location of all mining claims filed after July 1, 1971;

(b) Shall purchase and maintain the necessary equipment used in establishing, maintaining and duplicating the map; and

(c) May use any remaining money for any purpose determined by the county recorder.

The map is a public record.

4. The county recorder shall not refuse to accept a map submitted by a locator unless he can affirmatively show that the map submitted does not accurately reflect the location of all the claims.

5. The county recorder shall send one copy of the locator's map and one copy of the certificate of location to the county surveyor as soon as practicable after its receipt.

Sec. 25. NRS 517.100 is hereby amended to read as follows:

517.100 Within 90 days after posting the notice of location of a placer claim, the locator shall : ~~{perform the following:}~~

1. Prepare two copies of a map of the claim which must be of a scale of not less than 500 feet to the inch. ~~{Where}~~ **If** the United States survey has been extended over the land embraced in the location, the claim may be taken and described on the map by legal subdivisions as provided in NRS 517.090. ~~{Where}~~ **If** the land has not been surveyed by the United States or ~~{where}~~ **if** official corners cannot be found through the exercise of due diligence, the map must set forth the position of the monuments in relation to each other ~~{,}~~ **and** establish numbers of monuments, and the descriptions must be tied to a natural landmark or a readily identifiable artificial landmark as provided in NRS 517.040.

2. File the maps with the county recorder in the county in which the claim is located together with a filing fee of \$1 per acre. One-half of the filing fee must be ~~{utilized}~~ **used** by the county to establish and maintain, in accordance with the regulations of the division, ~~{of minerals of the department of business and industry,}~~ a map of the mining claims in the county that must accurately record the location of all mining claims filed after July 1, 1971, which is a public record. The remaining part of the fee may be used for the same purposes as any other general revenue of the county.

Sec. 26. NRS 517.185 is hereby amended to read as follows:

517.185 In addition to any recording fee, each filing pursuant to NRS 517.050, 517.080, 517.110, 517.140, 517.170, 517.200 and 517.230 must be submitted with a fee ~~{of \$1.50 per claim.}~~ **for each claim that is established by the commission on mineral resources.** The county recorder shall collect the fee and, on or before the fifth working day of each month, deposit with the county treasurer all such fees collected during the preceding month. The county treasurer shall quarterly pay the money

collected to the division . ~~{of minerals of the department of business and industry.}~~ The division shall deposit with the state treasurer, for credit to the account for the division of minerals ~~{}~~ **created pursuant to NRS 513.103**, all money received pursuant to this section.

Sec. 27. NRS 519A.140 is hereby amended to read as follows:

519A.140 The division shall:

1. Administer and enforce the provisions of NRS 519A.010 to 519A.280, inclusive, and the regulations adopted by the commission pursuant to NRS 519A.160.
2. Employ persons who are experienced and qualified in the area of reclamation.
3. Enter into a memorandum of understanding with ~~{both}~~ the United States Bureau of Land Management and the United States Forest Service concerning the adoption by those agencies of plans of reclamation that:
 - (a) Apply to mining operations or exploration projects that are conducted on a site which includes ~~{both}~~ public land administered by a federal agency and privately owned land; and
 - (b) Substantially provide for the reclamation and security required by this chapter.
4. Develop and offer to operators on a regular basis educational workshops that include and emphasize reclamation training and techniques suitable for small exploration projects and mining operations.
5. Offer advice and technical assistance to operators.
6. Approve, reject or impose conditions upon the approval of any plan for reclamation for an exploration project or mining operation.
7. Provide the division of minerals of the ~~{department of business and industry}~~ **commission on mineral resources** with a copy of any conditions imposed upon an approved plan and the security required, on the same day that information is sent to the operator.

Sec. 28. NRS 519A.210 is hereby amended to read as follows:

519A.210 A person who desires to engage in a mining operation must:

1. File with the division, upon a form approved by it, an application for a permit for each location at which he will conduct operations. The application must include:
 - (a) The name and address of the applicant and, if a corporation or other business entity, the name and address of its principal officers and its resident agent for service of process;
 - (b) A completed checklist developed by the division pursuant to NRS 519A.220; and
 - (c) Any other information required by the regulations adopted by the commission pursuant to NRS 519A.160.
2. Pay to the division the application fee established in the regulations adopted by the commission pursuant to NRS 519A.160.
3. Agree in writing to assume responsibility for the reclamation of any land damaged as a result of the mining operation.

4. Not be in default of any other obligation relating to reclamation pursuant to this chapter.

5. File with the division a bond or other surety in a form and amount required by *the* regulations adopted by the commission pursuant to NRS 519A.160.

6. File with the division of minerals of the ~~{department of business and industry}~~ *commission on mineral resources* a copy of the plan for reclamation which is filed with the application pursuant to subsection 1, on the same day the application is filed with the division.

Sec. 29. NRS 519A.250 is hereby amended to read as follows:

519A.250 1. An operator who is required by federal law to file a plan of operation or an amended plan of operation with the United States Bureau of Land Management or the United States Forest Service for operations relating to mining or exploration on public land administered by a federal agency, shall, not later than 30 days after *the* approval of the plan or amended plan, provide the division of minerals of the ~~{department of business and industry}~~ *commission on mineral resources* with a copy of the filing and pay to the division of minerals a fee ~~{of \$20}~~ *established by the commission on mineral resources* for each acre or part of an acre of land to be disturbed by mining included in the plan or incremental acres to be disturbed pursuant to an amended plan.

2. The division of minerals shall adopt by regulation a method of refunding a portion of the fee required by this section if a plan of operation is amended to reduce the number of acres or part of an acre to be disturbed pursuant to the amended plan. The refund must be based on the reduced number of acres or part of an acre to be disturbed.

3. All money received by the division of minerals pursuant to subsection 1 must be accounted for separately and used by the division of minerals to create and administer programs for:

(a) The abatement of hazardous conditions existing at abandoned mine sites which have been identified and ranked pursuant to the degree of hazard established by regulations adopted by the division of minerals; and

(b) The education of the *members of the general* public concerning the dangers of the hazardous conditions described in paragraph (a).

All interest and income earned on the money in the account, after deducting applicable charges, must be deposited in the account for the division of minerals ~~{ }~~ *created pursuant to NRS 513.103.*

4. On or before February 1 of each odd-numbered year, the division of minerals shall file a report with the governor and the legislature describing its activities, total revenues and expenditures pursuant to this section.

Sec. 30. NRS 519A.290 is hereby amended to read as follows:

519A.290 1. The division of minerals of the ~~{department of business and industry}~~ *commission on mineral resources* shall develop and administer a program providing for the pooling of reclamation performance bonds to assist:

(a) An operator to comply with the bonding and surety requirements of this chapter;

(b) A person who engages in small mining operations or small exploration projects to comply with the requirements for financial guarantees set forth in the regulations adopted pursuant to 43 U.S.C. § 1740; or

(c) A person who engages in mining operations, small mining operations, exploration projects or small exploration projects to comply with the bonding requirements imposed pursuant to an ordinance adopted by a county in this state.

2. The program must:

(a) Be designed to reduce the financial burden of obtaining a reclamation performance bond for mining operations, small mining operations, exploration projects or small exploration projects;

(b) Require each operator or any other person who participates in the program to:

(1) Pay an amount into the pool each year which annually is actuarially determined to enable the program to be self-sustaining;

(2) Execute an agreement of indemnity on a form provided by the division of minerals; and

(3) Provide collateral or other security approved by the administrator of the division of minerals if the administrator considers it necessary to ensure against the forfeiture of a reclamation performance bond;

(c) Use the money in the pool to cover the bonded liability of the operators and any other persons who participate in the program;

(d) Provide a limit on the total bonded liability of any person who may be covered under the program; and

(e) Provide conditions for the release and forfeiture of bonds.

3. The division of minerals shall adopt regulations relating to the development and administration of the program.

4. If the reclamation performance bond of an operator or any other person who participates in the program is forfeited, the attorney general may bring an action in the name of the State of Nevada in any court of competent jurisdiction against the operator or such other person to recover the costs incurred by the program in the reclamation of the land.

Sec. 31. NRS 522.023 is hereby amended to read as follows:

522.023 “Division” means the division of minerals of the ~~department of business and industry.~~ **commission on mineral resources.**

Sec. 32. NRS 522.050 is hereby amended to read as follows:

522.050 A person desiring to drill a well in search of oil or gas shall notify the division of that intent on a form prescribed by the division and shall pay a fee ~~of \$50~~ **established by the commission on mineral resources** for a permit for each well. Upon receipt of **the** notification and fee, the division shall promptly issue ~~such a~~ **to the** person a permit to drill,

unless the drilling of the well is contrary to law or a regulation or order of the division. The drilling of a well is prohibited until a permit to drill is obtained in accordance with the provisions of this chapter.

Sec. 33. NRS 522.150 is hereby amended to read as follows:

522.150 1. Any expenses in connection with Nevada's affiliation with the Interstate Oil Compact Commission must be paid from the account for the division of minerals ~~{ }~~ **created pursuant to NRS 513.103.**

2. To pay the expenses of the division, every producer of oil or natural gas in this state shall , on or before the last day of each month , report to the division and ~~{to}~~ the state treasurer his production in this state of oil in barrels and of natural gas in thousands of cubic feet during the preceding month, and at the same time shall pay to the division ~~{an administrative fee on}~~ **a fee established by the commission on mineral resources for** each barrel of oil and ~~{on every}~~ **each** 50,000 cubic feet of natural gas produced and marketed by him during the preceding month. The division shall deposit with the state treasurer, for credit to the account for the division of minerals, all money received pursuant to this subsection. Every person purchasing such oil or natural gas is liable for the payment of the ~~{administrative fee per}~~ **fee for each** barrel of oil or ~~{per}~~ **each** 50,000 cubic feet of natural gas, unless it has been paid by the producer. ~~{The administrative fee is 50 mills per barrel of oil or per 50,000 cubic feet of natural gas.}~~

Sec. 34. NRS 527.220 is hereby amended to read as follows:

527.220 The state forester, subject to the approval of the director of the state department of conservation and natural resources, may:

1. Cooperate with the United States or any agency thereof, agencies of the state, county or municipal governments, agencies of neighboring states or other public or private organizations or persons.

2. ~~{Utilize}~~ **Use** when available personnel, control equipment, supplies or services of the ~~{division}~~ **state department** of agriculture , ~~{of the department of business and industry,}~~ and accept money, equipment, supplies or services, including prison labor, from other cooperators as he may deem appropriate.

3. Enter into agreements with the United States or its agencies for the matching of federal money as required under the laws of the United States relating to forest pests.

Sec. 35. NRS 534A.031 is hereby amended to read as follows:

534A.031 ~~{Exploration}~~ **Any exploration** and subsurface information obtained as a result of a geothermal project must be filed with the division of minerals of the ~~{department of business and industry}~~ **commission on mineral resources** within 30 days after it is accumulated. The information is confidential for ~~{a period of}~~ 5 years after the date of filing and may not be disclosed during that time without the express written consent of the operator of the project, except that it must be made available by the division to the state engineer or any other agency of the state upon request. The state engineer or other agency shall keep the information confidential.

Sec. 36. NRS 534A.060 is hereby amended to read as follows:

534A.060 1. ~~{No}~~ A person may *not* drill or operate a geothermal well or drill an exploratory well without ~~{first}~~ obtaining a permit from the administrator of the division of minerals of the ~~{department of business and industry}~~ *commission on mineral resources* and complying with the conditions of the permit.

2. An application must ~~{contain}~~ *set forth* such information as the administrator requires by regulation.

Sec. 37. NRS 534A.070 is hereby amended to read as follows:

534A.070 1. The administrator of the division of minerals of the ~~{department of business and industry}~~ *commission on mineral resources* shall approve or reject an application for a permit to drill an exploratory well within 10 days after he receives the application in proper form. ~~{Such a}~~ *The* permit must not be effective for more than 2 years, but may be extended by the administrator.

2. Upon receipt of an application for a permit to drill or operate a geothermal well, the administrator of the division of minerals shall transmit copies of the application to the state engineer, the administrator of the division of environmental protection of the state department of conservation and natural resources and the administrator of the division of wildlife of the state department of conservation and natural resources. After consultation with the state engineer and each of the administrators, the administrator of the division of minerals may issue a permit to drill or operate a geothermal well if it is determined that issuance of a permit is consistent with:

- (a) The policies specified in NRS 445A.305 and 445B.100;
- (b) The purposes of chapters 533 and 534 of NRS; and
- (c) The purposes specified in chapter 501 of NRS.

3. The administrator of the division of minerals shall approve or reject the application to drill or operate a geothermal well within 90 days after he receives it in proper form, unless it is determined that a conflict exists pursuant to subsection 2 or a public hearing is necessary pursuant to subsection 4. Notice of the conflict or need for a public hearing must be provided to the applicant within the 90-day period.

4. The state engineer and the administrator of the division of minerals may hold public hearings jointly or separately to gather such evidence or information as they deem necessary for a full understanding of all the rights involved and to guard properly the public interest.

5. A permit issued pursuant to this section must include any conditions:

- (a) Deemed necessary by the administrator of the division of minerals to carry out the purposes of this section; and
- (b) Imposed by the state engineer consistent with *the provisions of* chapters 533 and 534 of NRS.

Sec. 38. NRS 547.050 is hereby amended to read as follows:

547.050 When any district board of agriculture is classified and organized as provided in NRS 547.040, the secretary of the board shall report such classification and organization to:

1. The ~~[division]~~ **state department** of agriculture ; ~~[of the department of business and industry;]~~ and
2. Its appointing authority.

Sec. 39. NRS 548.120 is hereby amended to read as follows:

548.120 1. The following shall serve, ex officio, as members of the state conservation commission:

(a) The dean of the Max C. Fleischmann College of Agriculture of the University of Nevada, Reno.

(b) The ~~[administrator]~~ **director** of the ~~[division]~~ **state department** of agriculture . ~~[of the department of business and industry.]~~

2. The ex officio members may appoint, in writing, alternates to attend any meeting of the commission. Ex officio members or their alternates ~~[shall]~~ have full voting powers.

3. An ex officio member of the commission shall serve on the commission as long as he retains the office by virtue of which he is serving on the commission.

Sec. 40. Chapter 552 of NRS is hereby amended by adding thereto the provisions set forth as sections 41 and 42 of this act.

Sec. 41. ***“Department” means the state department of agriculture.***

Sec. 42. ***“Director” means the director of the department.***

Sec. 43. NRS 552.085 is hereby amended to read as follows:

552.085 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~[552.08505]~~ **552.0851** to 552.0863, inclusive, ***and sections 41 and 42 of this act*** have the meanings ascribed to them in those sections.

Sec. 44. NRS 552.0861 is hereby amended to read as follows:

552.0861 “Inspector” means any person authorized by the ~~[division]~~ **department** to enforce the provisions of this chapter.

Sec. 45. NRS 552.090 is hereby amended to read as follows:

552.090 1. The ~~[division]~~ **department** has control of all matters pertaining to the apiary industry.

2. The ~~[administrator]~~ **director** may adopt such regulations as are necessary to carry out the provisions of this chapter.

3. The ~~[administrator]~~ **director** may, after notice and an opportunity for a hearing, impose a civil penalty of not more than \$500 for each violation of this chapter.

4. Any civil penalty collected pursuant to this section must be deposited in the state general fund.

Sec. 46. NRS 552.155 is hereby amended to read as follows:

552.155 1. Every person who is the owner or in possession of an apiary located within this state shall, on or before May 1 of each year, and within 10 days after obtaining possession of an apiary, apply to the

~~{division}~~ **department** for registration, stating the number of colonies therein and the location thereof.

2. The application must be accompanied by a registration fee of \$5.

3. If the beekeeper owns or possesses 11 or more colonies, the application must also be accompanied by the annual fee for each colony in excess of 10.

4. The fees imposed by this section must be paid within 30 days after May 1 or within 30 days after obtaining possession of the colonies. The penalty for late payment is 50 percent of the amount due.

5. Upon receipt of the application and the required fees, the ~~{division}~~ **department** shall issue a registration number to the beekeeper. The number must be displayed in a conspicuous place in the apiary.

6. It is unlawful for any person to maintain or locate an apiary within this state without registering it as provided in this section.

7. Unregistered apiaries or colonies of bees shall be deemed abandoned and are subject to abatement.

Sec. 47. NRS 552.157 is hereby amended to read as follows:

552.157 Every person who owns or possesses 11 or more colonies of bees shall pay to the ~~{division}~~ **department** an annual fee for each colony in excess of 10. The state board of agriculture shall set the amount of the fee, which may not exceed \$1 per colony, after consultation with representatives of the state's beekeepers.

Sec. 48. NRS 552.160 is hereby amended to read as follows:

552.160 1. The ~~{division}~~ **department** may order the inspection of any or all apiaries and all buildings used in connection with ~~{such}~~ **those** apiaries in any district or districts of the state annually, or ~~{oftener}~~ **more often** if deemed necessary, or upon report to it that there is **a** reason to believe that any apiary ~~{or apiaries}~~ may be infected with any disease, or that any honey, honeycombs or beeswax ~~{are}~~ **is** exposed to robber bees.

2. If ~~{such}~~ **the** inspection discloses any disease, the ~~{division}~~ **department** may:

(a) Order the owner or any person in possession of the apiary to destroy the diseased bees, hives and appliances at the expense of the owner;

(b) Order the owner or any person in possession of the apiary to treat the hives and appliances at the expense of the owner, if, in the opinion of the inspector, the nuisance can be abated by treatment rather than destruction;
or

(c) Proclaim a quarantine in accordance with **the provisions of** chapter 554 of NRS.

3. If inspection discloses the existence of American foulbrood, the order for destruction or treatment must require compliance within not less than 24 hours nor more than 72 hours. Any other order must specify a reasonable time with reference to the nature of the disease.

4. If ~~{such}~~ **the** inspection discloses honey, honeycombs or beeswax exposed to robber bees, the ~~{division}~~ **department** may order the abatement of ~~{such}~~ **the** nuisance in a manner appropriate to the circumstances.

5. The order must be served upon the owner or person in possession of the apiary personally or by registered or certified mail, or, if ~~{such}~~ **the** person cannot be located, by posting the order in a conspicuous place at the apiary.

Sec. 49. NRS 552.170 is hereby amended to read as follows:

552.170 If the owner or person in possession of an apiary neglects or refuses to comply with an order issued under NRS 552.160, the ~~{division}~~ **department** may refer the facts to the appropriate district attorney for prosecution under NRS ~~{552.310,}~~ **552.300**, and may authorize the inspector or other agent to abate the nuisance by the method prescribed in the order.

Sec. 50. NRS 552.200 is hereby amended to read as follows:

552.200 1. It is unlawful for any person to transport or move in any manner ~~{whatever}~~ from any point within the State of Nevada or otherwise any established apiary, bees, hives, combs ~~{}~~ or any other used apiary supplies, and set up, establish or deposit them at any point in the State of Nevada without first obtaining a temporary or seasonal written permit from the ~~{division}~~ **department** to do so.

2. The ~~{division}~~ **department** shall issue a temporary or seasonal permit only after the apiary, bees, hives, combs ~~{}~~ or other used apiary supplies to be moved are free from any disease liable to injure any ~~{already}~~ established apiary.

3. It is unlawful for any person having a seasonal permit to transport or move bees anywhere within the State of Nevada unless he files with the ~~{division,}~~ **department**, within 5 days after the date of moving, a statement of the number of colonies of bees which have been moved and the number of colonies of bees which have been left at the point of origin, stating the definite point both of origin and destination to which such bees have been moved.

4. If any emergency requires the immediate removal of bees, the owner shall notify the ~~{division}~~ **department** of the emergency and secure permission for moving, but if ~~{verbal}~~ **oral** permission is requested and obtained, the applicant shall further file a written request within 5 days after the date of moving as provided in subsection 3.

5. ~~{Whenever the division}~~ **If the department** finds that American foulbrood disease exists in more than 1 percent of the colonies in any apiary of 100 or more colonies, or in one or more colonies in any apiary of less than 100 colonies, it shall quarantine the apiary, giving notice thereof to the owner or bailee and posting a copy of the notice in a conspicuous place in the apiary.

6. When any such notice has been given as provided in subsection 5, it is unlawful, except as **otherwise** provided in NRS 552.280, to move the apiary, or any part thereof, or any other bee equipment from the location until the disease has been eradicated.

7. When , in the opinion of the ~~{division}~~ **department**, the disease has been eradicated, ~~{it}~~ **the department** shall issue a permit releasing the apiary.

Sec. 51. NRS 552.205 is hereby amended to read as follows:

552.205 The ~~{division}~~ **department** may, if the demand for pollination service is found by the ~~{division}~~ **department** to warrant such action:

1. Establish standards of colony strength based upon:
 - (a) The number of bees per hive;
 - (b) The number of cells containing brood per hive;
 - (c) The health of the bees and brood; and
 - (d) Any other factors which reasonably relate to the ability of the colony to pollinize horticultural and agricultural crops.
2. Appoint qualified inspectors to determine colony strength.
3. Certify hives of bees used in commercial pollinization on the basis of colony strength.
4. Establish reasonable fees to cover the cost of colony strength inspection and certification.

Sec. 52. NRS 552.210 is hereby amended to read as follows:

552.210 1. A person shall not ship or transport into this state any bees, used beehives, honeycombs or appliances, except queens or bees in screened cages without comb, unless he first obtains a permit for entry issued by the ~~{division.}~~ **department**.

2. The ~~{division}~~ **department** may issue a permit for the importation of bees on comb and hives containing comb into this state from another state if the applicant:

(a) Submits an application, on a form supplied by the ~~{division,}~~ **department**, stating:

- (1) The name, address and telephone number of the owner or shipper and the state and county of origin.
- (2) The address and telephone number of the owner or shipper in this state, if applicable.
- (3) The number of colonies containing bees and a complete listing of all beekeeping equipment and appliances to be brought into this state.
- (4) A legal description and the exact geographical location of the site for each apiary at its destination in this state.

(b) Except as otherwise provided in subsection 3 and in NRS 552.214, submits with the application, a certificate of inspection from an authorized officer of the state of origin certifying:

- (1) That all bees intended for shipment and owned or controlled by the applicant have been inspected within 60 days before shipment and at a time when the bees are actively rearing their brood.
- (2) That 1 percent or less **of** American foulbrood disease has been found during the preceding 2 years in any apiaries intended for shipment by the applicant, and that all disease found during that period has been destroyed.

(3) The date on which the last inspection of the apiaries, bees, comb and used hives and equipment was made at their place of origin.

(4) The total number of colonies in the apiary at the time of the inspection and the number of colonies found to be diseased.

(5) The total number of colonies of bees, hives, used equipment and appliances to be shipped into this state.

(6) The shipper's full name, the name under which he is doing business, if applicable, and his address.

(7) The identification numbers or letters, or both, used by the shipper to identify his beekeeping equipment.

(c) Submits with the application a fee set by the state board of agriculture which does not exceed \$1 for each colony.

3. An applicant for a permit for entry may submit a certificate of inspection issued by the ~~{division. Such a}~~ **department. The** certificate authorizes reentry into the state for 1 year after the date the inspection was performed.

4. Each shipment must be accompanied by a copy of the permit of entry issued by the ~~{division}~~ **department** and a copy of the certificate of inspection required by this section.

5. If any bees, used hives, honeycombs or appliances entering this state are found to be diseased at the time of inspection in this state, the shipment must be quarantined in the same manner as provided in NRS 552.200, and must be destroyed or shipped out of the state at the option and expense of the owner or person in possession, unless the ~~{division}~~ **department** finds that the disease can be eradicated by treatment rather than destruction.

6. All honeycombs transported from a point outside this state through this state in interstate commerce must be covered by the person in possession in a manner which will prevent access of bees.

7. All bees, used hives, honeycombs or appliances entering this state in violation of the provisions of this chapter must be destroyed or shipped out of this state at the option and expense of the owner or person in possession, or sold by the ~~{division,}~~ **department**, after notice to the owner or person by the ~~{division.}~~ **department**. If the owner does not comply with the requirements of the notice or cannot be located, the ~~{division}~~ **department** may destroy the bees, used hives, honeycombs or appliances at ~~{his expense}~~ **the expense of the owner** or offer them for sale. The terms of any such sale must include an agreement by the purchaser to comply with all provisions of this chapter, and the proceeds of the sale must be deposited with the state treasurer for credit to the apiary inspection account.

Sec. 53. NRS 552.212 is hereby amended to read as follows:

552.212 1. A person shall not ship or transport into this state any queens or other bees in screened cages without comb unless the shipment is accompanied by a certificate of an authorized officer of the state of origin certifying that all bees intended for shipment:

(a) Were inspected within 60 days before the date of shipment; and

(b) Were found to be free from disease and pests

.

2. The ~~{division}~~ **department** shall hold a shipment which is not accompanied by the certificate of inspection and notify the person who owns or controls the bees that they will be destroyed after 48 hours ~~{from}~~ **after** the time of the notice unless a proper certificate of inspection is supplied. If the certificate is not supplied within that time, the bees may be destroyed.

Sec. 54. NRS 552.214 is hereby amended to read as follows:

552.214 1. If the ~~{division}~~ **department** finds that after diligent search sufficient bees for pollination purposes are not reasonably available with a 2-year disease-free history as provided in subsection 2 of NRS 552.210 and the regulations adopted pursuant thereto, the ~~{division}~~ **department** may accept a certificate of inspection from the point of origin stating that the applicant has received an inspection from the authorized state authority in the state of origin finding that the bees covered by the certificate meet the colony strength required by ~~{Nevada regulation}~~ **the regulations adopted by the department** and have been 100 percent inspected within the past 60 days and have been found free of American foulbrood disease.

2. ~~{Such}~~ **Those** bees are subject to inspection upon arrival in this state and, if found not to be ~~{disease}~~ free **from disease**, will be ordered removed to the point of origin within 24 hours.

Sec. 55. NRS 552.215 is hereby amended to read as follows:

552.215 ~~{When}~~ **If** an inspection is requested by any person for the purpose of obtaining a certificate of inspection for bees or appliances, the applicant for ~~{such}~~ **the** certificate shall pay a reasonable fee as prescribed by the ~~{division}~~ **department** to pay the expenses of the inspection.

Sec. 56. NRS 552.270 is hereby amended to read as follows:

552.270 Any person engaged in the rearing and distribution of queen bees ~~{shall}~~ **must** have his queen-rearing apiary ~~{or apiaries}~~ inspected at least each 60 days during shipping season and, on discovery of any disease which is infectious or contagious in its nature and injurious to bees in their egg, larval, pupal or adult stages, ~~{such-a}~~ **the** person shall at once cease to distribute queen bees from the diseased apiary until the ~~{division}~~ **department** declares the apiary ~~{or apiaries}~~ free from all disease by the issuance of a certificate of inspection.

Sec. 57. NRS 552.300 is hereby amended to read as follows:

552.300 1. Upon presentation of satisfactory evidence by the state quarantine officer, the chief inspector or any deputy inspector of the violation of any of the provisions of this chapter, any district attorney shall, without delay, prosecute the person ~~{so-violating}~~ **who has violated** any of the provisions of this chapter.

2. The ~~{division may, at its discretion,}~~ **department may** employ counsel to assist in the prosecution of any person charged with the violation of any of the provisions of this chapter and compensate the counsel so employed ~~{out-of}~~ **from** the apiary inspection account.

Sec. 58. NRS 555.005 is hereby amended to read as follows:

555.005 As used in this chapter, unless the context requires otherwise:

1. ~~“Administrator” means the administrator of the division.~~
- ~~2. “Division”~~ **“Department”** means the ~~[division]~~ **state department** of agriculture. ~~[of the department of business and industry.]~~
2. **“Director” means the director of the department.**
3. “Noxious weed” means any species of plant which is, or is likely to be, detrimental or destructive and difficult to control or eradicate.
4. “Vertebrate pest” means any animal of the subphylum Vertebrata, except predatory animals, which is normally considered to be a pest, ~~[such as]~~ **including** a gopher, ground squirrel, rat, mouse, starling ~~[or blackbird, or]~~, **blackbird and any other animal** which the ~~[administrator]~~ **director** may declare to be a pest.

Sec. 59. NRS 555.010 is hereby amended to read as follows:

555.010 Within the limits of any appropriation made by law, the ~~[administrator]~~ **director** may:

1. Investigate the prevalence of; and
 2. Take the necessary action to control,
- vertebrate and invertebrate pests of plants and animals, plant diseases, physiological plant disorders and noxious weeds for the protection of the crops, livestock, public health, wildlife, water quality and beneficial uses of land in the State of Nevada.

Sec. 60. NRS 555.021 is hereby amended to read as follows:

555.021 The ~~[administrator]~~ **director** may cooperate, financially or otherwise, with any federal agency or department, any other state agency or department, any county, city, public district or political subdivision of this state, any public or private corporation, and any natural person or group of ~~[such]~~ **natural** persons in suppressing vertebrate pests injurious to the state agricultural interests and in suppressing vertebrate pest vectors of diseases transmissible and injurious to humans.

Sec. 61. NRS 555.100 is hereby amended to read as follows:

555.100 1. The ~~[division]~~ **department** shall, whenever necessary or whenever a complaint is made to the ~~[division,]~~ **department**, cause an inspection to be made of any premises within the jurisdiction of the ~~[division,]~~ **department**, and if found infested with infectious diseases, insects, weeds or other pests injurious to agriculture, the ~~[division]~~ **department** may, in writing, notify the owner or occupant of the premises that the ~~[same]~~ **premises** are infested or infected with ~~[such]~~ **those** diseases, insects, weeds or other pests. The ~~[division]~~ **department** may require the owner or occupant to control or eradicate ~~[such]~~ **those** diseases, insects, weeds or other pests within a certain ~~[time]~~ **period** to be specified in the notice.

2. Notices may be served upon the owner or occupant by an officer or employee of the ~~[division,]~~ **department**, and must be served in writing, ~~[either]~~ by certified mail ~~[,]~~ or personally, with receipt given therefor.

Sec. 62. NRS 555.110 is hereby amended to read as follows:

555.110 1. All such premises so infected or infested are hereby adjudged and declared to be a public nuisance, and ~~{whenever}~~ **if** any such nuisance exists at any place within the jurisdiction of the ~~{division}~~ **department** and the owner or occupant thereof, after ~~{due}~~ notification, refuses or neglects to abate the ~~{same}~~ **nuisance** within the ~~{time}~~ **period** specified, the ~~{division}~~ **department** shall cause the nuisance to be abated at once by eradicating or controlling ~~{such}~~ **those** diseases, insects, weeds or other pests in a manner to be determined by the ~~{division.}~~ **department.**

2. The expense thereof must be paid from any money made available to the ~~{division}~~ **department** by direct legislative appropriation or otherwise.

Sec. 63. NRS 555.120 is hereby amended to read as follows:

555.120 1. All sums paid by the ~~{division}~~ **department** constitute a lien on the property and premises from which the nuisance has been removed or abated ~~{in-pursuance-of}~~ **pursuant to** NRS 555.100 and 555.110, and may be recovered by an action against ~~{such}~~ **that** property and premises.

2. A notice of lien must be filed and recorded in the office of the county recorder of the county in which the property and premises are situated within 30 days after the right to liens has accrued.

3. An action to foreclose a lien may be commenced at any time within 1 year after the filing and recording of the notice of lien, which action must be brought in the proper court by the district attorney of the county in the name and for the benefit of the ~~{division.}~~

~~—4.—When}~~ **department.**

4. **If** the property is sold, enough of the proceeds must be paid to the ~~{division}~~ **department** to satisfy the lien and costs, and the overplus, if ~~{there is}~~ any, must be paid to the owner of the property if he is known, and if not, into the court for his use when ascertained. All sales under the provisions of NRS 555.100 ~~{to 555.120, inclusive,}~~ **, 555.110 and 555.120** must be made in the same manner and upon the same notice as sales of real property under execution from a justice's court.

Sec. 64. NRS 555.125 is hereby amended to read as follows:

555.125 1. ~~{When}~~ **If** it appears that an area has or is likely to become infested with a pest which cannot be practically eradicated or controlled except by the means provided in this section, the ~~{division}~~ **department** shall hold a public hearing to determine the necessity of declaring a time ~~{limit}~~ during which or an area in which plants capable of acting as hosts for ~~{such}~~ **the** pest may not be planted, grown, cultivated, maintained or allowed to exist.

2. Notice of the hearing must be given to all growers of ~~{such}~~ **the** host plants within the area and must specify:

- (a) The time and place of the hearing.
- (b) The host plant.
- (c) The pest.
- (d) The purpose of the hearing

3. If, after the hearing, the ~~{division}~~ **department** determines that ~~{such}~~ **the** pest cannot otherwise be practically eradicated or controlled, the ~~{division}~~ **department** shall issue an order prescribing a time ~~{limit}~~ during which or an area in which ~~{such}~~ **the** host plants may not be planted, grown, cultivated, maintained or allowed to exist, and requiring owners or occupiers of property upon which ~~{such}~~ **the** host plants exist to eradicate ~~{such}~~ **the** plants.

4. If ~~{such-an}~~ **the** owner or occupant neglects or refuses to eradicate ~~{such}~~ **the** plants, the ~~{division}~~ **department** may do so in the manner prescribed by NRS ~~{555.120,}~~ **555.110**.

5. Any person violating such an order is guilty of a misdemeanor.

Sec. 65. NRS 555.160 is hereby amended to read as follows:

555.160 1. The state quarantine officer shall make or ~~{have}~~ **cause to be** made a careful examination and investigation of the spread, development and growth of noxious weeds in this state. Upon the discovery of ~~{such}~~ **those** weeds he shall ascertain the name of the owner or occupant of the land and the description of the land where the weeds are found. ~~{He}~~ **The state quarantine officer** may serve notice in writing upon the owner or occupant of the land to cut, eradicate or destroy ~~{such}~~ **the** weeds within such time and in such manner as designated and described in the notice. One such notice shall be deemed sufficient for the entire season of weed growth during that year.

2. Notices may be served upon the owner or occupant by an officer or employee of the ~~{division,}~~ **department**, and must be served in writing, personally or by certified mail, with receipt given therefor.

Sec. 66. NRS 555.235 is hereby amended to read as follows:

555.235 As used in NRS 555.235 to 555.249, inclusive:

1. "Agent" means any person who:

(a) Acts upon the authority of another person possessing a valid nursery license in this state; and

(b) Solicits for the sale of nursery stock.

2. "Container" means any receptacle in which nursery stock is packed for shipment, storage or sale.

3. "Inspecting officer" means a person authorized by the ~~{division}~~ **department** to inspect nursery stock.

4. "Licensee" means any person licensed under the provisions of NRS 555.235 to 555.249, inclusive.

5. "Nursery" means any ground or place where nursery stock is grown, stored, packed, treated, fumigated or offered for sale.

6. "Nursery stock" means any plant for planting, propagation or ornamentation, and includes parts of plants, trees, shrubs, vines, vegetables, bulbs, stolons, tubers, corms, pips, rhizomes, scions, buds and grafts.

7. "Peddler" means any person who sells, solicits or offers for sale nursery stock to the ultimate customer and who does not have an established permanent place of business in the state. The term does not include nurserymen who wholesale stock to retail nurserymen in this state.

8. "Pest" means:

- (a) Any form of animal life detrimental to the nursery industry of the state.
- (b) Any form of vegetable life detrimental to the nursery industry of the state.

9. "Pest disease" means any infectious, transmissible or contagious disease of plants, or any disorder of plants which manifests symptoms or behavior which the director, after investigation, determines to be characteristic of an infectious, transmissible or contagious disease.

10. "Place of business" means any location used to propagate, grow, maintain, hold, sell or distribute nursery stock. ~~and~~ The term includes, but is not limited to, established permanent places of business, registered places of business, established sales yards, store yards, store ~~or~~ and sales locations ~~or~~ and similar outlets for which the minimum nursery license fee has been paid.

11. "Sell" means exchange, offer for sale, expose for sale, have in possession for sale or solicit for sale.

Sec. 67. NRS 555.236 is hereby amended to read as follows:

555.236 1. Every person who engages in the commercial production, holding, distribution, collection or selling of nursery stock shall obtain a license from the ~~administrator,~~ director, except:

(a) Retail florists or other persons who sell potted, ornamental plants intended for indoor decorative purposes.

(b) A person *who is* not engaged in the nursery business ~~[-raising]~~ and *raises* nursery stock as a hobby in this state, from which he makes occasional sales, if the person reports to the ~~administrator,~~ director his intention to make ~~[such]~~ those sales and does not advertise or solicit for the sale of ~~[such]~~ that nursery stock.

(c) Persons engaged in agriculture and field-growing vegetable plants intended for sale for use in agricultural production.

(d) That the ~~administrator,~~ director may, to relieve hardships imposed by the licensing requirements of NRS 555.235 to 555.249, inclusive, upon persons residing in sparsely settled areas of the state ~~[in which there exist]~~ where no licensed nurseries ~~[-waive nursery licensing]~~ exist, waive the requirements for *the licensing of nurseries for* any established business concern to permit occasional sales of nursery stock for customer accommodation.

(e) At the discretion of the ~~administrator,~~ director, persons selling vegetable bulbs or flower bulbs, ~~[such as]~~ including onion sets, tulip bulbs ~~or~~ and similar bulbs.

2. Persons, state agencies or political subdivisions exempt from the licensing requirements:

(a) Shall conduct their businesses in accordance with pest regulations and grades and standards for nursery stock as established by the ~~administrator,~~ director.

(b) Shall register annually, on or before July 1, with the ~~{division,}~~ **department**, the location, size and type of nursery stock being produced.

Sec. 68. NRS 555.237 is hereby amended to read as follows:

555.237 1. Any person applying for a license shall do so on the application form and in the manner prescribed by the ~~{administrator,}~~ **director**.

2. The application must be accompanied by the nursery license fee required by NRS 555.238 and by evidence of the ~~{applicant's}~~ good faith and character ~~{}~~ **of the applicant**.

Sec. 69. NRS 555.241 is hereby amended to read as follows:

555.241 The ~~{administrator}~~ **director** may refuse to issue or renew, or may suspend or revoke, a nursery license for violation of any provision of NRS 555.235 to 555.249, inclusive, or any rule or regulation adopted under NRS 555.243, but no license may be refused, suspended or revoked until the applicant or licensee has been given the opportunity to appear ~~{for}~~ **at** a hearing. Offenders must be given 15 days' notice in writing. The notice must indicate the offense and the place of hearing.

Sec. 70. NRS 555.242 is hereby amended to read as follows:

555.242 The ~~{administrator}~~ **director** may order any ~~{or all}~~ nursery stock to be held for terminal inspection.

Sec. 71. NRS 555.243 is hereby amended to read as follows:

555.243 The ~~{administrator}~~ **director** may adopt such regulations as he may deem necessary to:

1. Carry ~~{into effect}~~ **out** the intent of NRS 555.235 to 555.249, inclusive.

2. Establish sanitary standards relating to pest conditions of nurseries.

3. Establish mandatory and permissive grades for nursery stock. When mandatory grades are established for nursery stock, all nursery stock sold or offered for sale must be graded and labeled in accordance with those standards.

4. Establish standards relating to conditions that interfere with the proper development of nursery stock after planting.

Sec. 72. NRS 555.244 is hereby amended to read as follows:

555.244 The ~~{administrator}~~ **director** or any inspecting officer may enter any nursery during reasonable hours to ascertain:

1. The pest conditions of nursery stock on growing grounds.

2. The condition of nursery stock offered for sale.

Sec. 73. NRS 555.245 is hereby amended to read as follows:

555.245 1. Any person may request the ~~{administrator}~~ **director** to certify to pest conditions, quality, viability or grade of nursery stock intended for shipment to ~~{meet plant pest}~~ **comply with the** requirements **for plant pests** established by any state, territory or foreign country or by contract.

2. The ~~{administrator}~~ **director** may establish a schedule of reasonable fees for ~~{such certification requests.}~~ **those requests for certification**.

Sec. 74. NRS 555.248 is hereby amended to read as follows:

555.248 Any nursery stock brought into this state which the ~~{administrator}~~ **director** or inspecting officer finds or has reasonable cause to believe to be infested or infected with any pest must be destroyed immediately, at the expense of the owner or bailee, under the supervision of the ~~{administrator}~~ **director** or the inspecting officer, unless:

1. The nature of the pest is such that no detriment can be caused to the nursery industry or related industries in this state by shipping the nursery stock out of the state. In ~~{such}~~ **that** case the ~~{administrator}~~ **director** or inspecting officer:

(a) May affix a warning tag or notice to the nursery stock.

(b) Shall notify the owner or bailee to ship the nursery stock out of this state within 48 hours.

(c) Shall keep the nursery stock under his control at the expense of the owner or bailee.

(d) Shall destroy the nursery stock at the expiration of 48 hours if the owner or bailee has not shipped the nursery stock out of the state.

2. The ~~{administrator}~~ **director** determines that the pest can be exterminated by treatment prescribed by the ~~{administrator}~~ **director** with the result that no detriment ~~{can}~~ **will** be caused to the nursery industry or related industries in this state. In ~~{such}~~ **that** case, nursery stock will be released if the nursery stock is:

(a) Treated in the manner prescribed by the ~~{administrator;}~~ **director;**

(b) Treated within the time specified by the ~~{administrator}~~ **director** or inspecting officer;

(c) Treated under the supervision of the inspecting officer; and

(d) Found to be free from pests.

Sec. 75. NRS 555.2485 is hereby amended to read as follows:

555.2485 1. The ~~{administrator}~~ **director** shall adopt regulations specifying a schedule of administrative fines which may be imposed, upon notice and a hearing, for each violation of the provisions of NRS 555.235 to 555.249, inclusive, or the regulations adopted pursuant thereto. The maximum fine that the ~~{administrator}~~ **director** may impose for each violation may not exceed:

(a) For the first violation, \$250;

(b) For the second violation, \$500; and

(c) For each subsequent violation, \$1,000.

All fines collected by the ~~{administrator}~~ **director** pursuant to this section must be deposited with the state treasurer for credit to the state general fund.

2. The ~~{administrator}~~ **director** may:

(a) In addition to imposing an administrative fine pursuant to this section, issue an order requiring a violator to take appropriate action to correct the violation; or

(b) Request the district attorney of the appropriate county to investigate or file a criminal complaint against any person who the ~~{administrator}~~ **director** suspects may have committed flagrant or repeated violations of any provision of NRS 555.235 to 555.249, inclusive.

Sec. 76. NRS 555.249 is hereby amended to read as follows:

555.249 Any person violating the provisions of NRS 555.235 to 555.249, inclusive, or the regulations adopted pursuant thereto is guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$1,000, or by both fine and imprisonment. The prosecuting attorney and the ~~{division}~~ **department** may recover the costs of the proceeding, including investigative costs and attorney's fees, against a person convicted of a misdemeanor pursuant to this section.

Sec. 77. NRS 555.2617 is hereby amended to read as follows:

555.2617 "Certificate" means a certificate of competency issued by the ~~{administrator}~~ **director** to a commercial applicator or private applicator authorizing that person to make application of or to supervise the application of a restricted-use pesticide.

Sec. 78. NRS 555.2618 is hereby amended to read as follows:

555.2618 "Certified applicator" means any person who is certified by the ~~{administrator}~~ **director** as qualified to use or to supervise the use of any restricted-use pesticide.

Sec. 79. NRS 555.2665 is hereby amended to read as follows:

555.2665 "Pest" ~~{means,}~~ **includes**, but is not limited to, any insect, fungus, rodent, nematode, snail, slug ~~{,}~~ **and** weed and any form of plant or animal life or virus, except **any** virus on or in **a** living ~~{man}~~ **human** or other animal, which is normally considered to be a pest or which the ~~{administrator}~~ **director** declares to be a pest.

Sec. 80. NRS 555.267 is hereby amended to read as follows:

555.267 "Pesticide" means:

1. Any substance or mixture of substances, including any living organisms or any product derived therefrom or any fungicide, herbicide, insecticide, nematocide or rodenticide, intended to prevent, destroy, control, repel, attract or mitigate any insect, rodent, nematode, snail, slug, fungus ~~{,}~~ **and** weed and any other form of plant or animal life or virus, except virus on or in **a** living ~~{man}~~ **human** or other ~~{animals,}~~ **animal**, which is normally considered to be a pest or which the ~~{administrator}~~ **director** declares to be a pest.

2. Any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant, and any other substances intended for ~~{such}~~ **that** use as are named by the ~~{administrator}~~ **director** by regulation . ~~{after calling a public hearing for that purpose.}~~

Sec. 81. NRS 555.2683 is hereby amended to read as follows:

555.2683 "Restricted-use pesticide" means any pesticide, including any highly toxic pesticide, which:

1. The ~~{administrator}~~ **director** has found and determined, ~~{subsequent to}~~ **after** a hearing, to be:

(a) Injurious to persons, pollinating insects, bees, animals, crops or land, other than pests or vegetation it is intended to prevent, destroy, control or mitigate; or

(b) Detrimental to:

- (1) Vegetation, except weeds;
- (2) Wildlife; or
- (3) Public health and safety; or

2. Has been classified for restricted use by or under the supervision of a certified applicator in accordance with the Federal Environmental Pesticide Control Act, ~~{4}~~ 7 U.S.C. §§ 136 et seq. ~~{D}~~

Sec. 82. NRS 555.2687 is hereby amended to read as follows:

555.2687 “Supervision” of the application of a restricted-use pesticide by a certified applicator must be defined by regulation of the ~~{administrator}~~ **director**.

Sec. 83. NRS 555.280 is hereby amended to read as follows:

555.280 A person shall not engage in pest control or serve as an agent, operator or pilot for that purpose within this state at any time without a license issued by the ~~{administrator}~~ **director**.

Sec. 84. NRS 555.285 is hereby amended to read as follows:

555.285 A person shall not for hire engage in, offer to engage in, advertise or solicit to perform any of the following pest control activities concerning wood-destroying pests or organisms without a license issued by the ~~{administrator}~~ **director**:

1. Making an inspection to identify or to attempt to identify infestations or infections of households or other structures by ~~{such}~~ **those** pests or organisms.

2. Making inspection reports concerning the infestations or infections.

3. Making estimates or bids, whether written or oral, concerning the infestations or infections.

4. Submitting bids to perform any work involving the application of pesticides for the elimination, extermination, control or prevention of infestations or infections of ~~{such}~~ **those** pests.

Sec. 85. NRS 555.290 is hereby amended to read as follows:

555.290 1. An application for a license must be submitted to the ~~{administrator}~~ **director** and must ~~{contain}~~ **set forth** such information regarding the applicant’s qualifications and proposed operations and other relevant matters as required pursuant to regulations adopted by the ~~{administrator}~~ **director**. If the applicant is a natural person, the application must include the social security number of the applicant.

2. If an applicant fails to complete the licensing requirements within 30 days after the date on which he submits his application, he forfeits all fees he has tendered. Thereafter he may reinitiate the application process upon payment of the appropriate fees.

Sec. 86. NRS 555.300 is hereby amended to read as follows:

555.300 1. The ~~{administrator}~~ **director** may require the applicant to show, upon examination, that he possesses adequate knowledge concerning the proper use and application of pesticides and the dangers involved and precautions to be taken in connection with their application.

2. If the applicant is ~~{other than}~~ **not** a natural person, the applicant shall designate an officer, member or technician of the organization to take the examination. ~~{, such designee to be}~~ **The person so designated is** subject to the approval of the ~~{administrator.}~~ **director**. If the extent of the applicant's operations ~~{warrant}~~ **require** it, the ~~{administrator}~~ **director** may require more than one officer, member or technician to take the examination.

3. The applicant or the person designated by the applicant in accordance with **the provisions of** subsection 2 ~~{of this section must be}~~ **must have attained** the age of majority ~~{or over}~~ and have:

(a) Not less than 2 years' practical experience in pest control; or
(b) Possess university credits of not less than 16 credit hours in biological sciences of which not less than 8 credit hours must be in subjects directly related to the categories of pest control in which the applicant wishes to be licensed and have 6 or more months of practical experience in pesticide application or related pest control.

4. The requirements of subsection 3 do not apply to persons holding a license issued by the ~~{administrator}~~ **director** before July 1, 1973, ~~{nor}~~ **or** to the renewal of the license of any such person.

Sec. 87. NRS 555.310 is hereby amended to read as follows:

555.310 1. The ~~{administrator}~~ **director** shall collect from each person applying for the examination or re-examination a testing fee of \$10 for each field of pest control in which the applicant wishes to be examined, subject ~~{, however,}~~ to a maximum charge of \$35 and a minimum charge of \$15 for any one application.

2. Upon the successful completion of the testing, the ~~{administrator}~~ **director** shall collect from each person applying for a license for pest control the sum of \$50 before the license is issued. Any company or person employing operators, pilots or agents shall pay to the ~~{administrator}~~ **director** \$15 for each operator, pilot or agent licensed.

Sec. 88. NRS 555.320 is hereby amended to read as follows:

555.320 1. If the ~~{administrator}~~ **director** finds the applicant qualified, and upon the applicant's appointing the ~~{administrator}~~ **director** agent for service of process and finding that the applicant has satisfied the requirements of NRS 555.325 and 555.330, the ~~{administrator}~~ **director** shall issue a license to perform pest control within this state.

2. The license period is the calendar year. All licenses expire on December 31 of each year. The license may be renewed annually upon application to the ~~{administrator}~~ **director** and payment of the license fee on

or before January 16 of each year. If the holder of the license is a natural person, he must submit with his application for renewal the statement required pursuant to NRS 555.325.

3. A penalty fee of \$5 must be charged for failure to pay the renewal fee when due unless the application for renewal is accompanied by a written statement signed by the applicant that he has not made any application of pesticides from the time of expiration of his prior license ~~to~~ *until* the time of application for renewal.

4. The license may restrict the licensee to the use of a certain type or types of equipment or materials if the ~~{administrator}~~ *director* finds that the applicant is qualified to use only a certain type or types.

5. If a license is not issued as applied for, the ~~{administrator}~~ *director* shall inform the applicant in writing of the reasons therefor.

Sec. 89. 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 to perform pest control shall submit to the ~~{administrator}~~ *director* the statement prescribed by the welfare division of the department of human resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The ~~{administrator}~~ *director* shall include the statement required pursuant to subsection 1 in:

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

(b) A separate form prescribed by the ~~{administrator}~~ *director*.

3. A license to perform pest control may not be issued or renewed by the ~~{administrator}~~ *director* if the applicant is a natural person who:

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

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

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the ~~{administrator}~~ *director* shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 90. NRS 555.330 is hereby amended to read as follows:

555.330 1. The ~~{administrator}~~ *director* shall require from each applicant for a pest control license proof of public liability and property damage insurance in an amount not less than \$10,000, nor more than \$200,000. The ~~{administrator}~~ *director* may accept a liability insurance policy or surety bond in the proper amount.

2. The ~~{administrator}~~ **director** may require drift insurance for the use of pesticides or other materials declared hazardous or dangerous to man, livestock, wildlife, crops or plantlife.

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

4. The ~~{administrator}~~ **director** on his own motion may, or upon receipt of a verified complaint of an interested person shall, investigate, as he deems necessary, any loss or damage resulting from the application of any pesticide by a licensed pest control operator. A verified complaint of loss or damage must be filed within 60 days after the time that the occurrence of the loss or damage becomes known except that, if a growing crop is alleged to have been damaged, the verified complaint must be filed before 50 percent of the crop has been harvested. A report of investigations resulting from a verified complaint must be furnished to the ~~{complainant;}~~ **person who filed the complaint.**

Sec. 91. NRS 555.350 is hereby amended to read as follows:

555.350 1. The ~~{administrator}~~ **director** may suspend, pending inquiry, for not longer than 10 days, and, after opportunity for a hearing, may revoke, suspend or modify any license issued under NRS 555.2605 to 555.460, inclusive, if he finds that:

- (a) The licensee is no longer qualified;
- (b) The licensee has engaged in fraudulent business practices in pest control;
- (c) The licensee has made false or fraudulent claims through any media ~~{;} by~~ misrepresenting the effect of materials or methods to be ~~{utilized;}~~ **used;**
- (d) The licensee has applied known ineffective or improper materials;
- (e) The licensee operated faulty or unsafe equipment;
- (f) The licensee has made any application in a faulty, careless or negligent manner;
- (g) The licensee has violated any of the provisions of NRS 555.2605 to 555.460, inclusive, or regulations ~~{made thereunder;}~~ **adopted pursuant thereto;**
- (h) The licensee engaged in the business of pest control without having a licensed applicator or operator in direct on-the-job supervision;
- (i) The licensee aided or abetted a licensed or an unlicensed person to evade the provisions of NRS 555.2605 to 555.460, inclusive, combined or conspired with such a licensee or an unlicensed person to evade the provisions, or allowed one's license to be used by an unlicensed person;
- (j) The licensee was intentionally guilty of fraud or deception in the procurement of his license; or
- (k) The licensee was intentionally guilty of fraud or deception in the issuance of an inspection report on wood-destroying pests or other report required by regulation.

2. A license is suspended automatically, without action of the ~~{administrator,}~~ **director**, if the proof of public liability and property damage or drift insurance filed pursuant to NRS 555.330, is canceled, and the license remains suspended until the insurance is reestablished.

Sec. 92. NRS 555.3505 is hereby amended to read as follows:

555.3505 1. If the ~~{administrator,}~~ **director** receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license to perform pest control, the ~~{administrator,}~~ **director** shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the ~~{administrator,}~~ **director** receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The ~~{administrator,}~~ **director** shall reinstate a license to perform pest control that has been suspended by a district court pursuant to NRS 425.540 if the ~~{administrator,}~~ **director** receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 93. NRS 555.351 is hereby amended to read as follows:

555.351 1. A person shall not use any restricted-use pesticide within this state at any time without a certificate issued by the ~~{administrator,}~~ **director** except a person using any restricted-use pesticide under the supervision of a certified applicator.

2. If the ~~{administrator,}~~ **director** has adopted regulations requiring:

- (a) A permit pursuant to NRS 586.403; or
- (b) A special use permit pursuant to NRS 586.405,

for a restricted-use pesticide, a person shall not use ~~{such}~~ **that** pesticide without ~~{first}~~ obtaining the required permit.

Sec. 94. NRS 555.353 is hereby amended to read as follows:

555.353 Application for a certificate must be made to the ~~{administrator,}~~ **director** and contain such information regarding the applicant's qualifications and proposed operations and other relevant matters as required pursuant to **the** regulations adopted by the ~~{administrator,}~~ **director**.

Sec. 95. NRS 555.355 is hereby amended to read as follows:

555.355 1. The ~~{administrator,}~~ **director** may require the applicant to show, upon examination, that he possesses adequate knowledge concerning the proper use and application of restricted-use pesticides and the dangers involved and precautions to be taken in connection with their application, including , but not limited to , the following ~~{subject}~~ areas:

- (a) Label and labeling comprehension

.

- (b) Environmental consequences of pesticide use and misuse.
- (c) Pests.
- (d) Pesticides.
- (e) Equipment.
- (f) Application techniques.
- (g) Laws and regulations.
- (h) Safety.

2. In addition, the ~~{administrator}~~ **director** may require the applicant to meet special qualifications of competency to meet the special needs of a given locality regarding the use or application of a specific restricted-use pesticide.

3. The ~~{administrator}~~ **director** shall collect from each person applying for an examination or re-examination, in connection with the issuance of a certificate, a testing fee not to exceed \$10 for any one examination period.

Sec. 96. NRS 555.357 is hereby amended to read as follows:

555.357 1. If the ~~{administrator}~~ **director** finds that the applicant is qualified, he shall issue a certificate to make application of or to supervise the application of restricted-use pesticides within this state.

2. A certificate is valid for 4 calendar years and expires on December 31. The certificate may be renewed upon completion of the requirements established by ~~{regulation}~~ **the regulations** of the ~~{administrator.}~~ **director**.

3. The ~~{administrator}~~ **director** shall adopt regulations concerning the requirements for renewal of a certificate.

4. The certificate may limit the applicant to the use of a certain type or types of equipment or material if the ~~{administrator}~~ **director** finds that the applicant is qualified to use only that type or types.

5. If a certificate is not issued as applied for, the ~~{administrator}~~ **director** shall inform the applicant in writing of the reasons therefor.

Sec. 97. NRS 555.359 is hereby amended to read as follows:

555.359 The ~~{administrator}~~ **director** may deny or suspend, pending inquiry, for not longer than 10 days, and, after opportunity for a hearing, may deny, revoke, suspend or modify any certificate issued under the provisions of NRS 555.351 to 555.357, inclusive, if he finds that the applicant or the certified applicator:

- 1. Is no longer qualified;
- 2. Has applied known ineffective or improper materials;
- 3. Has applied materials inconsistent with labeling or other restrictions imposed by the ~~{administrator.}~~ **director**;
- 4. Has operated faulty or unsafe equipment;
- 5. Has made any application in a faulty, careless or negligent manner;
- 6. Aided or abetted an uncertified person to evade the provisions of NRS 555.351 to 555.357, inclusive, combined or conspired with an uncertified person to evade ~~{such}~~ **those** provisions, or allowed one's certificate to be used by an uncertified person;
- 7. Was guilty of fraud or deception in the procurement of his certificate;

8. Has deliberately falsified any record or report;
9. Has violated any of the provisions of NRS 555.351 to 555.357, inclusive, NRS 555.390 or ~~regulations made thereunder;~~ *any regulation adopted pursuant thereto;* or
10. Has failed or neglected to give adequate instruction or direction to an uncertified person working under his supervision.

Sec. 98. NRS 555.360 is hereby amended to read as follows:

555.360 1. Any person aggrieved by any action of the ~~administrator~~ *director* may obtain a review thereof by filing in the district court of the county in which the person resides, within 30 days after notice of the action, a written petition praying that the action of the ~~administrator~~ *director* be set aside.

2. A copy of the petition must forthwith be delivered to the ~~administrator,~~ *director*, and within 20 days thereafter, the ~~administrator~~ *director* shall certify and file in the court a transcript of any record pertaining thereto, including a transcript of evidence received.

3. Upon compliance with the provisions of subsections 1 and 2, the court ~~shall have~~ *has* jurisdiction to affirm, set aside or modify the action of the ~~administrator,~~ *director*, except that the findings of the ~~administrator as to~~ *director concerning* the facts, if supported by substantial evidence, are conclusive.

Sec. 99. NRS 555.370 is hereby amended to read as follows:

555.370 The ~~administrator~~ *director* may provide for *the* inspection of any ground equipment or of any device or apparatus used for application of pesticides by aircraft, and may require proper repairs or other changes before its further use.

Sec. 100. NRS 555.380 is hereby amended to read as follows:

555.380 1. The ~~administrator~~ *director* may, by regulation, prescribe materials or methods to be used and prohibit the use of materials or methods in custom application of pesticides, to the extent necessary to protect health or to prevent injury ~~by reason~~ *because* of the drifting, washing or application of ~~such~~ *those* materials to desired plants or animals, including pollinating insects and aquatic life.

2. In ~~issuing such~~ *adopting the* regulations, the ~~administrator~~ *director* shall give consideration to ~~pertinent~~ *relevant* research findings and recommendations of other agencies of this state or of the Federal Government.

Sec. 101. NRS 555.390 is hereby amended to read as follows:

555.390 1. The ~~administrator~~ *director* may, by regulation, require any licensee to maintain such records and furnish reports giving such information with respect to particular applications of pesticides and such other relevant information as ~~the administrator~~ *he* may deem necessary.

2. The ~~administrator~~ *director* may, by regulation, require any certified applicator to maintain such records and furnish reports giving such information with respect to application of restricted-use pesticides and such other relevant information as ~~the administrator~~ *he* may deem necessary.

Sec. 102. NRS 555.400 is hereby amended to read as follows:

555.400 1. The ~~{administrator may make regulations for carrying}~~ **director may adopt regulations to carry** out the provisions of NRS 555.2605 to 555.460, inclusive, but the regulations must not be inconsistent with regulations issued by this state or by the Federal Government ~~{respecting}~~ **relating to** safety in air navigation or operation of aircraft.

2. Before issuing regulations directly relating to any matter within the jurisdiction of any other ~~{official}~~ **officer** of this state, the ~~{administrator}~~ **director** shall consult with that ~~{official}~~ **officer** with reference thereto.

Sec. 103. NRS 555.410 is hereby amended to read as follows:

555.410 The ~~{administrator}~~ **director** may, in cooperation with the University and Community College System of Nevada, publish information regarding injury which may result from improper application or handling of pesticides and methods and precautions designed to prevent such an injury.

Sec. 104. NRS 555.420 is hereby amended to read as follows:

555.420 ~~{For the purpose of carrying}~~ **To carry** out the provisions of NRS 555.2605 to 555.460, inclusive, the ~~{administrator}~~ **director** and his ~~{duly}~~ appointed inspectors may enter upon any public or private premises at reasonable times ~~{for the purpose of inspecting, auditing, sampling or monitoring}~~ **to inspect, audit, sample or monitor** any aircraft, ground equipment, records, storage, pesticides, pesticide sprays, disposal operations or other operations which are subject to NRS 555.2605 to 555.460, inclusive, or regulations adopted ~~{thereunder.}~~ **pursuant thereto.**

Sec. 105. NRS 555.460 is hereby amended to read as follows:

555.460 Any person violating the provisions of NRS 555.2605 to 555.420, inclusive, or the regulations ~~{issued thereunder}~~ **adopted pursuant thereto**, is guilty of a misdemeanor and, in addition to any criminal penalty, shall pay to the ~~{division}~~ **department** an administrative fine of not more than \$5,000 per violation. If an administrative fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the ~~{division.}~~ **department.**

Sec. 106. NRS 555.470 is hereby amended to read as follows:

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

2. The ~~{administrator}~~ **director** may:

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

(b) Request the district attorney of the appropriate county to investigate or file a criminal complaint against any person that the state board of agriculture suspects may have violated any provision of NRS 555.2605 to 555.460, inclusive.

Sec. 107. NRS 555.530 is hereby amended to read as follows:

555.530 The board of directors of a rodent control district may:

1. With the approval of the ~~{administrator,}~~ **director**, appoint a rodent control officer.
2. Receive and expend any money provided by assessment, voluntary contribution or otherwise for the control of rodents in the district.
3. Exercise any other power necessary or proper to ~~{effectuate}~~ **carry out** the purposes for which the district exists.
4. Elect a chairman from among its members, and secretary who may ~~{or may not}~~ be a member ~~{-}~~ **of the board**.

Sec. 108. NRS 556.010 is hereby amended to read as follows:

556.010 As used in this chapter, unless the context otherwise requires:

1. "Advisory board" means the garlic and onion growers' advisory board.
2. ~~{ "Division" }~~ **"Department"** means the ~~{division}~~ **state department** of agriculture . ~~{of the department of business and industry.}~~
3. "Grower" means any landowner personally engaged in growing garlic or onions, or ~~{both}~~ a landowner and his tenant jointly, and includes a natural person, partnership, association, corporation, cooperative organization, trust, sharecropper and all other business units, devices or arrangements that grow garlic or onions.

Sec. 109. NRS 556.070 is hereby amended to read as follows:

556.070 1. The ~~{division}~~ **department** shall, on or before August 1 of each year, fix an annual special assessment not to exceed \$10 per acre to be levied upon all garlic and onions grown in this state. The ~~{division}~~ **department** shall collect the assessment and transmit the proceeds to the state treasurer for credit to the garlic and onion research and promotion account.

2. On or before June 30 of each year, any person who has paid the special assessment levied pursuant to this section may file a claim for **a** refund with the ~~{division}~~ **department** accompanied by a receipt showing payment. Upon verification of the correctness of the claim, the ~~{division}~~ **department** shall transmit ~~{it}~~ **the claim** to the state controller for payment from the garlic and onion research and promotion account.

Sec. 110. NRS 556.080 is hereby amended to read as follows:

556.080 All assessments levied pursuant to the provisions of NRS 556.070 must be paid to the ~~{division}~~ **department** by the grower of garlic or onions and must be paid by December 1 of each year for the grower of garlic, and by May 1 of each year for the grower of onions, or within 30 days after the planting of garlic or onions after those dates.

Sec. 111. NRS 556.090 is hereby amended to read as follows:

556.090 Any grower who fails to file a return or to pay any assessment pursuant to NRS 556.070 within the ~~time required~~ *period required by NRS 556.080* forfeits to the ~~division~~ *department* a penalty of 5 percent of the amount of the assessment due and 1 percent of the assessment due for each month of delay or fraction thereof after the end of the month in which the return was required to be filed or in which the assessment became due. The ~~division~~ *department*, if satisfied the delay was excusable, may remit any part of the penalty. The penalty must be paid to the ~~division~~ *department* and deposited for credit to the garlic and onion research and promotion account.

Sec. 112. NRS 556.100 is hereby amended to read as follows:

556.100 Any assessment levied constitutes a personal debt of the person so assessed. If a person fails to pay an assessment, including all penalties, the ~~division~~ *department* may, at any time within 3 years after the date of delinquency, maintain a civil action against ~~him~~ *the person* to recover the amount of the delinquent assessment and penalties.

Sec. 113. NRS 561.025 is hereby amended to read as follows:

561.025 As used in this chapter, unless the context requires otherwise:

1. ~~“Administrator” means the administrator of the division.~~
- ~~2.]~~ “Board” means the state board of agriculture.
- ~~3. “Division”]~~
2. “Department” means the ~~division~~ *state department* of agriculture .
~~[of the department of business and industry.]~~
3. “Director” means the director of the department.
4. “Livestock” means:
 - (a) All cattle or animals of the bovine species.
 - (b) All horses, mules, burros and asses or animals of the equine species.
 - (c) All swine or animals of the porcine species.
 - (d) All goats or animals of the caprine species.
 - (e) All poultry or domesticated fowl or birds.
 - (f) All dogs, cats or other animals domesticated or under the restraint or control of man.

Sec. 114. NRS 561.035 is hereby amended to read as follows:

561.035 1. *The state department of agriculture is hereby created.*

2. The administration of the provisions of this chapter is vested in the ~~division~~ *department*.

Sec. 115. NRS 561.045 is hereby amended to read as follows:

561.045 There is hereby created in the ~~division~~ *department* a state board of agriculture composed of 10 members appointed by the governor.

Sec. 116. NRS 561.075 is hereby amended to read as follows:

561.075 1. While engaged in the business of the ~~division~~ *department*, each member of the board is entitled to receive a salary of not more than \$80 per day, as fixed by the board.

2. While engaged in the business of the ~~{division,}~~ **department**, each member and employee of the board is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

3. The salaries, per diem allowances and travel expenses of the members and employees of the board must be paid from any money available to the ~~{division,}~~ **department**.

Sec. 117. NRS 561.085 is hereby amended to read as follows:

561.085 1. The board shall elect one of its members as chairman of the board.

2. The ~~{administrator}~~ **director** shall act as the nonvoting recording secretary of the board ~~[. He]~~ **and** shall keep the minutes of the proceedings of the board.

Sec. 118. NRS 561.095 is hereby amended to read as follows:

561.095 1. The members of the board may meet at such times and at such places as may be specified by the call of the chairman or a majority of the board and a meeting of the board may be held regularly at least once every 3 months. In case of **an** emergency, special meetings may be called by the chairman or by the ~~{administrator,}~~ **director**.

2. Six members of the board constitute a quorum. A quorum may exercise all the authority conferred on the board.

3. Minutes of each meeting, regular or special, must be filed with the ~~{division}~~ **department** and are public records.

Sec. 119. NRS 561.105 is hereby amended to read as follows:

561.105 1. The board ~~{shall:~~

~~—(a) Be] :~~

(a) Must be informed on and interested in the entire field of legislation and administration charged to the ~~{division,}~~

~~—(b) Report] department.~~

(b) Shall report to the governor and legislature on all matters which it deems ~~{pertinent}~~ **relevant** to the ~~{division,}~~ **department**, and concerning any specific matters previously requested by the governor.

(c) [Advise] Shall advise and make recommendations to the governor or the legislature ~~{relative}~~ **relating** to the policies of the state concerning livestock and agriculture.

(d) [Formulate] Shall establish the policy of the ~~{division,}~~

~~—(e) Adopt] department.~~

(e) Shall adopt such regulations as it deems necessary for the operation of the ~~{division}~~ **department** and for carrying out the provisions of the laws and programs administered by the ~~{division,}~~ **department**.

2. The board shall prescribe rules for its ~~{own}~~ management and government.

Sec. 120. NRS 561.115 is hereby amended to read as follows:

561.115 The ~~{administrator must be:~~

~~—1.—Appointed]~~ **director**

:

1. *Must be appointed* by the board with the approval of the ~~{director of the department of business and industry.~~

~~2. In~~ *governor.*

2. *Is in* the unclassified service ~~{ }~~ *of the state.*

Sec. 121. NRS 561.125 is hereby amended to read as follows:

561.125 The ~~{administrator}~~ *director* must be a graduate ~~{from}~~ *of* an accredited college or university and have at least 5 years' experience in official agricultural or livestock regulatory work, public administration, accounting or business administration.

Sec. 122. NRS 561.135 is hereby amended to read as follows:

561.135 The salary of the ~~{administrator}~~ *director* may be apportioned and paid from any money available to the ~~{division}~~ *department* unless otherwise provided by specific statute.

Sec. 123. NRS 561.145 is hereby amended to read as follows:

561.145 1. The ~~{administrator}~~ *director* shall direct and supervise all administrative and technical activities of the ~~{division,}~~ *department*, and all programs administered by the ~~{division}~~ *department* as provided by law. Except as otherwise provided in NRS 284.143, the ~~{administrator}~~ *director* shall devote his entire time to the duties of his office, and shall follow no other gainful employment or occupation.

2. The ~~{administrator}~~ *director* may, within such limitations as may be provided by law, organize the ~~{division into various bureaus}~~ *department into divisions* and, from time to time, alter ~~{such}~~ *that* organization and reassign responsibilities and duties as he may deem appropriate.

3. The ~~{administrator}~~ *director* shall:

(a) Coordinate the activities of the ~~{various bureaus}~~ *divisions* of the department.

(b) Report to the board upon all matters pertaining to the administration of the ~~{division,}~~ *department.*

(c) Submit a biennial report to the governor, the legislature and the board of the work of the ~~{division,}~~ *department*, with recommendations that he may deem necessary. The report must set forth the facts relating to the condition of the livestock, agriculture and related industries in the State of Nevada.

Sec. 124. NRS 561.146 is hereby amended to read as follows:

561.146 1. Whenever the ~~{administrator}~~ *director* is authorized or required by law to conduct a hearing, he may issue subpoenas requiring the attendance of witnesses before him, together with all books, memoranda, papers and other documents ~~{relative}~~ *relating* to the matters for which the hearing is called, and take depositions within or without the state, as the circumstances of the case may require.

2. The district court in and for the county in which any hearing is being conducted by the ~~{administrator}~~ *director* may compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpoena issued by the ~~{administrator,}~~ *director.*

3. In case of the refusal of any witness to attend or testify or produce any papers required by the subpoena, the ~~{administrator}~~ **director** may report to the district court in and for the county in which the hearing is pending by petition, setting forth:

(a) That ~~{due}~~ notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) That the witness has been subpoenaed in the manner prescribed in this section; and

(c) That the witness has failed and refused to attend or produce the papers required by subpoena before the ~~{administrator}~~ **director** in the hearing named in the subpoena, or has refused to answer questions propounded to him in the course of ~~{such}~~ **the** hearing, and asking an order of the court compelling the witness to attend and testify or produce the books or papers before the ~~{administrator}~~ **director**.

4. The court, upon petition of the ~~{administrator}~~ **director**, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in the order, the time to be not more than 10 days after the date of the order, and then and there show cause why he has not attended or testified or produced the books or papers before the ~~{administrator}~~ **director**. A certified copy of the order must be served upon the witness. If it appears to the court that the subpoena was regularly issued by the ~~{administrator}~~ **director**, the court may thereupon enter an order that the witness appear before the ~~{administrator}~~ **director** at the time and place fixed in the order and testify or produce the required books or papers, and upon failure to obey the order the witness must be dealt with as for contempt of court.

Sec. 125. NRS 561.147 is hereby amended to read as follows:

561.147 If any feed, grain, hay, machinery or other article is found to be infested with, or the possible carrier of, the propagating parts of any noxious weed, injurious insect pest or plant disease, and the ~~{administrator}~~ **director** determines that movement of the article into any area of the state will be damaging or will jeopardize the agricultural industry of the area, the ~~{administrator}~~ **director** may prohibit or restrict movement of the infested article or ~~{he}~~ may prescribe treatment to devitalize or sterilize the infested article.

Sec. 126. NRS 561.148 is hereby amended to read as follows:

561.148 The ~~{administrator}~~ **director** may participate in the investigation and prosecution of any suspected theft, mutilation or malicious destruction of livestock, and may temporarily stop the movement of livestock and carcasses for ~~{purposes}~~ **the purpose** of inspection.

Sec. 127. NRS 561.149 is hereby amended to read as follows:

561.149 In all cases where the ~~{administrator}~~ **director** is required or authorized by law to proceed upon a verified complaint, he, or his deputy so authorized by him, may take depositions, within or without the state, as the circumstances of the case may require.

Sec. 128. NRS 561.153 is hereby amended to read as follows:

561.153 The ~~{administrator}~~ **director** may by regulation adopt such procedures as he may deem appropriate for the billing or collection of fees for any service rendered by the department under Titles 49, 50 and 51 of NRS for which fees are collectible.

Sec. 129. NRS 561.155 is hereby amended to read as follows:

561.155 The ~~{administrator}~~ **director** is hereby designated and appointed ex officio state sealer of weights and measures, and shall carry out all the duties of the state sealer of weights and measures as provided by law.

Sec. 130. NRS 561.165 is hereby amended to read as follows:

561.165 The ~~{administrator}~~ **director** is hereby designated and appointed ex officio state quarantine officer, and shall carry out all the duties of the state quarantine officer as provided by law.

Sec. 131. NRS 561.185 is hereby amended to read as follows:

561.185 The ~~{administrator}~~ **director** may designate an employee ~~{or employees}~~ of the ~~{division}~~ **department** to act as his deputy . ~~{or deputies.}~~ In case of the absence of the ~~{administrator,}~~ **director**, or his inability from any cause to discharge the powers and duties of his office, ~~{such}~~ **those** powers and duties devolve upon his deputy . ~~{or deputies.}~~

Sec. 132. NRS 561.205 is hereby amended to read as follows:

561.205 The ~~{administrator}~~ **director** shall appoint a person to manage the activities of the ~~{division-pertaining}~~ **department relating** to the protection and promotion of the livestock industry of the State of Nevada. The person **is in the unclassified service of the state and** must ~~{be}~~ :

1. **Be** appointed on the basis of merit ~~{and is in the unclassified service. He must be}~~ ;

2. **Be** a graduate of a veterinary school or college approved by the American Veterinary Medical Association ~~{, and have}~~ ; **and**

3. **Have** at least 5 years' experience in official work for regulating and controlling diseases in livestock.

The ~~{administrator}~~ **director** may remove the person from office with the approval of the board.

Sec. 133. NRS 561.209 is hereby amended to read as follows:

561.209 The ~~{administrator}~~ **director** shall appoint a person to manage the activities of the ~~{division-pertaining}~~ **department relating** to brands and marks and brand inspection in the State of Nevada. The person must be appointed on the basis of merit ~~{,}~~ and is in the unclassified service ~~{. The administrator}~~ **of the state. The director** may remove the person from office with the approval of the board.

Sec. 134. NRS 561.214 is hereby amended to read as follows:

561.214 The ~~{administrator}~~ **director** shall appoint a person to manage the activities of the ~~{division-pertaining}~~ **department relating** to the protection and promotion of the agricultural industry of the State of Nevada. The person **is in the unclassified service of the state and** must ~~{be}~~ :

1. *Be* appointed on the basis of merit ~~{and is in the unclassified service. He must be}~~ ;

2. *Be* a graduate of an accredited college or university with a major in one of the agricultural sciences ~~{and have}~~ ; and

3. *Have* at least 5 years' experience in official work for regulating agriculture.

The ~~{administrator}~~ *director* may remove the person from office with the approval of the board.

Sec. 135. NRS 561.218 is hereby amended to read as follows:

561.218 1. The ~~{administrator}~~ *director* shall appoint a person to manage the activities of the ~~{division pertaining}~~ *department relating* to natural resources, land use planning and the management and control of wild horses and estrays. The person must be appointed on the basis of merit and is in the unclassified service ~~{The administrator}~~ *of the state. The director* may remove the person from office with the approval of the board.

2. The person appointed shall:

(a) Establish and carry out a policy for the management and control of estrays and the preservation and allocation of natural resources necessary to advance and protect the livestock and agricultural industries in this state.

(b) Develop cooperative agreements and working relationships with federal and state agencies and local governments for land use planning and the preservation and allocation of natural resources necessary to advance and protect the livestock and agricultural industries in this state.

(c) Cooperate with private organizations and governmental agencies to develop procedures and policies for the management and control of wild horses.

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

(e) Provide the *members of the* general public with information relating to the activities of the ~~{division}~~ *department* and solicit recommendations from the *members of the* general public and advisory groups concerning those activities.

(f) Make assessments of the level of competition between livestock and wildlife for food and water, collect data concerning the movement of livestock and perform activities necessary to control noxious weeds.

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

(h) Present testimony, conduct research and prepare reports for the governor, the legislature, the ~~{administrator}~~ *director* and any other person or governmental entity as directed by the ~~{administrator.}~~ *director*.

(i) Develop and carry out a program to educate the *members of the general* public concerning the ~~{various}~~ programs administered by the ~~{division,}~~ *department*, including programs for the management and control of estrays.

(j) Make proposals to the ~~{administrator}~~ *director* for the amendment of the regulations adopted by the board pursuant to NRS 561.105.

(k) Perform such other duties as directed by the ~~{administrator,}~~ *director*.

3. As used in this section:

(a) "Estray" has the meaning ascribed to it in NRS 569.005.

(b) "Wild horse" has the meaning ascribed to it in NRS 504.430.

Sec. 136. NRS 561.225 is hereby amended to read as follows:

561.225 1. The ~~{administrator}~~ *director* shall appoint such technical, clerical and operational staff as the execution of his duties and the operation of the ~~{division}~~ *department* may require.

2. The ~~{administrator}~~ *director* may designate such ~~{division}~~ *department* personnel as are required to be field agents and inspectors in the enforcement of the provisions of Titles 49 and 50 of NRS. ~~{Nothing in}~~ *The provisions of* this subsection ~~{authorizes any division}~~ *do not authorize any department* personnel so designated by the ~~{administrator}~~ *director* to retire from the public employees' retirement system before having attained the minimum service retirement age of 60 years.

Sec. 137. NRS 561.235 is hereby amended to read as follows:

561.235 1. The ~~{division}~~ *department* shall maintain a principal office and may maintain district or branch offices throughout the state if they are necessary for the efficient operation of the ~~{division,}~~ *department*.

2. The ~~{administrator}~~ *director* shall select the location of those offices and may enter into such leases or other agreements as may be necessary to establish them. The leases or agreements must be executed in cooperation with the buildings and grounds division of the department of administration and in accordance with the provisions of NRS 331.110.

Sec. 138. NRS 561.245 is hereby amended to read as follows:

561.245 In the administration of various programs by the ~~{division}~~ *department* as provided by law, the ~~{division}~~ *department* may cooperate, financially or otherwise, and execute contracts or agreements with the Federal Government or any federal department or agency, any other state department or agency, a county, a city, a public district or any political subdivision of this state, a public or private corporation, a natural person, or a group of natural persons, but such cooperation does not ~~{of itself}~~ relieve any person, department, agency, corporation or political subdivision of any responsibility or liability existing under any provision of law.

Sec. 139. NRS 561.247 is hereby amended to read as follows:

561.247 1. The ~~{division}~~ *department* shall adopt regulations necessary to establish an agricultural loan mediation program that complies with the requirements of 7 U.S.C. § 5101(c) for certification by the Secretary of Agriculture. The ~~{division}~~ *department* shall establish fees to

be charged by ~~the division~~ **it** for participation in the program. The amount of the fees must be sufficient to cover the costs of administering the program.

2. The ~~division~~ **department** shall administer the program established pursuant to subsection 1.

Sec. 140. NRS 561.255 is hereby amended to read as follows:

561.255 1. The ~~division~~ **department** may accept, for programs administered by ~~the division,~~ **it**, any money or other contribution which is made available by:

(a) Any Act of the Congress of the United States;

(b) A county, city, public district or any political subdivision of this state; or

(c) A public or private corporation or association or by any person.

2. Any money or other contribution accepted by the ~~division~~ **department** under the provisions of this section must be deposited with the state treasurer for credit to the appropriate fund and used ~~in~~ **for** a program of the ~~division.~~ **department.**

Sec. 141. NRS 561.275 is hereby amended to read as follows:

561.275 1. The ~~division~~ **department** may exhibit and display property, objects, articles, things, livestock and commodities at exhibits, fairs, expositions and places of public or private exhibition.

2. The ~~division~~ **department** may negotiate, consult with and agree with institutions, departments, officers, persons and corporations of and in the State of Nevada and elsewhere concerning quarters for and the preservation, care, transportation, storing, custody, display and exhibition of property, objects, articles, things, livestock and commodities, and concerning the terms and cost thereof, the manner, time, place and extent thereof, and the return thereof.

Sec. 142. NRS 561.285 is hereby amended to read as follows:

561.285 The ~~division~~ **department** may collect and disseminate, throughout the state, information calculated to educate and benefit the livestock and agricultural industries of the State of Nevada, and information pertaining to any program administered by the ~~division.~~ **department.**

Sec. 143. NRS 561.295 is hereby amended to read as follows:

561.295 1. The ~~administrator~~ **director** may issue and enforce a written hold order to the owner or custodian of any agricultural commodity, livestock, livestock product, appliance, material or article which he finds is in violation of any of the provisions of law administered by the ~~division~~ **department** or which he finds to be infested with a pest or infected with a disease. ~~Such~~ **The** order may prohibit further sale or movement or require that the agricultural commodity, livestock, livestock product, appliance, material or article to be held on the premises or at a designated premise until the ~~administrator~~ **director** has evidence that the ~~hold~~ order has been complied with, and upon compliance , the order must be dissolved.

2. It is unlawful to move or otherwise dispose of any agricultural commodity, livestock, livestock product, appliance, material or article except with the permission of the ~~{administrator}~~ **director** and for the purposes specified therein. Upon demand, the owner or custodian of ~~{such}~~ **the** agricultural commodity, livestock, livestock product, appliance, material or article has the right to a hearing before the ~~{administrator}~~ **director** relative to the justification of any such order. The provisions of this section do not limit the right of the ~~{division}~~ **department** to proceed as authorized by law. Any decision of the ~~{administrator}~~ **director issued** in accordance with this section is subject to review by any court of competent jurisdiction.

Sec. 144. NRS 561.301 is hereby amended to read as follows:

561.301 Aquatic agriculture, which includes the propagation, cultivation and harvesting of plants indigenous to water in a controlled or selected aquatic environment for the commercial production of food, is one of the agricultural enterprises conducted in this state. The ~~{division}~~ **department** shall promote, protect and regulate aquatic agriculture to the extent that the ~~{division}~~ **department** is authorized to regulate other forms of agriculture and other agricultural products. The ~~{division}~~ **department** shall confer with the division of wildlife of the state department of conservation and natural resources regarding aquatic agriculture to prevent any adverse effects on existing aquatic animals.

Sec. 145. NRS 561.305 is hereby amended to read as follows:

561.305 The ~~{division}~~ **department** shall establish and maintain a laboratory ~~{or laboratories}~~ for the following purposes:

1. The diagnosis of infectious, contagious and parasitic diseases of livestock, as may be necessary under the provisions of chapter 571 of NRS.
2. The diagnosis of infectious, contagious and parasitic diseases of bees, as may be necessary under the provisions of NRS 552.085 to 552.310, inclusive.
3. The diagnosis of infectious, contagious and destructive diseases of agricultural commodities, and infestations thereof by pests, as may be necessary under the provisions of NRS 554.010 to 554.240, inclusive.
4. The survey and identification of insect pests, plant diseases and noxious weeds, and the maintenance of a herbarium, as may be necessary under the provisions of NRS 555.010 to 555.249, inclusive.
5. The testing of pesticides, as may be necessary under the provisions of NRS 555.2605 to 555.460, inclusive, and 586.010 to 586.450, inclusive.
6. The safekeeping and maintenance of official standards of weights and measures as may be necessary under the provisions of chapter 581 of NRS.
7. The testing and grading of agricultural products and the testing of the purity and germinating power of agricultural seeds and the testing of the spray residue contained in produce, as may be necessary under the provisions of chapter 587 of NRS.

8. The analysis and testing of commercial fertilizers and agricultural minerals as may be necessary under the provisions of NRS 588.010 to 588.350, inclusive.

9. The analysis and testing of petroleum products, as may be necessary under the provisions of NRS 590.010 to 590.150, inclusive.

10. The analysis and testing of antifreeze, as may be necessary under the provisions of NRS 590.340 to 590.450, inclusive.

11. Any laboratory examinations, diagnoses, analyses or testing as may be deemed necessary by the ~~{administrator}~~ **director** and which can be made with equipment available in any such laboratory. Any ~~{citizen}~~ **person** may submit samples to the ~~{division}~~ **department** for examination, diagnosis, analysis or testing, subject to such rules and regulations as may be ~~{promulgated}~~ **adopted** by the ~~{administrator.}~~ **director**.

Sec. 146. NRS 561.315 is hereby amended to read as follows:

561.315 The ~~{administrator}~~ **director** may fix the maximum number of samples that may be examined, diagnosed, analyzed or tested in the department's laboratory ~~{or laboratories}~~ free of charge for any one natural person, group or corporation in any one period, and may fix reasonable fees for samples submitted in excess of those tested free of charge.

Sec. 147. NRS 561.325 is hereby amended to read as follows:

561.325 1. The ~~{division}~~ **department** may offer a standing reward, or a reward for each class of livestock, not to exceed \$1,500, for information leading to the arrest and conviction of each person engaged in stealing livestock . ~~{, the reward to}~~ **The reward must** be paid to the person ~~{or persons giving}~~ **who provides** the information leading to the arrest and conviction of ~~{such person or persons}~~ **the person** immediately upon the conviction of the person ~~{or persons}~~ so arrested.

2. The ~~{administrator may promulgate}~~ **director may establish** such further conditions and rules ~~{pertaining}~~ **relating** to the offering of such rewards and the payments thereof as he may deem proper.

Sec. 148. NRS 561.335 is hereby amended to read as follows:

561.335 1. The revolving account for agriculture working capital in the amount of \$10,000 is hereby created for the use of the ~~{division.}~~ **department**.

2. The account must be used specifically for carrying out the provisions of NRS 569.010 to 569.080, inclusive, and 569.100 to 569.130, inclusive.

3. The account may be used for:

(a) Paying the expenses of all programs and laws administered by the ~~{division,}~~ **department**, except expenses related to estrays which are required to be paid pursuant to NRS 569.090. The account must be reimbursed promptly from the proper funds in the state treasury by claims paid as other claims against the state are paid for any expenses paid pursuant to this paragraph.

(b) Providing advance money to officers and employees of the ~~{division}~~ **department** for travel expenses and subsistence allowances arising out of their official duties or employment. Such an advance constitutes a lien in favor of the ~~{division}~~ **department** upon the accrued wages of the requesting officer or employee in an amount equal to the sum advanced, but the ~~{administrator}~~ **director** may advance more than the amount of the accrued wages of the officer or employee. Upon the return of the officer or employee, he is entitled to receive any authorized expenses and subsistence in excess of the amount advanced, and a sum equal to the advance must be paid into the revolving account for agriculture working capital.

(c) Making grants and loans for any purpose authorized by subsection 2 of NRS 561.445. Any loan or grant made pursuant to this paragraph must be reimbursed promptly, as other claims against the state are paid, from the money deposited in the state treasury pursuant to subsection 1 of NRS 561.445.

4. The revolving account for agriculture working capital must be deposited in a bank qualified to receive deposits of public money and the deposit must be secured by a depository bond satisfactory to the state board of examiners.

Sec. 149. NRS 561.344 is hereby amended to read as follows:

561.344 1. The livestock inspection account is hereby created in the state general fund for the use of the ~~{division.}~~ **department.**

2. The following special taxes, fees and other money must be deposited in the livestock inspection account:

(a) All special taxes on livestock as provided by law, except the assessment collected pursuant to NRS 565.075 and any tax levied pursuant to NRS 575.070.

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

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

(d) Unclaimed proceeds from the sale of estrays by the ~~{division}~~ **department** pursuant to NRS 569.010 to 569.130, inclusive, or proceeds required to be deposited in the livestock inspection account pursuant to a cooperative agreement established pursuant to NRS 569.031.

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

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

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

3. Expenditures from the livestock inspection account must be made only for carrying out the provisions of **this chapter and** chapters 564, 569, 571, 573 and 576 of NRS. ~~{, and the provisions of this chapter.}~~

4. The interest and income earned on the money in the livestock inspection account, after deducting any applicable charges, must be credited to the account.

Sec. 150. NRS 561.365 is hereby amended to read as follows:

561.365 1. The apiary inspection account is hereby created in the state general fund for the use of the ~~{division.}~~ **department.**

2. The following fees must be deposited in the apiary inspection account:

(a) Fees collected pursuant to the provisions of NRS 552.085 to 552.310, inclusive.

(b) Laboratory fees collected for the diagnosis of infectious, contagious and parasitic diseases of bees, as authorized by NRS 561.305, and as are necessary pursuant to the provisions of NRS 552.085 to 552.310, inclusive.

3. Expenditures from the apiary inspection account must be made only ~~{for the purpose of carrying}~~ **to carry** out the provisions of **this chapter and** chapter 552 of NRS . ~~{and the provisions of this chapter.}~~

Sec. 151. NRS 561.375 is hereby amended to read as follows:

561.375 1. The noxious weed and insect pest control program is hereby established.

2. Money accepted by the ~~{division.}~~ **department** under the provisions of NRS 555.010 to 555.460, inclusive, from the Federal Government or any federal department or agency, a county, a city, a public district or any political subdivision of this state, a public or private corporation, or a natural person, may be used in the noxious weed and insect pest control program.

3. Expenditures for the noxious weed and insect pest control program may be made only ~~{for the purpose of carrying}~~ **to carry** out the provisions of **this chapter and** chapter 555 of NRS . ~~{and the provisions of this chapter.}~~

Sec. 152. NRS 561.385 is hereby amended to read as follows:

561.385 1. The agriculture registration and enforcement account is hereby created in the state general fund for the use of the ~~{division.}~~ **department.**

2. The following fees must be deposited in the agriculture registration and enforcement account:

(a) Fees collected pursuant to the provisions of NRS 586.010 to 586.450, inclusive.

(b) Fees collected pursuant to the provisions of NRS 588.010 to 588.350, inclusive.

(c) Fees collected pursuant to the provisions of NRS 590.340 to 590.450, inclusive.

(d) Laboratory fees collected for the testing of pesticides as authorized by NRS 561.305, and as are necessary pursuant to the provisions of NRS 555.2605 to 555.460, inclusive, and 586.010 to 586.450, inclusive.

(e) Laboratory fees collected for the analysis and testing of commercial fertilizers and agricultural minerals, as authorized by NRS 561.305, and as are necessary pursuant to the provisions of NRS 588.010 to 588.350, inclusive.

(f) Laboratory fees collected for the analysis and testing of petroleum products, as authorized by NRS 561.305, and as are necessary pursuant to the provisions of NRS 590.010 to 590.150, inclusive.

(g) Laboratory fees collected for the analysis and testing of antifreeze, as authorized by NRS 561.305, and as are necessary pursuant to the provisions of NRS 590.340 to 590.450, inclusive.

3. Expenditures from the agriculture registration and enforcement account may be made only ~~{for the purposes of carrying}~~ **to carry** out the provisions of **this chapter**, chapters 586, 588 and 590 of NRS ~~{,}~~ **and** NRS 555.2605 to 555.460, inclusive. ~~{, and the provisions of this chapter.}~~

Sec. 153. NRS 561.405 is hereby amended to read as follows:

561.405 The rural rehabilitation fund is hereby created as a special revenue fund in the state treasury for the use of the ~~{division}~~ **department** in carrying out the provisions of NRS 561.425 to 561.465, inclusive.

Sec. 154. NRS 561.409 is hereby amended to read as follows:

561.409 1. The alfalfa seed research and promotion account is hereby created in the state general fund. The proceeds of the special assessment levied pursuant to NRS 587.155 must be credited to the alfalfa seed research and promotion account and all refunds made pursuant to NRS 587.155 must be paid from the alfalfa seed research and promotion account.

2. Expenditures from the alfalfa seed research and promotion account may be made only for:

(a) Alfalfa seed research and marketing promotion programs;

(b) Administrative, per diem and travel expenses of the alfalfa seed advisory board; and

(c) Reimbursement to the ~~{division}~~ **department** for administrative expenses of the ~~{division,}~~ **department**, not to exceed 5 percent of the assessments collected.

Sec. 155. NRS 561.415 is hereby amended to read as follows:

561.415 1. Money to carry out the provisions of this chapter and to support the ~~{division}~~ **department** and the ~~{various}~~ programs administered by it, may be provided by direct legislative appropriation from the general fund.

2. All money in any fund in the state treasury available to the ~~{division}~~ **department** must be paid out on claims approved by the ~~{administrator}~~ **director** as other claims against the state are paid.

3. All money in the revolving account for agriculture working capital must be paid out by checks signed by the ~~{administrator}~~ **director** and by a deputy, or by two deputies designated by him for ~~{the}~~ **that** purpose.

Sec. 156. NRS 561.421 is hereby amended to read as follows:

561.421 Any field agent, inspector, or other officer or employee of the ~~{division,}~~ **department**, who collects currency in payment of any taxes, assessments, proceeds of sale, fees or other charges imposed pursuant to

the provisions of this Title in an area of the state so remote that the currency can only be transmitted to the ~~{division}~~ *department* by mail, may mail a check in lieu of the amount collected in currency.

Sec. 157. NRS 561.423 is hereby amended to read as follows:

561.423 1. The garlic and onion research and promotion account is hereby created in the state general fund. The proceeds of the special assessment levied pursuant to NRS 556.070 must be credited to the account and all refunds made pursuant to NRS 556.070 must be paid from the account.

2. Expenditures from the account may be made only for:

(a) Garlic and onion research programs and marketing-promotion programs;

(b) Administrative, per diem and travel expenses of the garlic and onion growers' advisory board; and

(c) Reimbursement to the ~~{division}~~ *department* for administrative expenses of the ~~{division,}~~ *department*, not to exceed 5 percent of the assessments collected.

Sec. 158. NRS 561.425 is hereby amended to read as follows:

561.425 The ~~{division is designated and empowered to}~~ *department* *may* act as the agency of and ~~{in}~~ *on* behalf of and for the State of Nevada to make application to and to receive from the Secretary of Agriculture of the United States, or any other federal ~~{official}~~ *officer* properly authorized by the Federal Government and pursuant and subject to the provisions of that certain Act of Congress, approved May 3, 1950, entitled "An Act to provide for the liquidation of the trust under the transfer agreements with the state rural rehabilitation corporations, and for other purposes," being c. 152, 64 Stat. 98, 40 U.S.C. §§ 440 to 444, inclusive, the trust assets, either ~~{funds}~~ *money* or property, held by the United States as trustee for and in behalf of the defunct Nevada rural rehabilitation corporation.

Sec. 159. NRS 561.435 is hereby amended to read as follows:

561.435 The ~~{division}~~ *department* may:

1. Enter into agreements with the Secretary of Agriculture of the United States pursuant to section 2(f) of c. 152, 64 Stat. 98, 40 U.S.C. § 440(f), upon such terms and conditions and for such periods ~~{of time}~~ as may be mutually agreeable, authorizing the Secretary of Agriculture of the United States to accept, administer, expend and use in the State of Nevada all or any part of ~~{such}~~ *those* trust assets or any other money of the State of Nevada which may be appropriated for such uses for carrying out the purposes of the applicable provisions of the Bankhead-Jones Farm Tenant Act, being 7 U.S.C. §§ 1000 to 1031, inclusive, as ~~{the same}~~ *it* is now or hereafter may be amended.

2. Do ~~{any and all things}~~ *anything* necessary to ~~{effectuate and}~~ carry out the purposes of ~~{such}~~ *those* agreements.

Sec. 160. NRS 561.445 is hereby amended to read as follows:

561.445 1. Notwithstanding any other provisions of law, *the* money and ~~{the}~~ proceeds of the trust assets which are not authorized to be

administered by the Secretary of Agriculture of the United States under the provisions of NRS 561.435 must be received by the ~~{division}~~ department and by it forthwith deposited with the state treasurer.

2. Such money is hereby appropriated and may be expended or obligated by the ~~{division}~~ department for the purposes of NRS 561.435 or for use by the ~~{division}~~ department for such of the rural rehabilitation purposes permissible under the charter of the now defunct Nevada rural rehabilitation corporation as may from time to time be agreed upon by the ~~{division}~~ department and the Secretary of Agriculture of the United States, subject to the applicable provisions of c. 152, 64 Stat. 98, 40 U.S.C. §§ 440 to 444, inclusive, and the applicable provisions of the Bankhead-Jones Farm Tenant Act.

Sec. 161. NRS 561.455 is hereby amended to read as follows:

561.455 1. The ~~{division}~~ department may:

(a) Collect, compromise, adjust or cancel claims and obligations arising out of or administered under *the provisions of* NRS 561.425 to 561.465, inclusive, or under any mortgage, lease, contract or agreement entered into or administered pursuant to NRS 561.425 to 561.465, inclusive, and, if in its judgment necessary and advisable, pursue the ~~{same}~~ *claims and obligations* to final collection in any court having jurisdiction.

(b) Bid for and purchase at any execution, foreclosure or other sale, or otherwise acquire property upon which the ~~{division}~~ department has a lien ~~{by reason}~~ *because* of a judgment or execution, or which is pledged, mortgaged, conveyed or which otherwise secures any loan or other indebtedness owing to or acquired by the ~~{division}~~ department pursuant to NRS 561.425 to 561.465, inclusive.

(c) Accept title to any property so purchased or acquired for and ~~{in}~~ *on* behalf of the state and may operate or lease ~~{such}~~ *the* property for such period as may be deemed necessary to protect the investment therein, and may sell or otherwise dispose of ~~{such}~~ *the* property in a manner consistent with the provisions of NRS 561.425 to 561.465, inclusive.

2. The authority ~~{herein}~~ contained *in this section* may be delegated to the Secretary of Agriculture of the United States with respect to money or assets authorized to be administered and used by him under agreements entered into pursuant to NRS 561.435.

Sec. 162. NRS 561.465 is hereby amended to read as follows:

561.465 The United States, and the Secretary of Agriculture thereof, must be held free from liability ~~{by virtue}~~ *as a result* of the transfer of the assets to the ~~{division}~~ department pursuant to NRS 561.425 to 561.465, inclusive.

Sec. 163. NRS 562.060 is hereby amended to read as follows:

562.060 The state board of sheep commissioners, consisting of three members appointed by the governor, is hereby created ~~{-}~~ *within the state department of agriculture*.

Sec. 164. NRS 562.130 is hereby amended to read as follows:

562.130 The board may:

1. Employ a secretary and such inspectors and other employees as it may find necessary ~~in carrying~~ **to carry** out the provisions of this chapter.
2. Prescribe the duties and fix the compensation and travel and subsistence expenses of its employees and volunteers.
3. Require such bonds from its inspectors as ~~the board sees fit.~~ **it determines necessary.**
4. Request the ~~administrator~~ **director** of the ~~division~~ **state department** of agriculture ~~of the department of business and industry~~ to designate, pursuant to NRS 561.225, one or more employees of the ~~division~~ **department** to issue sheep permits and act as sheep inspectors ~~when~~ **if** the board and its inspectors are unable to do so.

Sec. 165. NRS 562.390 is hereby amended to read as follows:

562.390 1. All sheep or bucks imported to Nevada from any state, territory or the District of Columbia or from any foreign country must, upon entering the state, irrespective of the time of entry, be dipped as required by and under the supervision of an inspector of the board. After the dipping, if the sheep or bucks are free of disease, they must be released and thereupon become subject to the laws, rules and regulations governing other sheep in the state.

2. ~~When~~ **If** sheep, other than bucks, are imported, transported or driven into the State of Nevada from any other state or territory, the District of Columbia or from any foreign country under **a** permit ~~from~~ **issued by** the board or a designated employee of the ~~division~~ **state department** of agriculture, ~~of the department of business and industry,~~ and the sheep are accompanied by a health certificate not more than 10 days old, signed by a state veterinarian, deputy state veterinarian, inspector of the Bureau of Animal Industry of the United States ~~or~~ or any authorized state sheep inspector, certifying that the sheep are free from disease and exposure thereto and have not been for the preceding 6 months in any district infected with sheep scabies, the sheep may be admitted without dipping.

3. The board ~~is authorized to~~ **may** take charge of and dip as soon as possible any sheep and bucks imported into the State of Nevada not previously dipped in Nevada as required by this section, and the expenses for so doing must be paid by the owner of the sheep or bucks and constitute a lien upon the sheep or bucks until paid.

4. Any person, ~~firm or corporation,~~ or any servant, agent or employee thereof, who ~~is the owner~~ **owns** or **is** in charge or control of any sheep or bucks imported into the State of Nevada ~~violating~~ **and who violates** the provisions ~~for the dipping requirements~~ of this section ~~or~~ is guilty of a gross misdemeanor.

Sec. 166. NRS 562.410 is hereby amended to read as follows:

562.410 1. Any person, ~~company, corporation or association,~~ or any agent, servant or employee thereof, desiring to move his ~~or their~~ sheep which are not sound, ~~or~~ which are infected with scabies or any

infectious or contagious disease, or which have been exposed in any manner to any such infection or disease ~~{ }~~ must obtain from the member of the board supervising the district or from a designated employee of the ~~{division}~~ **state department** of agriculture , ~~{of the department of business and industry,}~~ a traveling permit. A permit may only be granted ~~{for the purpose of moving}~~ **to move** the sheep to the nearest practicable place where they may be treated for the infection or disease, and by such routes as the member of the board or the employee of the ~~{division}~~ **department** designates.

2. ~~{No such sheep may}~~ **A sheep specified in subsection 1 must not** be moved until a permit has been obtained.

3. The board may, by regulation, authorize an inspector to issue traveling permits.

4. Any person, ~~{company, corporation or association,}~~ or agent, servant or employee thereof, who violates the provisions of this section is guilty of a gross misdemeanor.

Sec. 167. NRS 562.430 is hereby amended to read as follows:

562.430 1. ~~{No}~~ A sheep may **not** be brought into Nevada from any point outside ~~{thereof}~~ **this state** unless a permit has been issued by the board or a designated employee of the ~~{division}~~ **state department** of agriculture ~~{of the department of business and industry authorizing their}~~ **authorizing the entry of the sheep** and the terms of the permit have been complied with . ~~{in all particulars.}~~

2. The permit must accompany the lot or shipment of sheep ~~{concerned and if}~~ **to which the permit applies. If** the shipment is made by **a** common carrier, the permit must be attached to the waybill or bill of lading.

3. Sheep or bucks trailing into the state from adjoining states for immediate interstate shipments, sheep and bucks grazing along and across the state lines, and sheep shipped or moved by any means from any part of this state to feed yards in any other part of the state are governed by the ~~{rules and regulations of}~~ **regulations adopted by** the board.

4. If any person, ~~{company or corporation,}~~ or any agent, servant or employee thereof, is convicted of a violation of the provisions of this section, the person, ~~{company or corporation,}~~ or the agent, servant or employee thereof, shall be punished as provided in NRS 562.560.

Sec. 168. NRS 563.010 is hereby amended to read as follows:

563.010 The Nevada junior livestock show board is hereby created ~~{ }~~ **within the state department of agriculture.**

Sec. 169. NRS 563.151 is hereby amended to read as follows:

563.151 As used in NRS 563.151 to 563.221, inclusive, unless the context otherwise requires:

1. “Beef” includes beef products and veal products.

2. “Council” means the Nevada beef council.

3. “Department” means the state department of agriculture.

4. “Director” means the director of the department.

Sec. 170. NRS 563.161 is hereby amended to read as follows:

563.161 The Nevada beef council, consisting of five members appointed by the governor, is hereby created ~~{ }~~ **within the department.**

Sec. 171. NRS 563.181 is hereby amended to read as follows:

563.181 1. The council shall meet at least four times ~~{per}~~ **each** year and at the request of the chairman or a majority of the members.

2. The council shall operate on the basis of a fiscal year beginning July 1 and ending June 30.

3. The council shall furnish an annual report of its activities, expenditures and other financial information to the governor and to the ~~{administrator of the division of agriculture of the department of business and industry.}~~ **director.**

Sec. 172. NRS 563.221 is hereby amended to read as follows:

563.221 1. The ~~{administrator of the division of agriculture of the department of business and industry}~~ **director** shall deposit the money of the council with the state treasurer for credit to the account for the promotion of beef.

2. The state treasurer shall disburse the money of the council on the order of the council.

3. Claims against the account for the promotion of beef must be paid as other claims against the state are paid.

Sec. 173. NRS 564.010 is hereby amended to read as follows:

564.010 As used in this chapter:

1. ~~{“Administrator” means the administrator of the division.~~

~~2.}~~ “Animals” means:

- (a) All cattle or animals of the bovine species.
- (b) All horses, mules, burros and asses or animals of the equine species.
- (c) All swine or animals of the porcine species.
- (d) All sheep and goats.
- (e) Alternative livestock as defined in NRS 501.003.

~~{3. “Division”}~~

2. “Department” means the ~~{division}~~ **state department** of agriculture .
~~{of the department of business and industry.}~~

3. “Director” **means the director of the department.**

Sec. 174. NRS 564.025 is hereby amended to read as follows:

564.025 1. As used in this section, “open range” means all unenclosed lands outside of cities and towns upon which animals by custom, license, lease or permit are grazed or permitted to roam.

2. Except as **otherwise** provided in subsection 3, every owner of animals in this state, who permits his animals to graze upon the open range, shall design, adopt and record a brand ~~{or brands,}~~ or **a** brand and mark ~~{or brands and marks,}~~ and shall brand or brand and mark his animals as provided in NRS 564.010 to 564.150, inclusive.

3. Every owner of animals who brings such animals from another state into this state, ~~{which}~~ **if the** animals have a recorded or registered brand of ~~{such}~~ **that** other state, and who permits ~~{such}~~ **those** animals to graze upon

the open range shall ~~{make application}~~ **apply** to the ~~{division}~~ **department** for **a** temporary use of ~~{such}~~ **the** brand. The application must state the ~~{duration of time such}~~ **period for which the** animals will remain in this state. The ~~{division}~~ **department** may grant a temporary use of ~~{such}~~ **the** brand for a designated period, ~~{of time,}~~ which may not exceed the ~~{duration of time}~~ **period** stated in the application, or require a new brand or **a** brand and mark as required by this section.

4. This section does not apply to animals **that are** less than 6 months of age.

Sec. 175. NRS 564.030 is hereby amended to read as follows:

564.030 The ~~{administrator is empowered and authorized to}~~ **director** **may** carry out the ~~{terms and}~~ provisions of NRS 564.010 to 564.150, inclusive, and, for that purpose, ~~{to make such rules and}~~ **adopt such** regulations not inconsistent therewith, and ~~{to}~~ appoint such agents, under his direction, as he deems necessary therefor. All ~~{expense}~~ **expenses** in connection therewith must be paid from the livestock inspection account, except as **otherwise** provided in NRS 564.010 to 564.150, inclusive.

Sec. 176. NRS 564.040 is hereby amended to read as follows:

564.040 1. Any owner of animals in this state desiring to adopt and use thereupon any brand, or brand and mark, or marks, as provided for in NRS 564.010 to 564.150, inclusive, shall, before doing so, forward to the ~~{division}~~ **department** an application, on a form approved and provided by the ~~{division}~~ **department** for that purpose, for the recording of ~~{such}~~ **the** brand, or brand and mark or marks, and receive a certificate of recordation as provided in NRS 564.010 to 564.150, inclusive.

2. The application must:

(a) Include a drawing, exact except as to size, of the brand, together with any earmarks or other marks desired or intended to be used therewith, and the location upon the animal or animals concerned where ~~{such}~~ **the** brand and earmarks or other marks are desired or intended to be used;

(b) Include a statement of the kinds of animals upon which the brand or brand and mark or marks ~~{is or are to}~~ **are used or will** be used;

(c) Include a statement of the approximate boundaries of that part of the state within which it is intended to use the ~~{same;}~~ **brand, brand and mark or marks;** and

(d) Include the full name and address of the applicant.

3. For the purpose of NRS 564.010 to 564.150, inclusive, the post office address included in the application must be considered the legal address of the applicant until the ~~{division}~~ **department** receives from the applicant, in writing, a notice of **the** change of the ~~{same,}~~ **address,** the latest address of record with the ~~{division}~~ **department** remaining the legal address.

Sec. 177. NRS 564.050 is hereby amended to read as follows:

564.050 1. Only one brand may be awarded or recorded for each owner of animals, except that the owner or owners of separate and distinct livestock units may, under the ~~{terms}~~ **provisions** of NRS 564.010 to

564.150, inclusive, and within the discretion of the ~~{division,}~~ **department**, record one brand for use in connection with and for each such distinct and separate livestock unit.

2. No brand may be recorded or used which is identical with or, in the opinion of the ~~{division,}~~ **department**, so similar to any brand previously recorded and remaining of legal record, or any abandoned brand which has not been abandoned for 1 year, as provided in NRS 564.120, ~~{as-to-be liable-to}~~ **that it may** cause confusion as to the identity or ownership of animals, or which ~~{can}~~ **may** be readily used to obliterate or alter any legally recorded brand ~~{already-in-use}~~ **that is used** in the same area in this state.

3. ~~{Nothing in}~~ **The provisions of** this section ~~{applies}~~ **do not apply** to the rerecording of any brand ~~{or brands}~~ legally recorded on July 1, 1961, and remaining of legal record in this state under the provisions of NRS 564.010 to 564.150, inclusive, insofar as the legal owners of ~~{such}~~ **the** brand ~~{or brands}~~ on July 1, 1961, are concerned, until July 1, 1976, or to brands legally transferred as provided for in NRS 564.110.

4. After July 1, 1959, ~~{no}~~ **an** earmark may **not** be recorded which violates the provisions of subsection 3 of NRS 564.020.

Sec. 178. NRS 564.060 is hereby amended to read as follows:

564.060 1. Upon receipt of an application, as set forth in NRS 564.040, the ~~{division}~~ **department** shall cause the records of previously recorded brands, remaining of legal record, or not abandoned for more than 1 year as provided in NRS 564.120, to be searched and, if the brand applied for is recordable under the provisions of NRS 564.050, award the brand set forth in the application to the applicant and proceed to record the ~~{same,}~~ **brand**, together with the mark or marks.

2. In the case of any brand awarded after July 1, 1945, the recording certificate issued by the ~~{division}~~ **department** must define the area within this state where the ~~{same}~~ **brand** may be used, and the position ~~{or positions,}~~ on the animal ~~{or animals}~~ concerned, where it may be applied, and the use of the brand outside ~~{of-such}~~ **that** area, or its application to other positions, without the written approval of the ~~{division}~~ **department** is unlawful.

3. ~~{No}~~ **A** brand applied for ~~{may}~~ **must not** be awarded or recorded until after the lapse of 2 legal business days ~~{subsequent-to}~~ **after** the receipt of the application for the ~~{same}~~ **brand** at the established office of the ~~{division,}~~ **department**.

4. In all cases where, under the terms of NRS 564.010 to 564.150, inclusive, the brand or brands and mark or marks applied for cannot legally be awarded by the ~~{division}~~ **department** to the applicant, the applicant must promptly be so notified by the ~~{division,}~~ **department**.

5. Applications for the awarding and recording of brands or brands and marks must take precedence in the chronological order of their receipt at the established office of the ~~{division,}~~ **department**.

6. The ~~{division may, in its discretion,}~~ **department may** refuse to award or record a brand known to be in use at the time in this state, or in an abutting county of an adjoining state, by a person ~~{or persons}~~ other than the applicant therefor.

Sec. 179. NRS 564.070 is hereby amended to read as follows:

564.070 1. Upon the awarding of a brand or brands as provided in NRS 564.010 to 564.150, inclusive, the ~~{division}~~ **department** shall immediately proceed to record the ~~{same.}~~ **brand or brands.**

2. ~~{Such}~~ **The** recording must consist of the transcribing upon a suitable and permanent record, which is a public record and prima facie evidence of the facts contained ~~{therein,}~~ **in the record**, designed and approved by the ~~{division}~~ **department** for that purpose, of:

(a) A facsimile, except as to scale, of the brand or brand and mark or marks awarded.

(b) The location upon the animal ~~{or animals}~~ concerned of the brand or brand and mark or marks as awarded.

(c) The date of application.

(d) The date of award.

(e) The district within which the brand or brands and mark or marks ~~{is or are intended to}~~ **are used or will** be used.

(f) The kind of animals upon which ~~{it is or they are intended to}~~ **the brand or brands and marks are used or will** be used.

3. The ~~{division}~~ **department** shall promptly cause to be prepared and sent to the person to whom the award is made a certificate containing the same entries as those set forth upon the permanent record of the ~~{division}~~ **department** described in subsection 2 and certified to by the ~~{division}~~ **department** or its ~~{duly}~~ authorized agent. ~~{Such a}~~ **The** certificate has the legal status of similar certificates as set forth in NRS 564.090.

Sec. 180. NRS 564.080 is hereby amended to read as follows:

564.080 Except as otherwise provided in NRS 564.010 to 564.150, inclusive, the ~~{division may, in its discretion, establish fair and reasonable charges deemed justified by the division}~~ **department may establish** and collect ~~{the same}~~ **reasonable fees** for:

1. The recording of brands or brands and marks;

2. The rerecording of ~~{the same;}~~ **brands or brands and marks;**

3. The recording of instruments transferring ownership of brands or brands and marks; or

4. Certificates of recordation or rerecording of brands or brands and marks.

Sec. 181. NRS 564.090 is hereby amended to read as follows:

564.090 All certificates of recordation of brands or brands and marks furnished by the ~~{division}~~ **department** under the provisions of NRS 564.010 to 564.150, inclusive, are prima facie evidence of the ownership of all animals of the kind or kinds and bearing the brand or brands and mark

or marks specified and as set forth therein, and ~~{such}~~ *those* certificates must be taken as evidence of ~~{such}~~ *that* ownership in all suits of law or in equity, or in any criminal proceedings, ~~{when}~~ *if* the title to animals in this state is involved or proper to be proved.

Sec. 182. NRS 564.110 is hereby amended to read as follows:

564.110 1. Any brand or brand and mark or marks ~~{}~~ awarded and recorded and remaining of record in accordance with the terms of NRS 564.010 to 564.150, inclusive, including those transferred legally as provided in this section, are the property of the person ~~{or persons}~~ to whom they stand of record as provided in NRS 564.010 to 564.150, inclusive, and are subject to sale, assignment, transfer, security agreement or lien, devise and descent the same as other personal property.

2. Instruments of writing evidencing ~~{such}~~ *the* sale, assignment, transfer, security agreement, lien, devise or descent must be in that form, as to text, signatures, witnesses, acknowledgments or certifications, required by statutes, in the case of the kind of instrument concerned, but the ~~{division}~~ *department* may secure such competent legal advice or rulings, and require such supporting evidence as it deems necessary, as to such instruments of writing, being in fact, authentic and in ~~{due}~~ legal form, before approving and recording ~~{the same,}~~ *those instruments of writing* as provided in NRS 564.010 to 564.150, inclusive.

3. Instruments in writing evidencing the transfer of ownership of any brand or brand and mark or marks must, after approval, be recorded in the office of the ~~{division}~~ *department* in a book to be provided for that purpose, and are not legally binding until so approved by the ~~{division}~~ *department* and recorded.

4. ~~{Recording of such}~~ *The recording of those* instruments has the same force and effect as to third parties as the recording of instruments affecting the sale, assignment, transfer, devise or descent of other personal property. The original, or a certified copy of any such instrument, may be introduced in evidence *in* the same *manner* as is provided for similar instruments affecting personal property, and the record of ~~{such}~~ *the* instrument or instruments of transfer, or the transcript thereof certified by the custodian of ~~{such}~~ *the* record, may be read in evidence without further proof.

5. ~~{Whenever}~~ *If* any brand or brand and mark or marks of record, in accordance with the ~~{terms}~~ *provisions* of NRS 564.010 to 564.150, inclusive, becomes the subject of, or is included in, any security agreement, provisional assignment or legal lien, the secured party, provisional assignee or lien holder may notify the ~~{division}~~ *department* in writing as to the existence and conditions of ~~{such}~~ *the* security agreement, provisional assignment or lien. After the receipt of ~~{such}~~ *the* written notice, the ~~{division}~~ *department* shall not transfer ~~{such}~~ *the* brand or brand and mark

or marks, other than to ~~{such}~~ **the** secured party, provisional assignee or lien holder until there is filed with the ~~{division}~~ **department** satisfactory legal evidence that ~~{such}~~ **the** security agreement, provisional assignment or lien has been legally satisfied and removed.

6. No transfer or change, or partial, joint or complete ownership, of any brand under the provisions of this section:

(a) Grants or recognizes any change in the method or area of its use from that authorized at the time of recording, or subsequent thereto but before the transfer or change of ownership; or

(b) Waives or modifies the rerecording requirements set forth in NRS 564.120.

Sec. 183. NRS 564.120 is hereby amended to read as follows:

564.120 1. Any owner of a brand or brand and mark or marks of record under the provisions of NRS 564.010 to 564.150, inclusive, including brands or marks transferred ~~{under the terms}~~ **pursuant to the provisions** of NRS 564.110, desiring legally to continue the use of the ~~{same}~~ **brand or brand and mark or marks** beyond the prescribed dates shall, within 60 days ~~{prior to}~~ **before** January 1, 1976, and at the end of each 4-year period thereafter, ~~{make application}~~ **apply** to the ~~{division}~~ **department** for the rerecording of the ~~{same.}~~ **brand or brand and mark or marks.**

2. The application must be made in writing and accompanied by any rerecording fee ~~{set}~~ **established** by the ~~{division in accord}~~ **department in accordance** with the provisions of NRS 564.080.

3. The ~~{division}~~ **department** shall notify every owner of a brand or brand and mark or marks of legal record in its office, including owners of brands and marks transferred under the provisions of NRS 564.110, at least 60 days ~~{prior to}~~ **before** January 1, 1976, and January 1 at the end of each 4-year period thereafter, of his right to rerecord the ~~{same}~~ **brand or brand and mark or marks** as provided in this section. The notice must be in writing and ~~{must be}~~ sent by mail to each such owner at his last address of record in the office of the ~~{division.}~~ **department.** The notice is complete at the expiration of 60 days ~~{from}~~ **after** the date of its mailing by the ~~{division.}~~ **department.**

4. The ~~{division}~~ **department** may also advertise the approach of any rerecording period in such manner and at such times as it deems advisable.

5. Any ~~{or all}~~ brands or brands and marks for the rerecording of which the owners have not applied as provided for in this section by January 1, 1976, or by January 1 of any 4-year period ~~{succeeding}~~ **after** that date, including all brands and marks of record as transferred as provided in NRS 564.110, shall be deemed abandoned and no longer of legal record as provided for by NRS 564.010 to 564.150, inclusive. Brands or brands and marks thus abandoned may not be awarded or recorded by the ~~{division}~~ **department** to persons other than those **persons** abandoning the ~~{same}~~ **brands or brands and marks** until 1 year ~~{has elapsed from the date of such abandonment and the}~~ **after the date of the abandonment. The**

awarding and recording of abandoned brands or brands and marks to any person must be in ~~{accord}~~ **accordance** with the ~~{terms}~~ **provisions** of NRS 564.010 to 564.150, inclusive.

6. The ~~{division}~~ **department** shall furnish the legal owners of any brand or brand and mark or marks rerecorded under the provisions of this section with a certificate setting forth the fact of ~~{such}~~ **the** rerecordation.

7. No new brands may be recorded during the 60 days of a rerecording period unless in the opinion of the ~~{administrator}~~ **director** undue hardship would be caused the applicant.

Sec. 184. NRS 564.130 is hereby amended to read as follows:

564.130 1. The ~~{division}~~ **department** may compile and issue books, and supplements thereto, containing transcripts of part or all of its records of brands and marks, so arranged and indexed as to be suitable for use in identifying any brands or marks which may be found in this state on any animals, or the hides thereof, and used in compliance with the ~~{terms}~~ **provisions** of NRS 564.010 to 564.150, inclusive.

2. Copies of the ~~{same}~~ **brand books and supplements** must be made available to any person at a charge to be fixed by the ~~{division,}~~ **department**, but the charge must not be less than the cost of compilation, publication and issuance.

3. Copies of ~~{such}~~ **the** brand books or supplements may be furnished by the ~~{division,}~~ **department**, without charge, to any public ~~{official}~~ **officer** or other person whose possession of ~~{such}~~ **the** book or supplements will, in the opinion of the ~~{division,}~~ **department**, serve to promote the general welfare.

Sec. 185. NRS 564.140 is hereby amended to read as follows:

564.140 1. It is unlawful for the owner ~~{or owners}~~ of any legally recorded brand, recorded under the provisions of NRS 564.010 to 564.150, inclusive, to use the brand on any position , ~~{or positions,}~~ on any animal , ~~{or animals,}~~ or in any area , ~~{or areas,}~~ other than ~~{those}~~ **that** authorized in writing at the time the brand was recorded, or subsequent thereto, by the ~~{division. The division}~~ **department. The department** may, on the written application of the owner ~~{or owners}~~ of any legally recorded brand, authorize in writing a change of position ~~{, or new positions}~~ **or a new position** for the application of the brand, or change or enlarge the area in which it may be used, if in the opinion of the ~~{division}~~ **department** the change ~~{or changes}~~ in position or area of use will not jeopardize or injure the rights or property of the owner ~~{or owners}~~ of any other brand remaining of legal record.

2. Any application for a change in position ~~{, or new positions, or changes}~~ **or a new position or a change** in the area of use as provided in subsection 1 must set forth a ~~{valid and}~~ sufficient reason ~~{or reasons}~~ for the ~~{same,}~~ **change**, and the ~~{division}~~ **department** may require such supporting evidence for the ~~{same}~~ **change** as it deems necessary to establish the facts.

3. It is unlawful for any person to obliterate, disfigure, extend, deface or remove from any animal a brand that is recorded pursuant to the provisions of NRS 564.010 to 564.150, inclusive.

Sec. 186. NRS 564.150 is hereby amended to read as follows:

564.150 Any person violating any of the provisions of NRS 564.010 to 564.140, inclusive:

1. Is guilty of a misdemeanor, except that any person who violates the provisions of subsection 3 of NRS 564.140 is guilty of a gross misdemeanor.

2. In addition to any criminal penalty, shall pay to the ~~[division]~~ **department** an administrative fine of not more than \$1,000 per violation.

If an administrative fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the ~~[division-]~~ **department**.

Sec. 187. NRS 565.010 is hereby amended to read as follows:

565.010 As used in this chapter, unless the context **otherwise** requires

~~[otherwise:~~

~~1. "Administrator" means the administrator of the division.~~

~~2.] :~~

1. "Animals" means:

(a) All cattle or animals of the bovine species except dairy breed calves under the age of 1 month.

(b) All horses, mules, burros and asses or animals of the equine species.

(c) All swine or animals of the porcine species.

(d) Alternative livestock as defined in NRS 501.003.

~~[3-]~~ 2. "Brand inspection" means a careful examination of each animal offered for such inspection and an examination of any brands, marks or other characteristics thereon.

~~[4. "Division"]~~

3. "Department" means the ~~[division]~~ **state department** of agriculture .
~~[of the department of business and industry.]~~

4. "Director" means the **director of the department**.

Sec. 188. NRS 565.030 is hereby amended to read as follows:

565.030 The ~~[division]~~ **department** is designated as the authority to administer, and carry out and enforce the provisions of, this chapter and any ~~[rules and regulations issued thereunder.]~~ **regulations adopted pursuant thereto**.

Sec. 189. NRS 565.040 is hereby amended to read as follows:

565.040 1. The ~~[administrator]~~ **director** may declare any part of this state a brand inspection district.

2. After the creation of any brand inspection district as authorized by this chapter , all animals within any such district are subject to brand inspection in ~~[accord with the terms]~~ **accordance with the provisions** of this chapter before:

(a) Consignment for slaughter within any district

;

- (b) Any transfer of ownership by sale or otherwise; or
- (c) Removal from the district if the removal is not authorized pursuant to a livestock movement permit issued by the ~~{division}~~.

~~3. Whenever~~ **department**.

3. *If* a brand inspection district is created by the ~~{division}~~ **department** pursuant to the provisions of this chapter, the ~~{administrator}~~ **director** shall adopt ~~{and issue}~~ regulations defining the boundaries of the district ~~{}~~ **and** the fees to be collected for brand inspection ~~{}~~ **and** prescribing such other ~~{rules or}~~ methods of procedure not inconsistent with the provisions of this chapter as he ~~{deems wise}~~ **considers necessary**.

4. Any regulations ~~{issued}~~ **adopted** pursuant to the provisions of this section must be published at least twice in ~~{some}~~ **a** newspaper having a general circulation in the brand inspection district created by the regulations, and copies of the regulations must be mailed to all common carriers of record with the transportation services authority operating in the brand inspection district. ~~{, which}~~ **Such** publication and notification constitutes legal notice of the creation of the brand inspection district. The expense of advertising and notification must be paid from the livestock inspection account.

Sec. 190. NRS 565.070 is hereby amended to read as follows:

565.070 The ~~{division is authorized to}~~ **department may** levy and collect a ~~{reasonably compensatory fee or fees}~~ **reasonable fee** for brand inspection as required under the provisions of this chapter. Any fee ~~{or fees}~~ so levied must be collected in the manner prescribed by the ~~{administrator}~~ **director**.

Sec. 191. NRS 565.075 is hereby amended to read as follows:

565.075 The ~~{division}~~ **department** may collect the assessment required pursuant to 7 U.S.C. § 2904 and shall deposit the money collected with the state treasurer for credit to the account for the promotion of beef.

Sec. 192. NRS 565.090 is hereby amended to read as follows:

565.090 1. Except as otherwise provided in subsections 3 and 6, it is unlawful for any person to drive or otherwise remove any animals out of a brand inspection district created under the provisions of this chapter until the animals have been inspected and a brand inspection clearance certificate is issued by the ~~{division}~~ **department** or a written permit from the ~~{division}~~ **department** has been issued authorizing the movement without brand inspection.

2. Any person contemplating the driving or movement of any animals out of a brand inspection district shall notify the ~~{division}~~ **department** or an inspector thereof of his intention, stating:

- (a) The place at which it is proposed to cross the border of the brand inspection district with the animals.
- (b) The number and kind of animals.
- (c) The owner of the animals.

(d) The brands and marks of the animals claimed by each owner and, if they are other than the brands and marks legally recorded in the name of the owner, information ~~as to what the claim to~~ **concerning the basis for the claim of** ownership or legal possession . ~~is based upon.~~

(e) The date of the proposed movement across the border of the brand inspection district and the destination of the movement.

(f) If a brand inspection is required, a statement ~~as to~~ **setting forth the place** where the animals will be held for brand inspection.

3. ~~This section does~~ **The provisions of this section do** not apply to animals whose accustomed range is on both sides of the boundary of any brand inspection district but contiguous to that district and which are being moved from one portion of the accustomed range to another merely for pasturing and grazing thereon.

4. ~~All the~~ **The** provisions of this section apply at all times to the movement of any animals across the Nevada state line to any point outside of the State of Nevada, ~~excepting~~ **except** animals whose accustomed range is on both sides of the Nevada state line but contiguous thereto and which are being moved from one portion to another of the accustomed range merely for pasturing and grazing thereon.

5. In addition to the penalty imposed in NRS 565.170, a person who violates **the provisions of** subsection 1 is:

(a) For the first violation, subject to an immediate brand inspection of the animals by the ~~division~~ **department** and shall reimburse the ~~division~~ **department** for its time and mileage and pay the usual fees for the brand inspection.

(b) For the second and any subsequent violation, ineligible for a permit to move any livestock without **a** brand inspection until the state board of agriculture is satisfied that any future movement will comply with all applicable statutes and regulations.

6. The ~~division~~ **department** may establish regulations specifying the circumstances under which a permit may be issued authorizing the movement of livestock without a brand inspection pursuant to this section. ~~Such~~ **The** circumstances may include, without limitation, **the** routine movement of horses and bulls within and from this state for the purpose of participating in a rodeo.

Sec. 193. NRS 565.100 is hereby amended to read as follows:

565.100 It is unlawful for any person to consign for slaughter, or slaughter at an approved plant, or transfer ownership of any animals by sale or otherwise within any brand inspection district created under the provisions of this chapter, until ~~such~~ **the** animals have been inspected by an inspector of the ~~division~~ **department** and a brand inspection clearance certificate issued covering the ~~same~~ **animals**.

Sec. 194. NRS 565.120 is hereby amended to read as follows:

565.120 1. Upon the completion of brand inspection, the inspector of the ~~{division}~~ department shall, except as otherwise provided in this chapter, issue a brand inspection clearance certificate on which must be entered:

- (a) The name and address of the person ~~{or persons}~~ claiming to own the animals.
- (b) The proposed destination of the animals.
- (c) The name and address of the consignee.
- (d) A full description of all the animals inspected, including the number, kind, sex, age, color and the brands or brands and marks thereon.
- (e) The amount of the inspection fee or fees collected.
- (f) The signature of the owner or his authorized agent.

2. One copy of the brand inspection certificate must be delivered to the common carrier undertaking to transport ~~{such}~~ the animals out of the brand inspection district for attachment to its waybill, or to the person ~~{or persons}~~ intending to drive, move or otherwise transport ~~{such}~~ the animals out of the brand inspection district other than by common carrier to accompany the animals to destination, and one copy must be immediately forwarded to the office of the ~~{division}~~ department.

Sec. 195. NRS 565.130 is hereby amended to read as follows:

565.130 1. The ~~{division}~~ department or its ~~{duly}~~ authorized inspector shall refuse to issue brand inspection clearance certificates or permits to remove animals from a brand inspection district without brand inspection as provided in this chapter, subject to brand inspection under the provisions of this chapter, not bearing brands or brands and marks of legal record in the name of the person ~~{or persons}~~ claiming lawful possession of and applying for inspection of ~~{such}~~ the animals, until satisfactory evidence of ~~{such}~~ the right to legal possession of the ~~{same}~~ animals and shipment or removal from ~~{such}~~ the brand inspection district has been supplied to the ~~{division}~~ department or its ~~{duly}~~ authorized inspector.

2. The ~~{division}~~ department and its ~~{duly}~~ authorized inspector shall ~~{also}~~ use all due vigilance to prevent the unlawful removal by any person ~~{or persons}~~ of any animals from any brand inspection district ~~{or districts}~~ created under the provisions of this chapter.

Sec. 196. NRS 565.155 is hereby amended to read as follows:

565.155 In addition to enforcing the provisions of this chapter through its inspectors, the ~~{division}~~ department may:

1. Authorize other peace officers to enforce the provisions of this chapter; and
2. Adopt regulations specifying the procedures for the enforcement of the provisions of this chapter by the inspectors of the ~~{division}~~ department and other peace officers.

Sec. 197. NRS 565.160 is hereby amended to read as follows:

565.160 ~~{Nothing in}~~ **The provisions of** this chapter ~~{affects}~~ **do not affect** the right of the ~~{division}~~ **department** conferred by any other law ~~{or laws}~~ to inspect any animals for the determination of the ownership thereof, or for any other purpose under the provisions of any such other law . ~~{or laws.}~~

Sec. 198. NRS 565.170 is hereby amended to read as follows:

565.170 Any person ~~{, firm or corporation}~~ violating any of the provisions of this chapter:

1. Is guilty of a misdemeanor, and upon conviction thereof shall be punished as provided by law.

2. In addition to any criminal penalty, shall pay to the ~~{division}~~ **department** an administrative fine of not more than \$1,000 per violation.

If an administrative fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the ~~{division.}~~ **department.**

Sec. 199. NRS 566.015 is hereby amended to read as follows:

566.015 As used in this chapter, ~~{“division”}~~ **“department”** means the ~~{division}~~ **state department** of agriculture . ~~{of the department of business and industry.}~~

Sec. 200. NRS 566.025 is hereby amended to read as follows:

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

1. ~~{Such}~~ **The** animal was slaughtered at a slaughtering establishment under a United States Government, state, county or municipal inspection system which provides for adequate stamping for identification of all carcasses or parts of carcasses before release; or

2. ~~{Such}~~ **The** person exhibits to any peace officer authorized by the ~~{division}~~ **department** under NRS 566.035, or to any inspector of the ~~{division,}~~ **department,** on demand : ~~{, either:}~~

(a) The hide of the animal from which the carcass was obtained, with ears and brands attached without disfiguration or alteration;

(b) A certificate of inspection or release of the carcass, or of the carcass and hide, issued by an inspector of the ~~{division;}~~ **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.

Sec. 201. NRS 566.027 is hereby amended to read as follows:

566.027 Any person who slaughters any cattle, unless ~~{such}~~ **the** animal was slaughtered at a slaughtering establishment under a United States Government, state, county or municipal inspection system which provides for adequate stamping for identification of all carcasses or parts of carcasses before release, shall retain in his possession the hide or hides removed from ~~{such}~~ **the** cattle with the ears and brands attached without disfiguration or alteration, for a period of 30 days, unless ~~{such}~~ **the** hide or

hides are released pursuant to a certificate of release issued by an inspector of the ~~{division. Such}~~ **department. The** person shall, upon demand within ~~{such}~~ **that** period by any inspector of the ~~{division}~~ **department** or any game warden or peace officer of this state, exhibit the hide or hides of any cattle so slaughtered or the certificate of release.

Sec. 202. NRS 566.035 is hereby amended to read as follows:

566.035 1. In addition to regular ~~{division inspectors, the division}~~ **inspectors of the department, the department** may authorize and direct any ~~{duly}~~ elected or appointed peace officer to conduct the inspection provided for in this chapter.

2. ~~{Such}~~ **The** peace officer shall conduct the inspection under the supervision of the ~~{division.}~~ **department.**

Sec. 203. NRS 566.045 is hereby amended to read as follows:

566.045 Any person who violates any of the provisions of this chapter is guilty of a gross misdemeanor and, in addition to any criminal penalty, shall pay to the ~~{division}~~ **department** an administrative fine of not more than \$1,000 per violation. If an administrative fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the ~~{division.}~~ **department.**

Sec. 204. NRS 567.020 is hereby amended to read as follows:

567.020 ~~{For the purpose of controlling}~~ **To control** predatory animals, property-destroying birds and rodents within the State of Nevada, with money as may be made available to it by contributions ~~{either by}~~ **from** private or public agencies, or otherwise, ~~{there is hereby created within the department of business and industry}~~ **the state predatory animal and rodent committee** ~~{ }~~ **is hereby created within the state department of agriculture.**

Sec. 205. NRS 568.040 is hereby amended to read as follows:

568.040 ~~{For the purpose of directing and guiding}~~ **To direct and guide** the disposition of the range improvement fund of each grazing district concerned, in ~~{those manners}~~ **the manner** most beneficial to the stock-raising payers of the grazing fees from which ~~{such}~~ **the** funds are derived and to the counties concerned, there is hereby created **within the state department of agriculture** a state **grazing** board for each Bureau of Land Management grazing district established and existing in Nevada under the provisions of the Taylor Grazing Act.

Sec. 206. NRS 569.005 is hereby amended to read as follows:

569.005 As used in NRS 569.010 to 569.130, inclusive, unless the context otherwise requires:

1. ~~{“Division”}~~ **“Department”** means the ~~{division}~~ **state department** of agriculture . ~~{of the department of business and industry.}~~

2. **“Director” means the director of the department.**

3. **“Estray”** means any livestock running at large upon public or private lands in the State of Nevada, whose owner is unknown in the section where the animal is found.

~~{3.}~~ **4. “Livestock” means:**

(a) All cattle or animals of the bovine species

;

- (b) All horses, mules, burros and asses or animals of the equine species;
- (c) All swine or animals of the porcine species;
- (d) All goats or animals of the caprine species;
- (e) All sheep or animals of the ovine species; and
- (f) All poultry or domesticated fowl or birds.

Sec. 207. NRS 569.010 is hereby amended to read as follows:

569.010 1. Except as otherwise provided by law, all estrays within this state shall be deemed for the purpose of this section to be the property of the ~~{division.}~~ **department**.

2. The ~~{division}~~ **department** has all rights accruing pursuant to the laws of this state to owners of ~~{such}~~ **those** animals, and may:

(a) Dispose of estrays by sale through an agent appointed by the ~~{division.}~~ **department**; or

(b) Provide for the control, placement or disposition of estrays through cooperative agreements pursuant to NRS 569.031.

3. Except as otherwise provided by law, all money collected for the sale or for the injury or killing of any such animals must be held for 1 year, subject to the claim of any person who can establish legal title to any animal concerned. All money remaining unclaimed must be deposited in the livestock inspection account after 1 year. The ~~{division}~~ **department** may disallow all claims if ~~{the division}~~ **it** deems the claims illegal or not showing satisfactory evidence of title.

4. ~~{Neither the division nor}~~ **The department or** any political subdivision of this state is **not** liable for any trespass or other damage caused by any of ~~{such}~~ **those** estrays.

Sec. 208. NRS 569.020 is hereby amended to read as follows:

569.020 1. Any county, city, town, township or other peace officer or poundmaster who impounds under the provisions of any state law or county or municipal ordinance any livestock shall, immediately after impounding ~~{such}~~ **the** livestock, send a written notice to the ~~{division.}~~ **department**.

2. The notice must contain a full description, including all brands and marks, sex, age, weight, color and kind of each animal so impounded.

3. If the owner ~~{or owners of such livestock are}~~ **of the livestock is** not known, and in case of the sale of ~~{such}~~ **the** impounded livestock as prescribed by law, all notices posted or advertisements published by any officer or other person having charge of the sale **must** include a complete description of each ~~{such}~~ animal to be sold, including all brands and marks, sex, age, weight, color and kind.

Sec. 209. NRS 569.031 is hereby amended to read as follows:

569.031 The ~~{division}~~ **department** may enter into a cooperative agreement for the control, placement or disposition of the livestock with another agency of this state or with a county, city, town, township, peace officer, poundmaster or nonprofit organization. If an agreement is entered into, it must provide for:

1. The responsibility for the payment of the expenses incurred in taking up, holding, advertising and making the disposition of the estray, and any damages for trespass allowed pursuant to NRS 569.440;
2. The disposition of any money received from the sale of the livestock;
3. The protection of the rights of a lawful owner of an estray pursuant to NRS 569.040 to 569.130, inclusive; and
4. The designation of the specific geographic area of this state to which the cooperative agreement applies.

The ~~{division}~~ **department** shall annually review the actions of the cooperating person or entity for compliance with the agreement. The ~~{division}~~ **department** may cancel the agreement upon a finding of noncompliant actions.

Sec. 210. NRS 569.040 is hereby amended to read as follows:

569.040 1. Except as otherwise provided in subsection 2, NRS 569.040 to 569.130, inclusive, or pursuant to a cooperative agreement established pursuant to NRS 569.031, it is unlawful for any person or his employees or agents, other than an authorized agent of the ~~{division,}~~ **department**, to:

- (a) Take up any estray and retain possession of it; or
- (b) Feed any estray.

2. For a first violation of paragraph (b) of subsection 1, a person may not be cited or charged criminally but must be ~~{reminded}~~ **informed** that it is unlawful to feed an estray.

Sec. 211. NRS 569.050 is hereby amended to read as follows:

569.050 ~~{When any}~~ **If a** person takes up an estray, he shall, within 5 days thereafter, make out a written description of ~~{such}~~ **the** animal, setting forth all marks or brands appearing upon ~~{such}~~ **the** animal, and other marks of identity, ~~{such as}~~ **including** color, age and sex, and forward the ~~{same}~~ **description** by mail to the ~~{division}~~ **department** at its office.

Sec. 212. NRS 569.060 is hereby amended to read as follows:

569.060 1. Upon receiving notice of the taking up of an estray, the ~~{division,}~~ **department**, or its ~~{duly}~~ authorized agent, shall make or cause to be made an examination of the state brand records.

2. If from the records the name of the owner or probable owner can be determined, the ~~{division,}~~ **department**, or its ~~{duly}~~ authorized agent, shall forthwith notify him of the taking up of the estray. ~~{or estrays.}~~

3. Upon the owner's proving to the satisfaction of the ~~{division}~~ **department** that the estray animal ~~{or animals are}~~ **is** lawfully his, the ~~{division}~~ **department** shall issue to him an order to receive ~~{them}~~ **the estray** upon the payment of any damages allowed by law and such charges as may be approved by the ~~{division}~~ **department** as reasonable which may have been incurred in the care of the animal ~~{or animals}~~ so taken up.

4. Upon receipt of a notice of the taking up of an estray, the ~~{division,}~~ **department**, or its ~~{duly}~~ authorized agent, may require a closer examination of the brands and marks, as set forth in the notice, and may require a state inspector to examine the brands before advertising.

Sec. 213. NRS 569.070 is hereby amended to read as follows:

569.070 1. Except as otherwise provided in subsection 4, if the owner or probable owner of an estray cannot with reasonable diligence be determined by the ~~{division}~~ **department** or its authorized agent, the ~~{division}~~ **department** shall advertise the estray or cause it to be advertised.

2. A notice of the estray, with a full description, giving brands, marks and colors thereon, must be published in a newspaper published at the county seat of the county in which the estray was taken up. If there is no newspaper published at the county seat of the county, the notice must be published in the newspaper published at the nearest point to that county.

3. Expenses incurred in carrying out the provisions of subsections 1 and 2 must be deducted from the proceeds of the sale of the estray advertised.

4. Except as otherwise provided in NRS 562.420, the ~~{division}~~ **department** may sell an injured, sick or otherwise debilitated estray if, as determined by the ~~{division,}~~ **department**, the sale of the estray is necessary to facilitate the placement or other disposition of the estray. If an estray is sold pursuant to this subsection, the ~~{division}~~ **department** shall give a brand inspection clearance certificate to the purchaser.

Sec. 214. NRS 569.080 is hereby amended to read as follows:

569.080 1. If an estray is not claimed within 5 working days after the last publication of the advertisement required by NRS 569.070, it must be:

(a) Sold by the ~~{division,}~~ **department**; or

(b) Held by the ~~{division}~~ **department** until *the estray is* given a placement or other disposition through a cooperative agreement established pursuant to NRS 569.031.

2. If the ~~{division}~~ **department** sells the estray, the ~~{division}~~ **department** shall give a brand inspection clearance certificate to the purchaser.

3. Estray horses must be marked or branded before placement.

Sec. 215. NRS 569.090 is hereby amended to read as follows:

569.090 1. Except as otherwise provided pursuant to a cooperative agreement established pursuant to NRS 569.031, the ~~{division}~~ **department** shall:

(a) Pay the reasonable expenses incurred in taking up, holding, advertising and selling the estray, and any damages for trespass allowed pursuant to NRS 569.440, ~~{out-of}~~ **from** the proceeds of the sale of the estray and shall place the balance in an interest-bearing checking account in a bank qualified to receive deposits of public money. The proceeds from the sale and any interest on those proceeds, which are not claimed pursuant to subsection 2 within 1 year after the sale, must be deposited in the state treasury for credit to the livestock inspection account.

(b) Make a complete record of the transaction, including the marks and brands and other means of identification of the estray, and shall keep the record ~~{open to the inspection of}~~ *available for inspection by members of the general public.*

2. If the lawful owner of the estray is found within 1 year after its sale and proves ownership to the satisfaction of the ~~{division,}~~ *department*, the net amount received from the sale must be paid to the owner.

3. If any claim pending after the expiration of 1 year after the date of sale is denied, the proceeds and any interest thereon must be deposited in the livestock inspection account.

Sec. 216. NRS 569.100 is hereby amended to read as follows:

569.100 1. A person who takes up an estray as provided for in NRS 569.040 to 569.130, inclusive, is entitled to hold the estray lawfully until relieved of custody by the ~~{division,}~~ *department.*

2. A person shall not use or cause to be used, for profit or otherwise, any estray in his keeping under the provisions of NRS 569.040 to 569.130, inclusive. A violation of this subsection shall be deemed grand larceny or petit larceny, as set forth in NRS 205.2175 to 205.2707, inclusive, and the person shall be punished as provided in those sections.

3. Any person taking, leading or driving an estray away from the possession of the lawful holder, as specified in NRS 569.040 to 569.130, inclusive, except as ~~{herein provided for,}~~ *otherwise provided in this section*, is subject to all the penalties under the law, whether he is the claimant of the estray or not.

Sec. 217. NRS 569.120 is hereby amended to read as follows:

569.120 Estrays may be taken up by ~~{duly}~~ authorized agents of the ~~{division. Procedure for disposing of such estrays must follow}~~ *department. The disposal of the estrays must be conducted in the manner set forth in the provisions of NRS 569.040 to 569.130, inclusive.*

Sec. 218. NRS 571.015 is hereby amended to read as follows:

571.015 As used in this chapter, unless the context requires otherwise:

1. ~~{“Division”}~~ *“Department”* means the ~~{division}~~ *state department* of agriculture . ~~{of the department of business and industry.}~~

2. *“Director” means the director of the department.*

3. *“Importation”* means the transportation or movement of livestock by any railroad, express company, truckline or other carrier, or by any persons, by vehicle or otherwise, into this state.

~~{3.}~~ 4. *“Livestock”* means:

(a) All cattle or animals of the bovine species.

(b) All horses, mules, burros and asses or animals of the equine species.

(c) All swine or animals of the porcine species.

(d) All goats or animals of the caprine species.

(e) All poultry or domesticated fowl or birds.

(f) All dogs, cats or other animals domesticated or under the restraint or control of man.

(g) Alternative livestock as defined in NRS 501.003

.

~~[4.]~~ 5. “State quarantine officer” means the ~~{administrator of the division}~~ **director**.

Sec. 219. NRS 571.035 is hereby amended to read as follows:

571.035 1. Upon receipt of the reports from the committee for assessing livestock pursuant to NRS 575.180, the ~~{division}~~ **department** shall fix the amount of the annual special tax on each head of the following specified classes of livestock, which must not exceed the following rates per head for each class:

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

2. As used in subsection 1:

(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.

3. The ~~{division}~~ **department** shall send **a** notice of the annual special tax on each head of the specified classes of livestock to the county assessor or treasurer of each county on or before the first Monday in May of each year.

4. Notwithstanding the provisions of subsection 1, the minimum special tax due annually pursuant to this section from each owner of livestock is \$5.

5. Upon the receipt of payment of the special tax and the report thereof by the state controller, the ~~{division}~~ **department** shall credit the amount of the tax as paid on its records.

6. The special taxes paid by an owner of livestock, when transmitted to the state treasurer, must be deposited in the livestock inspection account.

Sec. 220. NRS 571.120 is hereby amended to read as follows:

571.120 1. The ~~{division}~~ **department** shall do all things necessary for the control and eradication of infectious, contagious or parasitic diseases of livestock.

2. The ~~{administrator of the division}~~ **director** shall cooperate with the administrator of the division of wildlife of the state department of

conservation and natural resources in a program to prevent the spread of communicable diseases in livestock and wildlife in this state.

3. As used in this section, “wildlife” has the meaning ascribed to it in NRS 501.097.

Sec. 221. NRS 571.135 is hereby amended to read as follows:

571.135 1. The state quarantine officer, with the approval of the state board of agriculture, may adopt such regulations requiring the processing of food waste before it is fed to livestock, fish or other animals as are necessary to prevent the introduction or spread of infectious, contagious or parasitic diseases. The regulations may prescribe a procedure by which permits are issued to those persons desiring to process food waste, minimum standards of sanitation are established and periodic inspections of the processing facilities are made. The state quarantine officer may collect a reasonable annual fee for each permit issued to recover costs incurred by the ~~{division}~~ **department** in the issuance of permits and the inspection of processing facilities.

2. Any regulation adopted pursuant to this section does not apply to a person feeding food waste from his household to livestock, fish or other animals being raised on the premises for his consumption.

3. ~~{For the purposes of}~~ **As used in** this section, “food waste” means all waste material derived in whole or in part from the meat of any animal or other animal material, or other refuse associated with any such material, resulting from the handling, preparation and consumption of food.

Sec. 222. NRS 571.140 is hereby amended to read as follows:

571.140 The state quarantine officer, or his representatives or his agents, ~~{have full authority and power for the inspection, testing, treatment, quarantine and condemnation of}~~ **may inspect, test, treat, quarantine and condemn** livestock affected with any infectious, contagious or parasitic disease, and any such person may enter upon any ground or premises of this state ~~{for the purpose of enforcing}~~ **to enforce** the inspection, testing, treatment, quarantine and condemnation laws and all the rules, regulations and orders of the ~~{division.}~~ **department.**

Sec. 223. NRS 571.160 is hereby amended to read as follows:

571.160 ~~{Whenever}~~ **If** any livestock becomes infected with any infectious, contagious or parasitic disease as defined by rules and regulations adopted by the state quarantine officer, the owner or agent in charge, an inspector of the ~~{division}~~ **department** or any practicing veterinarian shall immediately notify the state quarantine officer.

Sec. 224. NRS 571.190 is hereby amended to read as follows:

571.190 1. The state quarantine officer may order and have destroyed any livestock infected with or exposed to any infectious, contagious or parasitic disease.

2. The ~~{division}~~ **department** shall compensate the owners of any livestock so destroyed ~~{either}~~ separately or jointly with any county or municipality of the state or any agency of the Federal Government, the amount of ~~{such}~~ **the** compensation to be determined by appraisal before the affected livestock is destroyed.

3. The appraisal must be made by the state quarantine officer or a ~~{properly}~~ qualified agent designated by him and the owners or their authorized representative. In the event of their failure to ~~{arrive-at}~~ **reach** an agreement, the two so selected shall designate ~~{some}~~ **a** disinterested person, who by reason of experience in such matters is a qualified judge of livestock values, to act with them. The judgment of any two such appraisers is binding and final upon all persons.

4. The total amount received by the owners of livestock so destroyed, including compensation paid by the ~~{division}~~ **department**, any county or municipality or any agency of the Federal Government or any livestock insurance company, and the salvage received from the sale of hides or carcasses or any other source, combined, must not exceed 75 percent of the actual appraised value of the destroyed livestock.

5. Any natural person or corporation purchasing any livestock which was at the time of purchase under quarantine by any state, county or municipal authorities or any agency of the Federal Government ~~{legally empowered}~~ **authorized** to lay such quarantine, or who purchases any livestock which due diligence and caution would have shown to be diseased or which have been shipped or transported in violation of the rules and regulations of any agency of the Federal Government or the State of Nevada, is not entitled to **receive** compensation, and the ~~{division}~~ **department** may order the destruction of ~~{such}~~ **the** livestock without making any compensation to the owner.

6. No payment may be made hereunder as compensation for or on account of any such livestock destroyed if, at the time of inspection or test of ~~{such}~~ **the** livestock or at the time of the ordered destruction thereof, ~~{such}~~ **the** livestock belongs to or ~~{be}~~ **is** upon the premises of any person, firm or corporation to which ~~{such}~~ **the** livestock has been sold, shipped or delivered for ~~{the purpose of being slaughtered.}~~ **slaughter.**

7. In no case may any payment by the ~~{division}~~ **department** pursuant to the provisions of this section be more than \$75 for any grade livestock or more than \$200 for any purebred livestock, and no payment ~~{shall}~~ **may** be made unless the owner has complied with all quarantine rules and regulations of the ~~{division.}~~ **department.**

Sec. 225. NRS 571.250 is hereby amended to read as follows:

571.250 Any person violating the provisions of NRS 571.120 to 571.240, inclusive, or failing, refusing or neglecting to perform or observe any conditions, orders, rules or regulations prescribed by the state quarantine officer in accordance with the provisions of NRS 571.120 to 571.240, inclusive, is guilty of a misdemeanor and, in addition to any criminal penalty, shall pay to the ~~{division}~~ **department** an administrative

fine of not more than \$1,000 per violation. If an administrative fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the ~~{division.}~~ **department**.

Sec. 226. NRS 573.010 is hereby amended to read as follows:

573.010 As used in this chapter:

1. ~~{“Administrator” means the administrator of the division.}~~
- ~~2.~~ “Consignor” means any person consigning, shipping or delivering livestock to a public livestock auction for sale, resale or exchange.
- ~~3. “Division”~~
2. “**Department**” means the ~~{division}~~ **state department** of agriculture .
~~{of the department of business and industry.}~~
3. “**Director**” *means the director of the department.*
4. “Livestock” means:
 - (a) Cattle, sheep, goats, horses, mules, asses, burros, swine or poultry;
and
 - (b) Alternative livestock as defined in NRS 501.003.
5. “Operator of a public livestock auction” means any person holding, conducting or carrying on a public livestock auction.
6. “Public livestock auction” means any sale or exchange of livestock held by any person at an established place of business or premises where the livestock is assembled for sale or exchange, and is exchanged or sold at auction or upon a commission basis at regular or irregular intervals.

Sec. 227. NRS 573.020 is hereby amended to read as follows:

573.020 1. A person shall not hold, operate, conduct or carry on a public livestock auction in this state without first securing a license therefor from the ~~{division.}~~ **department**.

2. The application for a license must be on ~~{forms}~~ **a form** prescribed and furnished by the ~~{division}~~ **department** and set forth:
 - (a) The name of the operator of the public livestock auction.
 - (b) The location of the establishment or premises where the public livestock auction ~~{is to}~~ **will** be conducted.
 - (c) The type or kinds of livestock to be handled, sold or exchanged.
 - (d) A description of the facilities ~~{to}~~ **that will** be used ~~{in conducting}~~ **to conduct** the public livestock auction.
 - (e) The weekly or monthly sales day or days on which the applicant proposes to operate his public livestock auction.
 - (f) The name and address of the bank where the custodial account for consignors' proceeds will be established and maintained by the operator of the public livestock auction in compliance with the provisions of NRS 573.104.
 - (g) Such other information as the ~~{division}~~ **department** reasonably may require, including, without limitation, proof that at the time of application the applicant has a line of credit established at a bank in the State of

Nevada in an amount at least equal to the estimated average weekly gross sales receipts of the public livestock auction ~~{to}~~ **that will** be conducted by him.

3. The application must be accompanied by a bond or deposit receipt and the required fee as provided in this chapter.

Sec. 228. NRS 573.030 is hereby amended to read as follows:

573.030 Before a license is issued by the ~~{division}~~ **department** to an operator of a public livestock auction, the applicant must deliver to the ~~{administrator either:}~~ **director**:

1. A surety bond pursuant to the provisions of NRS 573.033;
2. A bond approved by the Secretary of Agriculture of the United States pursuant to the provisions of NRS 573.035; or
3. A deposit receipt pursuant to the provisions of NRS 573.037.

Sec. 229. NRS 573.033 is hereby amended to read as follows:

573.033 1. If an applicant delivers a surety bond to the ~~{administrator}~~ **director** pursuant to the provisions of subsection 1 of NRS 573.030, the surety bond must be:

- (a) In the sum provided for in subsection 2. ~~{of this section.}~~
- (b) Executed by the applicant as principal and by a surety company qualified and authorized to do business in this state as surety.
- (c) A standard form and approved by the ~~{administrator}~~ **director** as to terms and conditions.
- (d) Conditioned that the principal will not commit any fraudulent act and will comply with the provisions of this chapter and the rules and regulations adopted by the ~~{division pursuant to law.}~~ **department**.
- (e) To the State of Nevada in favor of every consignor creditor whose livestock was handled or sold through or at the licensee's public livestock auction.

2. If the application for a license to operate a public livestock auction is ~~{from}~~ **submitted by** a person who:

- (a) Has not operated in the past 12-month period, the ~~{administrator}~~ **director** shall determine the sum of the initial bond that the applicant must execute in favor of the state, which sum must be equal to an amount estimated to be 50 percent of the average monthly gross sales proceeds of the public livestock auction in the first 6 months of operation, but ~~{such}~~ **the** sum must not be less than \$10,000 ~~{nor}~~ **or** more than \$100,000. At any time within the first 12 months of licensed operation, the ~~{administrator}~~ **director** may, upon written notice to the licensee, review the licensee's operations and determine whether, because of increased or decreased sales, the amount of the bond should be altered.
- (b) Has operated in the past 12-month period, the ~~{administrator}~~ **director** shall determine the sum of the bond that the applicant must execute in favor of the state, which sum must be equal to ~~{but not exceed}~~ an amount equal to 50 percent of the average monthly gross sales proceeds

received by the public livestock auction during the 6 successive months of the last 12-month period which produced the highest dollar volume, but ~~{such}~~ **the** sum must not be less than \$10,000 ~~{nor}~~ **or** more than \$100,000.

3. The total and aggregate liability of the surety for all claims upon the bond must be limited to the face amount of the bond.

Sec. 230. NRS 573.035 is hereby amended to read as follows:

573.035 In compliance with the provisions of subsection 2 of NRS 573.030, if the applicant is bonded as a market agency under the provisions of the Packers and Stockyards Act, ~~{(7 U.S.C. § 204, (b))}~~ as amended, and the regulations adopted ~~{thereunder,}~~ **pursuant thereto**, in a sum equal to or greater than the sum required by the provisions of NRS 573.033, the applicant may deliver to the ~~{administrator}~~ **director** a bond approved by the Secretary of Agriculture of the United States naming the ~~{administrator}~~ **director** as trustee.

Sec. 231. NRS 573.037 is hereby amended to read as follows:

573.037 1. As authorized by subsection 3 of NRS 573.030, in lieu of filing the bond described in NRS 573.033 or 573.035, the applicant may deliver to the ~~{administrator}~~ **director** the receipt of a bank or trust company doing business in this state showing the deposit with ~~{such}~~ **that** bank or trust company of cash or of securities endorsed in blank by the owner thereof and of a market value equal at least to the required principal amount of the bond, ~~{such}~~ **the** cash or securities to be deposited in escrow under an agreement conditioned as in the case of a bond. A receipt must be accompanied by evidence that there are no unsatisfied judgments against the applicant of record in the county where the applicant resides.

2. An action for recovery against any such deposit may be brought in the same manner as in the case of an action for recovery on a bond filed under the provisions of this chapter.

3. If any licensed operator of a public livestock auction for any reason ceases to operate ~~{such}~~ **the** auction, the amount of money or securities deposited in lieu of a bond must be retained by the ~~{division}~~ **department** for 1 year. If after the expiration of 1 year ~~{from}~~ **after** the cessation of ~~{such}~~ **the** operation, no legal action has been commenced to recover against ~~{such}~~ **the** money or securities, the amount thereof must be delivered to the owner thereof. If a legal action has been commenced within ~~{such time,}~~ **that period**, all such money and securities must be held by the ~~{administrator}~~ **director** subject to the order of a court of competent jurisdiction.

Sec. 232. NRS 573.050 is hereby amended to read as follows:

573.050 Upon receipt of an application for a license under this chapter, accompanied by the required bond and license fee, the ~~{division}~~ **department** shall examine the ~~{same,}~~ **application**, and if it finds the application to be in proper form and that the applicant has otherwise complied with this chapter, the ~~{division}~~ **department** shall grant the license as applied for, subject to the provisions of this chapter.

Sec. 233. NRS 573.070 is hereby amended to read as follows:

573.070 Licenses must be in such form as the ~~{division}~~ **department** may prescribe, and set forth:

1. The name and address of the operator of the public livestock auction.
2. The location of the establishment or premises licensed.
3. The kinds of livestock to be sold, exchanged or handled.
4. The period of the license.
5. The weekly or monthly sales day or days.
6. Such other information as the ~~{division}~~ **department** may determine.

Sec. 234. NRS 573.100 is hereby amended to read as follows:

573.100 1. The ~~{division may decline}~~ **department may refuse** to grant or to renew a license or may suspend or revoke a license ~~{already granted}~~ if, after ~~{due}~~ notice and **a** hearing, the ~~{division}~~ **department** finds:

- (a) That the licensee has violated any provision of this chapter, or any rule, order or regulation issued pursuant to law;
- (b) That the licensee has knowingly received on consignment, or sold or exchanged, stolen livestock or mortgaged livestock without authority from the owner or mortgagee;
- (c) That the licensee has been guilty of fraud or deception in any material particular in securing the license;
- (d) That the licensee has failed to keep records as required by this chapter;
- (e) That the licensee has failed to practice measures of sanitation as required by this chapter, or has violated the rules and regulations, if any, for the yarding, housing, holding and feeding of livestock;
- (f) That the licensee, in the case of livestock weighed on the licensee's scales and sold by weight, has knowingly quoted incorrect weights, or has failed to have his scales regularly inspected and tested;
- (g) That the applicant or licensee has intentionally made a false or misleading statement as to the conditions of the livestock market, or has authorized any false advertising reflecting the operation of his public livestock auction;
- (h) That the applicant or licensee has been previously convicted of a felony; or
- (i) That the applicant or licensee has within 3 years next preceding the action of the ~~{division:}~~ **department:**
 - (1) Filed a voluntary petition in bankruptcy;
 - (2) Been adjudged an involuntary bankrupt;
 - (3) Received or been refused a discharge in bankruptcy; or
 - (4) Failed to make full settlement with all consignor creditors after a claim against his surety or deposit in lieu of bond has been collected by court order.

2. ~~{Subparagraphs}~~ *The provisions of subparagraphs* (1), (2) and (3) of paragraph (i) of subsection 1 do not apply to any person who has made full settlement with his creditors. A natural person shall be deemed to have committed one of the acts ~~{listed}~~ *set forth* in those subparagraphs if such an act has been committed by any corporation of which he was at the time of the act an officer or director or the beneficial owner of 20 percent or more of the capital stock. A corporation shall be deemed to have committed one of the acts ~~{listed}~~ *set forth* in those subparagraphs if ~~{such an}~~ *the* act has been committed:

(a) By another corporation controlled by the applicant corporation.

(b) By a natural person who at the time of application is an officer or director or the beneficial owner of 20 percent or more of the capital stock of the applicant corporation.

(c) By another corporation of which a natural person as described in paragraph (b) was at the time of the act an officer or director or the beneficial owner of 20 percent or more of the capital stock.

3. In the case of any hearing held under the provisions of this section, there must be filed in the office of the ~~{division}~~ *department* a memorandum stating briefly the reasons of the ~~{division}~~ *department* for the denial, suspension or revocation of the license, but formal findings of fact are required to be made or filed.

Sec. 235. NRS 573.103 is hereby amended to read as follows:

573.103 1. Except as otherwise provided in subsection 2, every operator of a public livestock auction shall cause his accounts to be audited at least annually by a holder of a live permit under chapter 628 of NRS, and shall file with the ~~{administrator}~~ *director* a copy of the audit, signed and certified as correct by the auditor. The ~~{administrator}~~ *director* may prescribe by regulation the content and times for filing of ~~{such}~~ *the* audits.

2. Every operator whose accounts are audited under the provisions of the Packers and Stockyards Act, 7 U.S.C. § 204, as amended, shall file a copy of each such audit with the ~~{administrator.}~~ *director.*

Sec. 236. NRS 573.104 is hereby amended to read as follows:

573.104 1. Each licensee shall deposit the gross proceeds received by him from the sale of livestock handled on a commission or agency basis in a separate bank account established and maintained by the licensee in the bank at which his line of credit, as required by paragraph (g) of subsection 2 of NRS 573.020, is established. The separate bank account must be designated a "custodial account for consignors' proceeds."

2. The custodial account for consignors' proceeds may be drawn on only:

(a) For the payment of net proceeds to the consignor, or any other person or persons of whom the licensee has knowledge who is entitled to those proceeds;

(b) To obtain the sums due the licensee as compensation for his services; and

(c) For such sums as are necessary to pay all legal charges against the consignment of livestock which the licensee in his capacity as agent is required to pay for and on behalf of the consignor.

3. The licensee shall:

(a) In each case keep such accounts and records ~~as~~ **that** will at all times disclose the names of the consignors and the amount due to each from the money in the custodial account for consignors' proceeds.

(b) Maintain the custodial account for consignors' proceeds in a manner that will expedite examination by the ~~administrator and reflect~~ **director and indicate** compliance with the requirements of this section.

Sec. 237. NRS 573.105 is hereby amended to read as follows:

573.105 The ~~administrator~~ **director** shall ascertain, at least quarterly, the continued existence and amount of the line of credit shown pursuant to paragraph (g) of subsection 2 of NRS 573.020, or its replacement by a line of credit at another bank in the State of Nevada and the amount of the replacement. If the line of credit is ~~so~~ replaced, the custodial account must be transferred to the bank issuing the new line of credit. If a line of credit in the amount required is not maintained, the ~~administrator~~ **director** shall suspend the operator's license.

Sec. 238. NRS 573.107 is hereby amended to read as follows:

573.107 1. A consignor creditor claiming to be injured by the fraud of a licensee may bring an action upon the bond against ~~both~~ the principal and the surety in any court of competent jurisdiction to recover the damages caused by the fraud.

2. The ~~administrator~~ **director** or any consignor creditor may also bring an action upon the bond against ~~both~~ the principal and the surety in any court of competent jurisdiction to recover the damages caused by any failure to comply with the provisions of this chapter and the rules and regulations adopted by the ~~division pursuant to law.~~ **department.**

Sec. 239. NRS 573.108 is hereby amended to read as follows:

573.108 1. In case of failure by a licensee to pay ~~amounts~~ **the amount** due a consignor creditor whose livestock was handled or sold through or at the licensee's public livestock auction, as evidenced by a verified complaint filed with the ~~administrator, the administrator~~ **director, the director** shall proceed forthwith to ascertain the names and addresses of all consignor creditors of the licensee, together with the amounts due to them by the licensee, and shall request all the consignor creditors to file a verified statement of their respective claims with the ~~administrator.~~ **director.** The request must be addressed to each known consignor creditor at his last known address.

2. If a consignor creditor so addressed fails, refuses or neglects to file in the office of the ~~administrator~~ **director** his verified claim as requested by the ~~administrator~~ **director** within 60 days after the date of the request, the ~~administrator~~ **director** is relieved of further duty or action under this section on behalf of that consignor creditor.

3. ~~{Where by reason}~~ **If because** of the absence of records, or other circumstances making it impossible or unreasonable for the ~~{administrator}~~ **director** to ascertain the names and addresses of all consignor creditors, the ~~{administrator,}~~ **director**, after exerting due diligence and making reasonable inquiry to secure the information from all reasonable and available sources, may make demand on the bond on the basis of information ~~{then}~~ in his possession, and thereafter is not liable or responsible for claims or the handling of claims which may subsequently appear or be discovered.

4. Upon ascertaining all claims and statements in the manner set forth in this section, the ~~{administrator may then}~~ **director may** make **a** demand upon the bond on behalf of those claimants whose statements have been filed, and may settle or compromise the claims with the surety company on the bond and execute and deliver a release and discharge of the bond involved.

5. Upon the refusal of the surety company to pay the demand, the ~~{administrator}~~ **director** may thereupon bring an action on the bond ~~{in}~~ **on** behalf of the consignor creditors. Upon any action being commenced on the bond, the ~~{administrator}~~ **director** may require the filing of a new bond. Immediately upon the recovery in any action on the bond the licensee shall file a new bond. Upon failure to file the bond within 10 days, in either case, the failure constitutes grounds for the suspension or revocation of his license.

6. In any settlement or compromise by the ~~{administrator}~~ **director** with a surety company as provided in subsection 4, ~~{where}~~ **if** there are two or more consignor creditors that have filed claims, ~~{either}~~ fixed or contingent, against a licensee's bond, the creditors must share pro rata in the proceeds of the bond to the extent of their actual damage.

7. ~~{For the purpose of enforcing}~~ **To enforce** the provisions of this section, the ~~{administrator}~~ **director** may receive verified complaints from any consignor against any licensee, or agent, or any person assuming or attempting to act as such, and upon receipt of a verified complaint may ~~{make}~~ **conduct** any necessary investigations ~~{relative}~~ **relating** to the complaint. The ~~{administrator}~~ **director** may administer oaths of verification of the complaints.

8. ~~{For the purpose of making}~~ **To conduct** investigations as provided for in subsection 7, the ~~{administrator}~~ **director** may enter a public livestock auction and examine any records required under the provisions of this chapter. The ~~{administrator}~~ **director** may issue subpoenas requiring the attendance of witnesses before him, together with all books, memoranda, papers and other documents ~~{relative}~~ **relating** to the matters under investigation.

Sec. 240. NRS 573.109 is hereby amended to read as follows:

573.109 1. The district court in and for the county in which any investigation is ~~{being}~~ conducted by the ~~{administrator}~~ **director** pursuant to the provisions of subsections 7 and 8 of NRS 573.108 ~~{has the power to}~~

may compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpoena issued by the ~~{administrator.}~~ **director**.

2. In case of the refusal of any witness to attend or testify or produce any papers required by ~~{such}~~ **the** subpoena, the ~~{administrator.}~~ **director** may report to the district court in and for the county in which the investigation is pending by petition, setting forth:

(a) That ~~{due}~~ notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) That the witness has been subpoenaed in the manner prescribed in this chapter; and

(c) That the witness has failed and refused to attend or produce the papers required by subpoena before the ~~{administrator.}~~ **director** in the investigation named in the subpoena, or has refused to answer questions propounded to him in the course of ~~{such}~~ **the** investigation, and asking an order of the court compelling the witness to attend and testify or produce the books or papers before the ~~{administrator.}~~ **director**.

3. The court, upon petition of the ~~{administrator.}~~ **director**, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in ~~{such}~~ **the** order, the time to be not more than 10 days after the date of the order, and then and there show cause why he has not attended or testified or produced the books or papers before the ~~{administrator.}~~ **director**. A certified copy of the order must be served upon the witness. If it appears to the court that the subpoena was regularly issued by the ~~{administrator}~~ **director**, the court shall ~~{thereupon}~~ enter an order ~~{that}~~ **requiring** the witness **to** appear before the ~~{administrator.}~~ **director** at the time and place fixed in the order and testify or produce the required books or papers, and upon failure to obey the order the witness must be dealt with as for contempt of court.

Sec. 241. NRS 573.110 is hereby amended to read as follows:

573.110 1. Each operator of a public livestock auction shall keep the following records for each lot of livestock consigned to or sold or exchanged through ~~{such}~~ **the** public livestock auction:

(a) The name and address of the consignor.

(b) A description of the livestock which must include the number and kind, approximate age, the sex, and any visible brands or other distinguishing or identifying marks.

(c) The name and address of the purchaser of the livestock.

2. The records must be kept by the operator of a public livestock auction at the establishment or premises where the sale is held and conducted, or such other convenient place as may be approved by the ~~{division.}~~ **department**.

3. The records must be open for inspection by all peace officers of this state at all reasonable times, and must be retained ~~{and preserved for a period of}~~ **for** at least 2 years.

Sec. 242. NRS 573.120 is hereby amended to read as follows:

573.120 1. Any person buying, or receiving on a consignment, commission or fee basis, any livestock for slaughter at a slaughtering establishment or plant, shall keep the following records for each lot of livestock so received:

(a) The name and address of the person from whom ~~the~~ **livestock was** received.

(b) A description of the livestock, which ~~{description}~~ must include the number and kind, approximate age, the sex, and any visible brands or other distinguishing or identifying marks.

2. If any livestock bought or received as provided in subsection 1 is disposed of other than by slaughter, a record must be kept of ~~{such}~~ **the** disposal, including the description as provided in subsection 1 and the name and address of the person receiving the ~~{same.}~~ **livestock.**

3. The records provided for in this section must be retained ~~{and preserved}~~ for at least 2 years and must be open for inspection by any peace officer or representative of the ~~{division}~~ **department** at all reasonable times.

Sec. 243. NRS 573.125 is hereby amended to read as follows:

573.125 Each operator of a livestock auction shall issue to each purchaser of livestock a receipt on a form approved by the ~~{division,}~~ **department**, and the receipt must contain:

1. The name and address of the purchaser of the livestock.

2. A description of the livestock, which must include the number and kind, approximate age, the sex, and any visible brands or other distinguishing or identifying marks.

Sec. 244. NRS 573.130 is hereby amended to read as follows:

573.130 1. ~~{No livestock}~~ **Livestock that is** under quarantine ~~{on account}~~ **because** of any contagious, infectious or communicable disease ~~{may}~~ **must not** be consigned to or sold through any public livestock auction.

2. ~~{No livestock}~~ **Livestock that is** known to be infected with, or known to have been exposed to, any contagious, infectious or parasitic livestock disease ~~{may}~~ **must not** be consigned to or sold through any public livestock auction except under rules and regulations governing ~~{such}~~ **the** consignments and sales ~~{made}~~ **adopted** by the ~~{division.}~~ **department.**

3. The ~~{division}~~ **department** may require such testing, treating and examining of livestock sold, traded, exchanged or handled at or through public livestock auctions as in its judgment may be necessary to prevent the spread of infectious, contagious or parasitic diseases among the livestock of this state.

4. The ~~{division}~~ **department** may require operators of public livestock auctions to reimburse the ~~{division}~~ **department** for actual expenses or any part thereof incurred in testing, treating and examining livestock sold, traded, exchanged or handled at or through ~~{such}~~ **those** auctions.

Sec. 245. NRS 573.160 is hereby amended to read as follows:

573.160 ~~{For the purpose of carrying}~~ **To carry** out the provisions of this chapter and ~~{making inspections thereunder, the division}~~ **to conduct inspections pursuant thereto, the department** or any ~~{duly}~~ authorized representative thereof may enter the establishment or premises where any public livestock auction is held and inspect the records thereof at all reasonable times.

Sec. 246. NRS 573.165 is hereby amended to read as follows:

573.165 Public livestock auction facilities must include space and facilities approved by the ~~{administrator}~~ **director** for brand inspectors to carry out their duties in a safe and expeditious manner.

Sec. 247. NRS 573.170 is hereby amended to read as follows:

573.170 1. The operator of a public livestock auction may apply to the ~~{division}~~ **department** for a change of the weekly or monthly sales day or days specified in his license. The application is subject to a hearing and approval by the ~~{administrator}~~.

~~—2.—No}~~ **director.**

2. A special sale ~~{may}~~ **must not** be conducted by the operator of a public livestock auction unless he has applied to the ~~{division}~~ **department** in writing 15 days before the proposed sale ~~{}~~ and the date of the sale is approved by the ~~{administrator}~~ **director.**

Sec. 248. NRS 573.183 is hereby amended to read as follows:

573.183 ~~{When the administrator}~~ **If the director** determines, on the basis of any verified complaint or of any inspection or investigation made by him pursuant to this chapter, that any operator of a public livestock auction is violating or is about to violate any provision of this chapter for the protection of consignor creditors, he may order:

1. The operator to cease and desist from:

(a) Receiving or selling any livestock;

(b) Receiving or disbursing any money; or

(c) Any practice which violates any provision of this chapter or any other law or any rule, order or regulation issued pursuant to law.

2. Any bank which holds the custodial account of the operator, as required by NRS 573.104, to refrain from paying out any money from the account.

The order ceases to be effective upon the expiration of 3 days, ~~{exclusive of}~~ **excluding** Saturdays, Sundays and other nonjudicial days, ~~{from}~~ **after** its date of issuance unless a court has, pursuant to NRS 573.185, issued an order which continues the restraint.

Sec. 249. NRS 573.185 is hereby amended to read as follows:

573.185 ~~{Whenever}~~ **If** any licensee has engaged or is about to engage in any acts or practices which ~~{constitute or will constitute an offense against}~~ **violate or will violate any of the provisions of** this chapter or the rules and regulations adopted by the ~~{division pursuant to law,}~~ **department,** the district court of any county, on application of the ~~{administrator,}~~ **director,** may issue an injunction or other appropriate order

restraining ~~{such}~~ **that** conduct. Proceedings under this section are governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the ~~{administrator.}~~ **director**.

Sec. 250. NRS 573.190 is hereby amended to read as follows:

573.190 1. Any person who operates a public livestock auction without a license required by this chapter, or who violates any of the provisions of this chapter or of any rules or regulations ~~{lawfully issued pursuant to law,}~~ **adopted pursuant thereto**, is guilty of a misdemeanor and, in addition to any criminal penalty, shall pay to the ~~{division}~~ **department** an administrative fine of not more than \$1,000 per violation. If an administrative fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the ~~{division.}~~ **department**.

2. Each day's operation in which livestock is sold or exchanged at any unlicensed public livestock auction constitutes a separate offense.

Sec. 251. NRS 574.055 is hereby amended to read as follows:

574.055 1. Any peace officer or officer of a society for the prevention of cruelty to animals who is authorized to make arrests pursuant to NRS 574.040 shall, upon discovering any animal which is being treated cruelly, take possession of it and provide it with shelter and care or, upon obtaining written permission from the owner of the animal, may destroy it in a humane manner.

2. ~~{When}~~ **If** an officer takes possession of an animal, he shall give to the owner, if the owner can be found, a notice containing a written statement of the reasons for the taking, the location where the animal will be cared for and sheltered, and the fact that there is a limited lien on the animal for the cost of shelter and care. If the owner is not present at the taking and the officer cannot find the owner after a reasonable search, he shall post the notice on the property from which he takes the animal. If the identity and address of the owner are later determined, the notice must be mailed to the owner immediately after the determination is made.

3. An officer who takes possession of an animal pursuant to this section has a lien on the animal for the reasonable cost of care and shelter furnished to the animal and, if applicable, for its humane destruction. The lien does not extend to the cost of care and shelter for more than 2 weeks.

4. Upon proof that the owner has been notified in accordance with **the provisions of** subsection 2 or, if he has not been found or identified, that the required notice has been posted on the property where the animal was found, a court of competent jurisdiction may, after providing an opportunity for a hearing, order the animal sold at auction, humanely destroyed or continued in the care of the officer for such disposition as the officer sees fit.

5. An officer who seizes an animal pursuant to this section is not liable for any action arising out of the taking or humane destruction of the animal.

6. ~~[This section does]~~ *The provisions of this section do* not apply to any animal which is located on land being employed for an agricultural use as defined in NRS 361A.030 unless the owner of the animal or the person charged with the care of the animal is in violation of subsection 2 of NRS 574.100 and the impoundment is accomplished with the concurrence and supervision of the sheriff or his designee, a licensed veterinarian and the district brand inspector or his designee. In such a case, the sheriff shall direct that the impoundment occur ~~[no]~~ *not* later than 48 hours after the veterinarian determines that a violation of subsection 2 of NRS 574.100 exists.

7. The owner of an animal impounded in accordance with *the provisions of* subsection 6 must, before the animal is released to his custody, pay the charges approved by the sheriff as reasonably related to the impoundment, including the charges for the animal's food and water. If the owner is unable or refuses to pay the charges, the ~~[division]~~ *state department* of agriculture ~~[of the department of business and industry]~~ shall sell the animal. The ~~[division]~~ *department* shall pay to the owner the proceeds of the sale remaining after deducting the charges reasonably related to the impoundment.

Sec. 252. NRS 574.485 is hereby amended to read as follows:

574.485 1. In addition to any other penalty provided by law, the ~~[administrator]~~ *director of the state department of agriculture* may impose an administrative fine on any retailer or dealer who violates the provisions of NRS 574.460, 574.470 or 574.480 in an amount not to exceed:

For the first violation	\$250
For the second violation	500
For each subsequent violation	1,000

2. All fines collected by the ~~[administrator]~~ *director* pursuant to subsection 1 must be deposited with the state treasurer for credit to the state general fund.

~~[3.—As used in this section, “administrator” means the administrator of the division of agriculture of the department of business and industry.]~~

Sec. 253. NRS 575.050 is hereby amended to read as follows:

575.050 1. The governor may enter into agreements with the United States, its departments or agencies, respecting the granting and extending of financial aid, or any other form of benefits, to the state for the benefit of persons, firms or corporations engaged in the livestock or agriculture industry.

2. Before any such agreement is entered into, the governor, after diligent inquiry, shall determine by proclamation that such an emergency exists as in the interests of the livestock or agriculture industry of the state warrants a request for federal aid, money or such other type of benefit as may be available. ~~[From and after the issuing of such]~~ *After issuing the* proclamation, the governor may match ~~[such]~~ available federal money, or

benefits, from the livestock aid fund, not to exceed the total sum of \$30,000. ~~{Where}~~ If an emergency has been proclaimed by the governor, the ~~{administrator}~~ **director** of the ~~{division}~~ **state department** of agriculture ~~{of the department of business and industry}~~ may expend money in the livestock aid fund, as the interests of the livestock or agriculture industry of the state may require, without federal participation in the form of aid, money or other benefits.

3. There is hereby created in the state treasury the livestock aid fund. Money for the livestock aid fund must be provided as needed by the state board of examiners from ~~{their}~~ **its** emergency fund, and may be used only to carry out the provisions of this section.

4. The governor, or such commission, department or agency of the State of Nevada as he may designate and entrust with the disbursement of the ~~{moneys}~~ **money** or benefits made available, may adopt such regulations as may be necessary for the proper administration thereof, and if the benefits are in the form of money, each expenditure from the fund must be approved by the state board of examiners in the manner provided generally for the payment of claims against the state.

5. The State of Nevada, through the acts of its governor, in accepting the agreements entered into, is obligated to perform the agreements fully as to all the terms thereof for the duration of the agreements.

Sec. 254. NRS 575.060 is hereby amended to read as follows:

575.060 1. As used in this section, unless the context **otherwise** requires ~~{otherwise, "division"}~~, **"department"** means the ~~{division}~~ **state department** of agriculture. ~~{of the department of business and industry.}~~

2. Any cattle, horses or mules found by the ~~{division}~~ **department** or an authorized representative of the ~~{division}~~ **department** to be in the possession of any person who does not have satisfactory evidence of the ownership or right to possession thereof may be impounded by the ~~{division}~~ **department** or its representative without liability at the expense of the owner, until the ownership of the animal is established.

3. After the expiration of 10 days ~~{from}~~ **after** the date the animal is impounded, if the ~~{division}~~ **department** cannot with reasonable diligence determine the lawful owner thereof, the animal may be sold by the ~~{division}~~ **department** in the manner provided in chapter 569 of NRS. All expenses incurred by the ~~{division}~~ **department** in the keeping of the animal and in the sale thereof must be paid out of the proceeds of the sale.

4. Except as otherwise provided in subsection 5, the net proceeds of any such sale must be held for 1 year, subject to the claim of any person who can establish legal title to any animal concerned. All money remaining unclaimed must be deposited in the livestock inspection account after 1 year. The ~~{division}~~ **department** may disallow all claims if it deems the claims illegal or if satisfactory evidence of title is not shown.

5. If the animal is consigned to a public livestock market for sale at that market, the proceeds of the sale must be kept by the ~~{division,}~~ **department** or, if the ~~{division}~~ **department** deems it advisable, by the public livestock

market, for 30 days, to permit the consignor to prove his legal ownership or his right to sell the animal. If the consignor is unable to prove his ownership to or his right to sell the animal, the proceeds must be disposed of ~~as~~ **in the manner** provided in subsection 4.

Sec. 255. NRS 575.070 is hereby amended to read as follows:

575.070 1. Upon receipt of the reports from the committee for assessing livestock pursuant to NRS 575.180, the Nevada beef council may fix a special tax, to be known as the tax to promote beef, on all cattle except calves that have not been weaned, the rate of which must not exceed \$1 per head. If such a tax is fixed, the council shall send **a** notice of the rate of ~~this~~ **the** tax to the county assessor or treasurer of each county on or before the first Monday in May of each year. The proceeds of the tax, if any, must be deposited in the state treasury for credit to the account for the promotion of beef.

2. During the month of April if such a tax is fixed, any person who has paid the special tax may file a claim for **a** refund with the ~~division~~ **state department** of agriculture, ~~of the department of business and industry,~~ accompanied by a receipt showing the payment. Upon verification of the claim, the ~~division~~ **department** shall transmit ~~it~~ **the claim** to the state controller for payment from the account for the promotion of beef.

Sec. 256. NRS 575.080 is hereby amended to read as follows:

575.080 As used in NRS 575.080 to 575.230, inclusive, unless the context otherwise requires:

1. "Board" means the state board of sheep commissioners.
2. ~~"Division"~~ **"Department"** means the ~~division~~ **state department** of agriculture. ~~of the department of business and industry.~~
3. "Livestock" means the animals subject to the taxes levied pursuant to NRS 571.035 and 575.070.
4. "Sheep" means the animals subject to the taxes levied pursuant to NRS 562.170 and 567.110.
5. "Tax" means any of the taxes levied pursuant to NRS 562.170, 567.110, 571.035 and 575.070.

Sec. 257. NRS 575.090 is hereby amended to read as follows:

575.090 1. There is hereby created in each county a committee for assessing livestock composed of:

(a) Two persons who own livestock in the county and who are appointed by the state board of agriculture;

(b) One person who owns sheep in the county and who is appointed by the board or, if there is no owner of sheep in the county, another person who owns livestock in the county who is appointed by the state board of agriculture;

(c) A brand inspector who is designated by the ~~administrator~~ **director** of the ~~division;~~ **department;** and

(d) The county assessor or a person designated by him.

2. Except as otherwise provided in this subsection, the term of each member is 2 years, and any vacancy must be filled by appointment for the unexpired term. The term of the county assessor expires upon the expiration of the term of his office. A person designated by the county assessor serves at the pleasure of the county assessor. The brand inspector serves at the pleasure of the ~~{administrator}~~ **director** of the ~~{division}~~ **department**.

3. While engaged in official business of the committee for assessing livestock, each member of the committee is entitled to:

(a) A salary not exceeding \$60 per day for attending meetings or performing other official business, to be paid from any money available to the ~~{division}~~ **department**.

(b) The per diem allowance and travel expenses fixed for state officers and employees.

Sec. 258. NRS 575.120 is hereby amended to read as follows:

575.120 1. The ~~{division}~~ **department** shall prepare a form for declaration of livestock and sheep on which an owner of livestock or sheep shall declare the average number, kind and classification of all livestock and sheep in the state owned by him during the year immediately preceding the date the declaration is made.

2. Before May 6 of each year, the ~~{division}~~ **department** shall distribute the form for declaration to all the county assessors.

Sec. 259. NRS 575.170 is hereby amended to read as follows:

575.170 1. An owner of sheep or livestock who wishes to challenge the accuracy of the report as changed by the committee for assessing livestock may, within 15 days after receiving notice of the change, file a statement with the committee for assessing livestock for his county specifying the alleged inaccuracy.

2. Upon receipt of the statement under subsection 1, the committee for assessing livestock shall review the allegations and may ~~{change what}~~ **make any changes** it considers necessary to make the report accurate and complete. An owner of sheep or livestock, the board, or the ~~{administrator}~~ **director** of the ~~{division}~~ **department** may appeal from any decision of the committee for assessing livestock to and in the manner prescribed by the state board of agriculture.

Sec. 260. NRS 575.180 is hereby amended to read as follows:

575.180 1. When the report of owners of livestock and sheep is approved by the committee for assessing livestock as complete and accurate, the approval must be noted on the report. The report must ~~{then}~~ be returned to the county assessor and a copy sent to the board, the ~~{division}~~ **department** and the Nevada beef council.

2. If, as the result of a challenge of the accuracy of the report, any change is ordered in the report of owners of livestock and sheep after it has been approved by the committee for assessing livestock, the county assessor, the board, the ~~{division}~~ **department** and the Nevada beef council must be notified of the change.

Sec. 261. NRS 575.190 is hereby amended to read as follows:

575.190 Using the tax levies from the board, the ~~{division}~~ **department** and the Nevada beef council, the county assessor, auditor or treasurer shall calculate the total taxes due from each owner of livestock or sheep based on the report of owners of livestock or sheep approved by the committee for assessing livestock.

Sec. 262. NRS 575.220 is hereby amended to read as follows:

575.220 Any taxes delinquent must be reported by the county assessor or county treasurer to the:

1. ~~{Division}~~ **Department**, if the taxes were levied pursuant to NRS 571.035 and 575.070; or
2. Board, if the taxes were levied pursuant to NRS 562.170 and 567.110.

Sec. 263. NRS 575.230 is hereby amended to read as follows:

575.230 A brand inspection clearance certificate described in NRS 565.120 or a certificate or bill of health described in NRS 562.460 may not be issued for the movement of any sheep or livestock owned by a person delinquent in the payment of a tax. The ~~{division}~~ **department** may collect any delinquent tax and the penalty and interest thereon at the time of a brand or health inspection. The appropriate county authority must be notified if the tax is so collected.

Sec. 264. Chapter 576 of NRS is hereby amended by adding thereto a new section to read as follows:

“Director” means the director of the department.

Sec. 265. NRS 576.010 is hereby amended to read as follows:

576.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~{576.011}~~ **576.0115** to 576.018, inclusive, **and section 264 of this act** have the meanings ascribed to them in those sections.

Sec. 266. NRS 576.015 is hereby amended to read as follows:

576.015 ~~“{Division}”~~ **“Department”** means the ~~{division}~~ **state department** of agriculture . ~~{of the department of business and industry.}~~

Sec. 267. NRS 576.020 is hereby amended to read as follows:

576.020 A person shall not act as a broker, dealer, commission merchant, cash buyer or agent without having obtained a license from the ~~{division}~~ **department** as provided in this chapter.

Sec. 268. NRS 576.030 is hereby amended to read as follows:

576.030 1. Every person, before acting as a broker, dealer, commission merchant, cash buyer or agent, shall file an application with the ~~{division}~~ **department** for a license to transact such business. Separate applications must be filed for each class of business.

2. The application must be on a form prescribed and furnished by the ~~{division}~~ **department** and must set forth:

(a) The full name of the person applying for the license. If the applicant is a firm, exchange, association or corporation, the full name of each member of the firm, or the names of the officers of the exchange, association or corporation must be given in the application.

(b) If the applicant is a natural person, the social security number of the applicant.

(c) The principal business address of the applicant in this state and elsewhere.

(d) The name ~~{or names}~~ of the person ~~{or persons}~~ authorized to accept service of summons and legal notice of all kinds for the applicant.

(e) The names and addresses of all persons by whom the applicant has been employed for a period of 3 years immediately preceding the making of the application.

(f) A complete statement of the applicant's business activity for the 3 years immediately preceding the making of the application which is not covered by paragraph (e).

(g) A statement of whether the applicant has ever been arrested for ~~{anything}~~ **any crime** other than a traffic violation punishable by a fine of \$25 or less and, if so, when and where, the nature of the crime charged, the disposition of the charge, the title and address of the police ~~{officials}~~ **officers** having custody of the record of arrest, and the names and locations of all the courts before which any proceedings in connection with the arrest took place.

(h) A statement of whether the applicant has ever been a party in a civil suit and, if so, the nature of the suit, whether the applicant was the plaintiff or the defendant, the disposition of the suit, and, if the applicant was the defendant and lost, whether there is a judgment or any portion thereof which remains unpaid.

(i) The county or counties in which the applicant proposes to engage in business.

(j) The class or classes of farm products the applicant proposes to handle.

(k) Such other information as the ~~{division}~~ **department** may reasonably require.

3. In addition to the general requirements applicable to all classes of applications as set forth in subsection 2, the following requirements apply to the class of applications specified in ~~{paragraphs (a) and (b) of}~~ this subsection:

(a) Commission merchants. Each application must include a complete schedule of commissions and an itemized listing of all charges for all services. Any services rendered for which charges are made, if not listed in the schedule on the application, must be rendered on a strictly cost basis.

(b) Agents. Each application must be in the same form as an application for a license as a broker, dealer or commission merchant, and must include the name and address of the broker, dealer, commission merchant or cash

buyer represented or sought to be represented by the agent, and the written endorsement or nomination of ~~{such}~~ **the** broker, dealer, commission merchant or cash buyer.

4. The application must be accompanied by an executed instrument whereby the applicant:

(a) Appoints and constitutes the ~~{administrator}~~ **director** and his successor or successors in office the true and lawful attorney of the applicant upon whom all lawful process in any action or legal proceeding against the applicant arising in this state from a transaction under the provisions of this chapter may be served; and

(b) Agrees that any ~~{such}~~ lawful process against him which may be served upon his attorney as provided in this subsection is of the same force and validity as if served upon him and that the authority thereof continues in force irrevocably as long as any liability of the applicant in the state remains outstanding.

Sec. 269. NRS 576.032 is hereby amended to read as follows:

576.032 1. A natural person who applies for the issuance or renewal of a license as a broker, dealer, commission merchant, cash buyer or agent shall submit to the ~~{division}~~ **department** the statement prescribed by the welfare division of the department of human resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The ~~{division}~~ **department** shall include the statement required pursuant to subsection 1 in:

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

(b) A separate form prescribed by the ~~{division}~~ **department**.

3. A license as a broker, dealer, commission merchant, cash buyer or agent may not be issued or renewed by the ~~{division}~~ **department** if the applicant is a natural person who:

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

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

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the ~~{division}~~ **department** shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 270. NRS 576.035 is hereby amended to read as follows:

576.035 1. The ~~{division}~~ **department** shall require the applicant for a license as a broker, dealer, commission merchant, cash buyer or agent to make a showing of character, responsibility and good faith in seeking to carry on the business stated in the application, and may make investigations, hold hearings and make determinations regarding ~~{such}~~ **those** matters.

2. ~~{Should}~~ **If** the applicant ~~{be}~~ **is** a corporation or partnership, it shall ~~{likewise}~~ satisfy the ~~{division}~~ **department** of the character, responsibility and good faith of all persons connected with it in a responsible or managing position, ~~{such-as}~~ **including the** manager, superintendent, officer ~~{or}~~ **and** director.

3. Failure of any person to satisfy the ~~{division}~~ **department** of his character, responsibility or good faith may be considered by the ~~{division}~~ **department** as adverse to a showing of such qualifications and is ~~{good and}~~ sufficient grounds for the denial of an application for a license or of the renewal thereof. ~~{Previous}~~ **A previous** conviction of a felony, previous bankruptcy, voluntary or involuntary, or previous violation of this chapter may be considered by the ~~{division}~~ **department** as adverse to a showing of such character, responsibility or good faith on the part of the applicant.

4. Any person adjudged a bankrupt, or any person against whose bondsman or bondsmen or deposit in lieu of bond a claim ~~{or claims have}~~ **has** been collected by **a** court order, who has not made full settlement with all producer-creditors, may not be licensed by the ~~{division-during the period-of}~~ **department for** 3 years ~~{from}~~ **after** the date of ~~{such}~~ **the** adjudication or collection.

5. The ~~{division}~~ **department** may refuse to accept a new application for a license by an applicant rejected pursuant to this section for a period not exceeding 3 years ~~{from}~~ **after** the date of rejection of the first application.

Sec. 271. NRS 576.040 is hereby amended to read as follows:

576.040 1. Each applicant to whom a license to act as a dealer, broker or commission merchant is issued shall:

(a) File one of the following:

(1) A bond of a surety company authorized to do business in this state.

(2) A bond with individual sureties owning unencumbered real property within this state subject to execution and worth, above all exemptions, double the amount of the bond.

(3) A personal bond secured by a first deed of trust on real property within this state which is subject to execution and worth, above all exemptions, double the amount of the bond. ~~{When}~~ **If** the applicant files the bond with the ~~{division}~~ **department**, he shall also file a policy of title insurance on the real property from a title insurance company licensed in this state which states that the property is free and clear of all encumbrances and liens other than the first deed of trust. The applicant

shall certify under oath that the property is worth at least twice the amount of the bond and that it is unencumbered. The certificate must be approved by the ~~{division,}~~ **department**.

The bond must be in the form prescribed by, and to the satisfaction of, the ~~{division,}~~ **department**, conditioned for the payment of a judgment against the applicant and arising out of the failure of the applicant or his agent to conduct his business in accordance with the provisions of this chapter, or for nonpayment of obligations in connection with the purchase and sale of livestock or farm products. The bond must provide that the surety company, if any, will notify the ~~{division}~~ **department** before the end of the second business day after any claim or judgment has been made against the bond. The aggregate liability of any surety to all claimants is limited to the amount of the bond for each licensing period.

(b) File a copy of the bond required by the United States pursuant to the provisions of the Packers and Stockyards Act, ~~{§ 7 U.S.C. § 204 . §}~~

(c) Furnish other security in the amount required by this section which is acceptable to the ~~{division,}~~ **department**.

2. In lieu of complying with one of the alternatives provided in subsection 1, the dealer, broker or commission merchant may deliver to the ~~{division}~~ **department** the receipt of a bank or trust company in this state showing the deposit with that bank or trust company of cash or of securities endorsed in blank by the owner thereof and of a market value equal at least to the required principal amount of the bond. The cash or securities must be deposited in escrow under an agreement conditioned as in the case of a bond. Any receipt must be accompanied by evidence that there are no unsatisfied judgments against the dealer, broker or commission merchant of record in the county ~~{or counties}~~ in which he is doing business or resides. An action for recovery against any such deposit may be brought in the same manner as in the case of an action for recovery on a bond filed under the provisions of NRS 576.042.

3. The amount of the bond, other security or deposit must be:

(a) Based on the applicant's annual volume of purchases, according to a schedule adopted by the ~~{division,}~~ **department**; and

(b) Not less than \$5,000 ~~{nor}~~ **or** more than \$100,000.

4. All bonds must be renewed or continued in accordance with regulations adopted by the ~~{division,}~~ **department**.

5. Any licensed dealer, broker or commission merchant who knowingly sells or otherwise encumbers real property which is the security for a bond under subsection 1, after a policy of title insurance on that property has been issued and while the bond is in force, is guilty of a gross misdemeanor.

Sec. 272. NRS 576.042 is hereby amended to read as follows:

576.042 1. Any:

(a) Producer of livestock or farm products or his agent or consignee;

(b) Licensed broker, dealer or commission merchant; o

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(c) ~~{Organization}~~ **Nonprofit organization** or association ~~{which is entirely nonprofit in character, such as}~~ , **including** the Nevada Fair of Mineral Industries, 4-H clubs, the Nevada junior livestock show, the Nevada state livestock show ~~{or}~~ **and** the Nevada Hereford Association,

who is injured by any violation of the provisions of this chapter, or by any misrepresentations or fraud on the part of any licensed dealer, broker or commission merchant, may maintain a civil action against the dealer, broker or commission merchant. If the dealer, broker or commission merchant is licensed, he may also maintain an action against the surety on any bonds, or the money or securities deposited in lieu of a bond. In such an action against an unlicensed dealer, broker or commission merchant, the injured person is entitled to treble damages.

2. Any person having a claim pursuant to subsection 1 against any licensed dealer, broker or commission merchant must begin legal action on any bond, or money or securities deposited in lieu of a bond, for recovery of the amount claimed to be due within 1 year after the claim has accrued.

3. Pursuant to subsection 4 of NRS 576.030, process may be served by delivering to the ~~{administrator}~~ **director** duplicate copies of the process and paying a fee of \$2. The service upon the ~~{administrator}~~ **director** shall be deemed service upon the dealer, broker or commission merchant. The ~~{administrator}~~ **director** shall forward one copy of the process by registered mail prepaid to the defendant dealer, broker or commission merchant, giving the day and hour of service. The defendant's return receipt is prima facie evidence of the completion of service. If service of summons is made upon the ~~{administrator}~~ **director** in accordance with the provisions of this subsection, the time within which the defendant is required to appear is extended 10 days. The provisions of this subsection are not exclusive, but if a defendant dealer, broker or commission merchant is found within the State of Nevada, he must be served with process in the State of Nevada.

Sec. 273. NRS 576.045 is hereby amended to read as follows:

576.045 If any licensed dealer, broker or commission merchant for any reason ceases to operate as such, the amount of money or securities deposited in lieu of a bond must be retained by the ~~{division}~~ **department** for 1 year. If after the expiration of 1 year after the cessation of such operation, no legal action has been commenced to recover against the money or securities, they must be delivered to the owner. If a legal action has been commenced within that time, all the money and securities must be held by the ~~{division}~~ **department** subject to the order of the district court.

Sec. 274. NRS 576.048 is hereby amended to read as follows:

576.048 1. If the ~~{division}~~ **department** receives notice from a producer of livestock or farm products or his agent or consignee of the default of a licensed dealer, broker or commission merchant, the ~~{division}~~

department shall issue an order to the licensee to show cause why his license should not be revoked. The notice must be in writing and set forth a time and place for a hearing to be held before the ~~{administrator of the division}~~ **director**.

2. If a license is revoked pursuant to subsection 1, the ~~{division}~~ **director** shall, by publication in a newspaper of general circulation in the area, notify all known producers of livestock or farm products in the area in which the licensee operated that the license has been revoked.

Sec. 275. NRS 576.050 is hereby amended to read as follows:

576.050 1. Each applicant for a license as a broker, dealer, commission merchant or cash buyer shall pay to the ~~{division}~~ **department** an annual license fee of \$40.

2. Each applicant for a license as an agent shall pay to the ~~{division}~~ **department** an annual license fee of \$10.

Sec. 276. NRS 576.060 is hereby amended to read as follows:

576.060 1. Upon receipt of an application for a license, accompanied by the license fee and a surety bond, other acceptable security, a copy of the bond required by the United States, or a deposit receipt, as provided in NRS 576.040, and the statement required pursuant to NRS 576.032, the ~~{division}~~ **department** shall examine the application, bond and other papers and, subject to the provisions of NRS 576.032 and 576.120, upon the completion of its investigation, the ~~{division}~~ **department** shall grant the license as applied for.

2. The ~~{division}~~ **department** shall complete its investigation and issue or deny the license within 30 days after receipt of the application, bond and other papers.

Sec. 277. NRS 576.080 is hereby amended to read as follows:

576.080 Licenses must be in such form as the ~~{division}~~ **department** may prescribe, must be under the seal of the ~~{division}~~ **department** and must set forth:

1. The name and address of the dealer, broker, commission merchant, cash buyer or agent.

2. The period of the license.

3. Such other information as the ~~{division}~~ **department** reasonably may require.

4. The amount of the bond, deposit or other security required by NRS 576.040.

Sec. 278. NRS 576.100 is hereby amended to read as follows:

576.100 1. ~~{No agent may}~~ **An agent shall not** act for any dealer, broker, cash buyer or commission merchant unless:

(a) The dealer, broker, cash buyer or commission merchant is licensed and has designated the agent to act in his behalf; and

(b) The ~~{division}~~ **department** has been notified in writing and has approved the appointment of the agent.

2. The dealer, broker, cash buyer or commission merchant is accountable and responsible for contracts made by his agents.

3. An agent must, ~~{prior to}~~ **before** approval by the ~~{division,}~~ **department**, file an application with the ~~{division}~~ **department** pursuant to paragraph (b) of subsection 3 of NRS 576.030.

Sec. 279. NRS 576.110 is hereby amended to read as follows:

576.110 1. The ~~{division}~~ **department** on its own motion may, or upon the verified complaint of any interested party shall, investigate, examine or inspect any transaction involving solicitation, receipt, sale or attempted sale of farm products by any person or persons acting or assuming to act as a dealer, agent, commission merchant or broker, the intentional making of false statements as to condition and quantity of any farm products received or in storage, the intentional making of false statements as to market conditions, the failure to make payment for farm products within the time required by this chapter, and all other injurious transactions.

2. In furtherance of any such investigation, examination or inspection, the ~~{division}~~ **department** or any authorized representative may examine that portion of the ledgers, books, accounts, memoranda and other documents, farm products, scales, measures and other articles and things used in connection with the business of ~~{such}~~ **the** person relating to the transaction involved.

Sec. 280. NRS 576.120 is hereby amended to read as follows:

576.120 1. The ~~{division}~~ **department** may refuse to grant or renew a license or registration as provided in subsection 4 of NRS 576.140 or may suspend or revoke a license or registration as provided in subsection 4 of NRS 576.140 ~~{already granted}~~ if, after ~~{due}~~ notice and **a** hearing, the ~~{division}~~ **department** is satisfied of the existence of any of the following facts, the existence of which is hereby declared to be a violation of this chapter:

(a) That the applicant or licensee has intentionally made any false or misleading statement ~~{as to}~~ **concerning** the conditions of the market for any farm products.

(b) That the applicant or licensee has made fictitious sales or has been guilty of collusion to defraud the producer.

(c) That the licensee was intentionally guilty of fraud or deception in the procurement of the license.

(d) That the applicant or licensee has in the handling of any farm products been guilty of fraud, deceit or willful negligence.

(e) That the licensee, without reasonable cause, has failed or refused to execute or carry out a lawful contract with a producer.

(f) That the licensee, without reasonable cause, has issued checks for the payment of farm products received without sufficient ~~{funds}~~ **money** to cover them or has stopped payment on a check given in payment for farm products received.

(g) That the licensee, without reasonable cause, has failed to account or make payment for farm products as required by this chapter.

(h) That the licensee has knowingly employed an agent without causing the agent to comply with the licensing requirements of this chapter applicable to agents.

(i) That the licensee has failed or refused to ~~{keep,}~~ maintain and file records as required by this chapter.

(j) That the licensee has failed or refused to ~~{keep and}~~ maintain a bond or other security as required by the provisions of NRS 576.040.

2. The ~~{division}~~ **department** may suspend, pending inquiry, for not longer than 30 days, and after hearing or investigation may refuse to grant, renew or revoke any license as the case may require, ~~{when}~~ **if** it is satisfied that the licensee has become bankrupt or insolvent, and is thereby unable to pay producer-creditors of the licensee, or producers with whom the licensee has executory or executed contracts for the purchase of farm products, or for the handling of farm products on consignment.

3. A license is suspended automatically, without action of the ~~{division,}~~ **department**, if the bond filed pursuant to subsection 1 of NRS 576.040 is canceled, and remains suspended until ~~{such}~~ **the** bond is renewed.

4. In the case of any hearing held under the provisions of this section, there must be filed in the office of the ~~{division}~~ **department** a memorandum stating briefly the reasons of the ~~{division}~~ **department** for the denial, suspension or revocation of the license, but formal findings of fact need not be made or filed.

Sec. 281. NRS 576.121 is hereby amended to read as follows:

576.121 1. If the ~~{division}~~ **department** receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license as a broker, dealer, commission merchant, cash buyer or agent, the ~~{division}~~ **department** shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the ~~{division}~~ **department** receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The ~~{division}~~ **department** shall reinstate a license as a broker, dealer, commission merchant, cash buyer or agent that has been suspended by a district court pursuant to NRS 425.540 if the ~~{division}~~ **department** receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 282. NRS 576.123 is hereby amended to read as follows:

576.123 1. Every commission merchant, having received any farm products for sale as a commission merchant, shall promptly make and keep a correct record showing in detail the following with reference to the handling, sale or storage of the farm products:

- (a) The name and address of the consignor.
- (b) The date received.
- (c) The condition and quantity upon arrival.
- (d) Date of ~~such~~ *the* sale for account of the consignor.
- (e) The price for which sold.
- (f) An itemized statement of the charges to be paid by the consignor in connection with the sale.

(g) The names and addresses of all purchasers if the commission merchant has any financial interest in the business of the purchasers, or if the purchasers have any financial interest in the business of the commission merchant, directly or indirectly, as holder of the other's corporate stock, as copartner, as lender or borrower of money to or from the other, or otherwise, the interest must be noted in the records following the name of the purchaser.

(h) A lot number or other identifying mark for each consignment, which number or mark must appear on all sales tags and other essential records needed to show the amount for which the farm products actually sold.

(i) Any claim or claims which have been or may be filed by the commission merchant against any person for overcharges or for damages resulting from the injury or deterioration of the farm products by the act, neglect or failure of the person. The records must be open to the inspection of the ~~administrator~~ *director* and the consignor of farm products for whom the claim or claims are made.

2. Every dealer purchasing any farm products from the producer thereof shall promptly make and keep for 1 year a correct record showing in detail the following:

- (a) The name and address of the grower.
- (b) The date received.
- (c) The price to be paid.
- (d) An itemized statement of any charges paid by the dealer for the account of the producer.

3. Every broker, upon negotiating the sale of farm products, shall issue to ~~both~~ buyer and seller a written memorandum of sale, showing price, date of delivery, quality and other details concerned in the transaction. A copy of the memorandum must be retained by the broker for ~~a period of~~ 1 year.

Sec. 283. NRS 576.125 is hereby amended to read as follows:

576.125 1. ~~When~~ *If* requested by his consignor, a commission merchant shall, before the close of the next business day following the sale of any farm products consigned to him, transmit or deliver to the owner or consignor of the farm products a true written account of the sale, showing

the amount sold and the selling price. Remittance in full of the amount realized from such sales, including all collections, overcharges and damages, less the agreed commission and other charges, together with a complete account of sales, must be made to the consignor within 10 days after receipt of the money by the commission merchant, unless otherwise agreed in writing.

2. Each commission merchant shall retain a copy of all records covering each transaction for ~~{a period of}~~ 1 year ~~{from}~~ *after* the date thereof, which copy must at all times be available for and open to the confidential inspection of the ~~{administrator}~~ *director* and the consignor, or *an* authorized representative of ~~{either.}~~ *the director or consignor.*

3. Each dealer shall pay for farm products delivered to him at the time and in the manner specified in the contract with the producer, but if no time is set by the contract, or at the time of the delivery, ~~{then}~~ within 30 days after the delivery or taking possession of the farm products, except that livestock whose sale is subject to the Packers and Stockyards Act, 7 U.S.C. §§ 181 to 231, inclusive, must be paid for within the ~~{time}~~ *period* required by that act and any applicable regulations adopted ~~{thereunder.}~~ *pursuant thereto.*

4. A person who, with the intent to defraud, fails to make full payment for farm products purchased pursuant to this chapter within 10 days after receiving written notice of the fact that the payment is past due:

(a) Is guilty of a gross misdemeanor, if the amount owed is \$1,000 or less.

(b) Is guilty of a category D felony, if the amount owed is more than \$1,000, and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

Sec. 284. NRS 576.127 is hereby amended to read as follows:

576.127 1. Each dealer, commission merchant and cash buyer operating a motor vehicle in the conduct of his licensed business shall carry on the motor vehicle a manifest on a form to be prescribed or approved by the ~~{division}~~ *department* showing:

(a) A description of the cargo on the motor vehicle.

(b) The brand inspection certificate number for any livestock being transported.

(c) Where and from whom the cargo was purchased.

(d) The weight or measure upon which the purchase was made and, if purchased upon weight, where and by whom weighed and the weight obtained at the weighing.

2. The manifest must be executed in triplicate. One copy must be given to the consignor or seller. One copy must be retained by the licensee, and the original, signed by the licensee, must be transmitted immediately to the ~~{division.}~~ *department.*

3. ~~[False]~~ **Any false** statements **included** on a manifest ~~[as to]~~ **concerning** the nature, quantity, weight, count, grade, quality or any other essential feature of the cargo constitute grounds for suspension or cancellation of the licensee's license issued pursuant to **the provisions of** this chapter.

Sec. 285. NRS 576.128 is hereby amended to read as follows:

576.128 1. The ~~[division]~~ **department** shall adopt regulations pursuant to which a person may obtain certification that he is an actual producer of an agricultural product of the soil. The regulations may include provisions for the certification by reciprocity of a person who holds a similar certification from another jurisdiction where the requirements for that certification are substantially equal to the requirements in this state.

2. The ~~[division]~~ **department** may impose fees for the certification of persons as actual producers of an agricultural product of the soil and any inspections necessary for that certification. The fees must be set in an amount which approximates the cost to the ~~[division]~~ **department** of performing those services and activities.

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

(a) Tax or other fee imposed pursuant to NRS 244.335, 266.355, subsection 7 of NRS 266.600, NRS 268.095, 269.170 or 269.175, relating to the issuance of any license to sell or offer to sell, in its natural and unprocessed state directly to any consumer, restaurant or grocery store, an agricultural product of the soil for which the person has obtained certification pursuant to this section.

(b) Fee imposed for:

(1) The issuance of a permit pursuant to **the provisions of** chapter 446 of NRS to sell or offer to sell, in its natural and unprocessed state directly to any consumer, restaurant or grocery store, an agricultural product of the soil for which the person has obtained certification pursuant to this section;
or

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

Sec. 286. NRS 576.131 is hereby amended to read as follows:

576.131 1. An owner of alternative livestock may request assistance from the ~~[division of agriculture,]~~ **department**, the division of wildlife of the state department of conservation and natural resources and local law enforcement agencies to recapture any alternative livestock that has escaped from confinement.

2. Any alternative livestock that is recaptured may be impounded at a suitable facility until sufficient repairs or improvements are made to the owner's facility to ensure that the escape of the alternative livestock does not recur.

3. The owner of the alternative livestock is liable for:

(a) The costs incurred by the ~~{division of agriculture,}~~ **department**, the division of wildlife of the state department of conservation and natural resources and any local law enforcement agency to recapture the alternative livestock;

(b) The costs of impounding the alternative livestock; and

(c) Any damages caused by the alternative livestock during the escape.

Sec. 287. NRS 576.133 is hereby amended to read as follows:

576.133 ~~{When the administrator}~~ **If the director** believes, on the basis of a verified complaint or of an investigation made pursuant to NRS 576.110, that any licensee or person assuming to transact business for which a license is required under this chapter is violating or is about to violate any provision of this chapter, he may order the licensee or other person to cease and desist from the unlawful practice. The order ceases to be effective upon the expiration of 10 days, exclusive of Saturdays, Sundays and other nonjudicial days, ~~{from}~~ **after** its date of issuance unless a court has, pursuant to NRS 576.135, issued an order which continues the restraint.

Sec. 288. NRS 576.135 is hereby amended to read as follows:

576.135 ~~{Whenever}~~ **If** any licensee or person assuming to transact business for which a license is required under this chapter has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter or the rules and regulations adopted by the ~~{division pursuant to law,}~~ **department**, the district court of any county, on application of the ~~{administrator,}~~ **director**, may issue an injunction or other appropriate order restraining ~~{such}~~ **the** conduct. Proceedings under this section are governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the ~~{administrator,}~~ **director**.

Sec. 289. NRS 576.137 is hereby amended to read as follows:

576.137 A cash purchaser, purchasing for his own use, may be exempted by the ~~{division}~~ **department** from the requirements of this chapter upon his filing **of** an affidavit stating such facts as may be required by the ~~{division,}~~ **department**.

Sec. 290. NRS 576.140 is hereby amended to read as follows:

576.140 Except as otherwise provided in NRS 576.042, the provisions of this chapter do not apply to:

1. The Nevada Fair of Mineral Industries, 4-H clubs, the Nevada junior livestock show, the Nevada state livestock show, the Nevada Hereford Association, or any other **nonprofit** organization or association . ~~{which is entirely nonprofit in character.}~~

2. Any railroad transporting livestock ~~{either}~~ interstate or intrastate.

3. Any farmer or rancher purchasing or receiving livestock for grazing, pasturing or feeding on his premises within the State of Nevada and not for immediate resale.

4. Operators of public livestock auctions as defined in NRS 573.010, and all buyers of livestock at ~~{such}~~ *those* auctions at which the public livestock auction licensee does not control title or ownership to the livestock being sold or purchased at ~~{such}~~ *those* auctions, and any person buying for interstate shipments only and subject to and operating under a bond required by the United States pursuant to the provisions of the Packers and Stockyards Act , ~~{(} 7 U.S.C. § 204 , {)}~~ and the regulations adopted ~~{thereunder. All persons}~~ *pursuant to those provisions. Each person* exempted by the provisions of this subsection shall register annually with the ~~{division,}~~ *department*, giving the location of ~~{their}~~ *his* place of business, the number of ~~{their}~~ *his* license and bond and the expiration date thereof. Each such registrant shall pay an annual registration fee of \$40 to the ~~{division,}~~ *department*.

5. Any farmer or rancher whose farm or ranch is located in the State of Nevada, who buys or receives farm products or livestock from another farmer or rancher not for immediate resale.

6. Any retail merchant having a fixed and established place of business in this state and who conducts a retail business exclusively.

Sec. 291. NRS 576.150 is hereby amended to read as follows:

576.150 1. Except as otherwise provided by a specific statute, a person who acts as a dealer, broker, commission merchant, cash buyer or agent without a license therefor as required by *the provisions of* this chapter, or who violates any other provision of this chapter, or any of the regulations lawfully adopted pursuant to provisions of this chapter, is guilty of a misdemeanor. If the violation relates to the failure to make payment for farm products, an intent to defraud must be proven before a misdemeanor or other penalty may be imposed.

2. Any prosecution brought pursuant to this chapter may be brought in any county of this state in which the defendant or any one of the defendants resides, or in which the unlawful act was committed, or in which the defendant or any one of the defendants has his principal place of business.

3. In addition to any criminal penalty imposed pursuant to, or any remedy provided by, this chapter, the ~~{administrator,}~~ *director*, after notice and *a* hearing in an administrative proceeding, may issue an order against any person who has violated any provision of this chapter or any regulation adopted pursuant to this chapter imposing a civil penalty of not more than \$5,000 for each violation. Any civil penalty collected pursuant to this subsection must be deposited in the state general fund.

Sec. 292. NRS 581.030 is hereby amended to read as follows:

581.030 The ~~{administrator}~~ *director* of the ~~{division}~~ *state department* of agriculture ~~{of the department of business and industry}~~ is hereby designated and constituted ex officio state sealer of weights and measures, and is charged with the proper enforcement of the provisions of this chapter.

Sec. 293. NRS 581.500 is hereby amended to read as follows:

581.500 1. The council, consisting of seven members appointed by the governor, is hereby created within the ~~{division}~~ **state department** of agriculture . ~~{of the department of business and industry.}~~

2. The governor shall appoint:

- (a) One member from business.
- (b) One member from the engineering profession.
- (c) One member from a trade organization.
- (d) One member from industry.
- (e) One member from a labor organization.
- (f) One member from the faculty of a university in the University and Community College System of Nevada.
- (g) One member from the faculty of a public elementary or secondary school.

Sec. 294. NRS 581.520 is hereby amended to read as follows:

581.520 1. The council may accept gifts or grants from any source, and expend money so received or otherwise available to it to contract with qualified persons or institutions for research in matters related to **the** conversion to the metric system of weights and measures.

2. There is hereby created in the state treasury the metric system trust fund. The ~~{administrator}~~ **director** of the ~~{division}~~ **state department** of agriculture ~~{of the department of business and industry}~~ is responsible for the administration of the trust fund and shall deposit with the state treasurer for credit to the ~~{trust}~~ fund any money obtained by the council pursuant to this section. Claims against the ~~{trust}~~ fund must be approved by the council and paid as other claims against the state are paid.

Sec. 295. NRS 581.530 is hereby amended to read as follows:

581.530 The council shall:

- 1. Conduct appropriate research and investigations to determine the problems ~~{faced}~~ **experienced** by business, industry, science, engineering, education, labor, governmental agencies and the people of Nevada in a transition to the metric system.
- 2. Provide information on the metric system and on conversion to its use.
- 3. Recommend legislation and amendments to regulations of executive agencies to provide for ~~{a smooth}~~ **an orderly** transition to the metric system.
- 4. Cooperate with the United States Metric Board where appropriate.
- 5. Report to the legislature and ~~{to}~~ the governor through the ~~{administrator}~~ **director** of the ~~{division}~~ **state department** of agriculture ~~{of the department of business and industry}~~ during the month of January of each odd-numbered year ~~{t}~~ on its activities and the progress toward conversion to the metric system of weights and measures.
- 6. Perform other duties necessary to carry out the provisions of NRS 581.500 to 581.540, inclusive.

Sec. 296. NRS 583.055 is hereby amended to read as follows:

583.055 1. The ~~{division}~~ **state department** of agriculture ~~{of the department of business and industry}~~ shall establish a program for grading and certifying meats, prepared meats and meat products in conformity with federal practice.

2. The ~~{division}~~ **department** may enter into cooperative agreements with the Agricultural Marketing Service of the United States Department of Agriculture and the college of agriculture of the University of Nevada, Reno, and adopt appropriate regulations to carry out the program.

3. The ~~{division}~~ **department** may establish fees, to be collected from slaughtering or other processing operations, for the purpose of grading and certifying meats, prepared meats and meat products.

Sec. 297. Chapter 586 of NRS is hereby amended by adding thereto a new section to read as follows:

“Director” means the director of the state department of agriculture.

Sec. 298. NRS 586.020 is hereby amended to read as follows:

586.020 As used in NRS 586.010 to 586.450, inclusive, ***unless the context otherwise requires,*** the words and terms defined in NRS 586.030 to 586.220, inclusive, ***and section 297 of this act*** have the meanings ascribed to them in those sections . ~~{unless the context otherwise requires.}~~

Sec. 299. NRS 586.053 is hereby amended to read as follows:

586.053 “Certified applicator” means any person who is certified by the ~~{administrator}~~ **director** as qualified to use or supervise the use of any restricted-use pesticide.

Sec. 300. NRS 586.060 is hereby amended to read as follows:

586.060 “Device” means any instrument or contrivance intended for trapping, destroying, repelling or mitigating insects or rodents, or destroying, repelling or mitigating fungi or weeds, or such other pests as designated by the ~~{administrator, but not including}~~ **director. The term does not include** equipment used for the application of pesticides when sold separately therefrom.

Sec. 301. NRS 586.195 is hereby amended to read as follows:

586.195 “Pesticide” ~~{means}~~ **includes**, but is not limited to:

1. Any substance or mixture of substances, including any living organisms , ~~{or}~~ any product derived therefrom ~~{or}~~ **and** any fungicide, herbicide, insecticide, nematocide ~~{or}~~ **and** rodenticide, intended to prevent, destroy, control, repel, attract or mitigate any insect, rodent, nematode, snail, slug, fungus, weed and any other form of plant or animal life or virus, except **a** virus on or in living ~~{man}~~ **humans** or other animals, which is normally considered to be a pest or which the ~~{administrator}~~ **director** declares to be a pest.

2. Any substance or mixture of substances intended to be used as a plant regulator, defoliant, desiccant, and any other ~~{substances}~~ **substance** intended for ~~{such}~~ **that** use as ~~{is}~~ named by the ~~{administrator}~~ **director** by regulation . ~~{after calling a public hearing for such purpose.}~~

Sec. 302. NRS 586.205 is hereby amended to read as follows:

586.205 “Restricted-use pesticide” means any pesticide, including any highly toxic pesticide, which:

1. The ~~{administrator has found and determined, subsequent to}~~ **director has determined after** a hearing, to be:

(a) Injurious to persons, pollinating insects, bees, animals, crops or land, other than pests or vegetation it is intended to prevent, destroy, control or mitigate; or

(b) Detrimental to:

(1) Vegetation, except weeds;

(2) Wildlife; or

(3) Public health and safety; or

2. Has been classified for restricted use by or under the supervision of a certified applicator in accordance with the Federal Environmental Pesticide Control Act, ~~{H}~~ 7 U.S.C. §§ 136 et seq. ~~{D}~~

Sec. 303. NRS 586.210 is hereby amended to read as follows:

586.210 “Rodenticide” means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating rodents or any other vertebrate animal which the ~~{administrator}~~ **director** declares to be a pest.

Sec. 304. NRS 586.230 is hereby amended to read as follows:

586.230 Jurisdiction in all matters pertaining to the distribution, sale and transportation of pesticides and devices is ~~{by}~~, **pursuant to** NRS 586.010 to 586.450, inclusive, vested exclusively in the ~~{administrator.}~~ **director.**

Sec. 305. NRS 586.250 is hereby amended to read as follows:

586.250 1. ~~{Every}~~ **Each** pesticide which is distributed, sold, or offered for sale within this state or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state must be registered in the office of the ~~{administrator}~~ **director** and renewed annually.

2. Products which have the same formula and are manufactured by the same person, the labeling of which contains the same claims, and the labels of which bear a designation identifying the product as the same pesticide may be registered as a single pesticide. Additional names and labels may be added by supplemental statements during the current period of registration.

Sec. 306. NRS 586.260 is hereby amended to read as follows:

586.260 1. The registrant shall file with the ~~{administrator}~~ **director** a statement including:

(a) The name and address of the registrant and the name and address of the person whose name will appear on the label, if other than the registrant.

(b) The name of the pesticide.

(c) A complete copy of the labeling accompanying the pesticide and a statement of all claims to be made for it, including directions for use.

(d) If requested by the ~~{administrator,}~~ **director**, a full description of the tests made and the results thereof upon which the claims are based.

2. In **the** case of **the** renewal of registration, a statement is required only with respect to information which is different from ~~{that}~~ **the information that was** furnished when the pesticide was registered or last reregistered.

Sec. 307. NRS 586.270 is hereby amended to read as follows:

586.270 1. A registrant shall pay an annual registration fee in an amount fixed by the ~~{administrator}~~ **director** not to exceed \$50 for each pesticide registered.

2. The ~~{administrator}~~ **director** shall deposit in a separate account not more than \$25 of each annual registration fee he collects. The money deposited in the account must be used only for the disposal of pesticides. The ~~{administrator}~~ **director** shall fix, by regulation, the amount of each registration fee which must be deposited in the account.

3. A registrant who offers a pesticide for sale before **the** registration of the pesticide shall pay an amount equal to twice the registration fee for registration of the pesticide.

Sec. 308. NRS 586.280 is hereby amended to read as follows:

586.280 1. ~~{Whenever the administrator}~~ **If the director** deems it necessary in the administration of NRS 586.010 to 586.450, inclusive, he may require the submission of the complete formula of any pesticide.

2. If it appears to the ~~{administrator}~~ **director** that the composition of the article is such as to warrant the proposed claims for it, and if the article and its labeling and other material required to be submitted comply with the requirements of NRS 586.350 to 586.410, inclusive, he shall register the article.

Sec. 309. NRS 586.290 is hereby amended to read as follows:

586.290 1. If it does not appear to the ~~{administrator}~~ **director** that the article is such as to warrant the proposed claims for it, or if the article and its labeling and other material required to be submitted do not comply with the provisions of NRS 586.010 to 586.450, inclusive, he shall notify the registrant of the manner in which the article, labeling, or other material required to be submitted fails to comply with NRS 586.010 to 586.450, inclusive, ~~{so as to afford}~~ **to allow** him an opportunity to make the necessary corrections.

2. ~~{In no event is the}~~ **The** registration of an article **is not** a defense for the commission of any offense prohibited under NRS 586.350 to 586.410, inclusive.

Sec. 310. NRS 586.310 is hereby amended to read as follows:

586.310 The ~~{administrator is authorized,}~~ **director may**, after **providing an** opportunity for a hearing:

1. ~~{To declare}~~ **Declare** as a pest any form of plant life or animal life or virus which is injurious to plants, ~~{men,}~~ **humans**, domestic animals, articles or substances.

2. ~~{To determine}~~ **Determine** whether pesticides are highly toxic to ~~{men.}~~

~~—3.—To determine}~~ **humans**

.

3. Determine standards of coloring or discoloring for pesticides, and to subject pesticides to the requirements of NRS 586.380.

Sec. 311. NRS 586.330 is hereby amended to read as follows:

586.330 To avoid confusion endangering the public health resulting from diverse requirements, particularly as to the labeling and coloring of pesticides, and to avoid increased costs to the ~~{people}~~ **residents** of this state ~~{due to}~~ **because of** the necessity of complying with diverse requirements in the manufacture and sale of pesticides, it is desirable that there be uniformity between the requirements of the several states and the Federal Government relating to pesticides. To this end the ~~{administrator is authorized,}~~ **director may**, after a public hearing, ~~{to}~~ adopt such regulations applicable to and in conformity with the primary standards established by NRS 586.010 to 586.450, inclusive, as have been or may be prescribed by the United States Environmental Protection Agency with respect to pesticides.

Sec. 312. NRS 586.335 is hereby amended to read as follows:

586.335 1. The ~~{administrator}~~ **director** shall endeavor to eliminate from use in this state any pesticide:

- (a) Which endangers the agricultural or nonagricultural environment;
- (b) Which is not beneficial for the purposes for which it is sold; or
- (c) Which is misrepresented.

2. In carrying out this responsibility, he shall develop an orderly program for the continuous evaluation of all pesticides actually registered.

Sec. 313. NRS 586.339 is hereby amended to read as follows:

586.339 1. Pursuant to NRS 586.335, the ~~{administrator}~~ **director** may, after **a** hearing, cancel the registration of, or refuse to register, any pesticide:

- (a) Which has demonstrated serious uncontrollable adverse effects ~~{either}~~ within or outside the agricultural environment.
- (b) The use of which is of less public value or greater detriment to the environment than the benefit received by its use.
- (c) For which there is a reasonably effective and practicable alternate material or procedure which is demonstrably less destructive to the environment.
- (d) Which, ~~{when}~~ **if** properly used, is detrimental to:
 - (1) Vegetation, except weeds;
 - (2) Domestic animals; or
 - (3) Public health and safety.
- (e) Which is of little or no value for the purpose for which it is intended.
- (f) Concerning which any false or misleading statement is made or implied by the registrant or his agent, ~~{either verbally}~~ **orally** or in writing, or in the form of any advertising literature.

2. In making any such determination, the ~~{administrator}~~ **director** may require such practical demonstrations as are necessary to determine the facts.

3. If the ~~{administrator,}~~ **director** has **a** reason to believe that any of the conditions stated in subsection 1 are applicable to any registered pesticide and that the use or continued use of the pesticide constitutes an immediate substantial danger to persons or to the environment, he may, after notice to the registrant, suspend the registration of the pesticide pending a hearing and final decision.

Sec. 314. NRS 586.350 is hereby amended to read as follows:

586.350 It is unlawful for any person to distribute, sell or offer for sale within this state or deliver for transportation or transport in intrastate commerce or between points within this state through any point outside this state any pesticide which has not been registered pursuant to the provisions of NRS 586.250 to 586.300, inclusive, or any pesticide if any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with its registration, or if the composition of a pesticide differs from its composition as represented in connection with its registration, except that, in the discretion of the ~~{administrator,}~~ **director**, a change in the labeling or formula of a pesticide may be made within a registration period without requiring reregistration of the product.

Sec. 315. NRS 586.360 is hereby amended to read as follows:

586.360 It is unlawful for any person to distribute, sell or offer for sale within this state or deliver for transportation or transport in intrastate commerce or between points within this state through any point outside this state any pesticide unless it is in the registrant's or the manufacturer's unbroken immediate container and there is affixed to the container, and to the outside container or wrapper of the retail package, if there ~~{be}~~ **is** one through which the required information on the immediate container cannot be clearly read, a label bearing:

1. The name and address of the manufacturer, registrant or person for whom manufactured.
2. The name, brand or trade-mark under which the article is sold.
3. The net weight or measure of the content, subject ~~{, however,}~~ to such reasonable variations as the ~~{administrator,}~~ **director** may permit.

Sec. 316. NRS 586.380 is hereby amended to read as follows:

586.380 1. It is unlawful for any person to distribute, sell or offer for sale within this state or deliver for transportation or transport in intrastate commerce or between points within this state through any point outside this state the pesticides commonly known as standard lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, sodium fluoride, sodium fluorosilicate, and barium fluorosilicate, and those containing mercurial compounds, unless they have been distinctly colored or discolored as provided by **the** regulations ~~{issued}~~ **adopted** in accordance with **the provisions of** NRS 586.010 to 586.450, inclusive, or any other white powder pesticide which the ~~{administrator,}~~ **director**, after

investigation of and after public hearing on the necessity for such action for the protection of the public health and the feasibility of ~~{such}~~ **the** coloration or discoloration, by regulation requires to be distinctly colored or discolored, unless it has been so colored or discolored.

2. The ~~{administrator}~~ **director** may exempt any pesticide to the extent that it is intended for a particular use ~~{or uses}~~ from the coloring or discoloring required or authorized by this section if he determines that ~~{such}~~ **the** coloring or discoloring for ~~{such use or uses}~~ **that use** is not necessary ~~{for the protection of}~~ **to protect** the public health.

Sec. 317. NRS 586.401 is hereby amended to read as follows:

586.401 1. The ~~{administrator}~~ **director** shall adopt regulations governing the application and distribution of any pesticides which he finds must necessarily be applied in pest control but which unless carefully used are likely to be:

(a) Injurious to persons, pollinating insects, bees, animals, crops or land, other than the pest or vegetation it is intended to prevent, destroy, control or mitigate; or

(b) Detrimental to:

(1) Vegetation, except weeds;

(2) Wildlife; or

(3) Public health and safety.

2. The ~~{administrator}~~ **director** in classifying pesticides as ~~{“}~~ restricted-use pesticides ~~{”}~~ shall determine if:

(a) They are highly toxic to ~~{man}~~ **humans** or other animals, including wildlife.

(b) The regulations governing their application and distribution are reasonably calculated to avoid injury and are necessary for their proper use.

(c) The benefit received from their use is of greater public value than a detriment to the environment, public health and safety.

(d) They can be used by permit for purposes other than their registered purposes.

3. The ~~{administrator}~~ **director** may adopt such other rules and regulations as are necessary to carry out the provisions of this chapter, including, but not limited to:

(a) The collection and examination of pesticides.

(b) The use of certain types of containers or packages for specific pesticides, applicable to construction, strength or size to avoid the danger of spillage, breakage or misuse.

(c) The safe handling, transportation, storage, display, distribution and disposal of pesticides and their containers.

(d) The information to be recorded and maintained of the sale, use and distribution of pesticides classified for restricted use.

Sec. 318. NRS 586.405 is hereby amended to read as follows:

586.405 1. The ~~{administrator}~~ **director** may issue a special use permit authorizing the use of a pesticide for a purpose other than that for which it is registered. The permit must set forth:

- (a) The name and dosage rate of the pesticide or other material to be used.
- (b) The type of pest to be controlled.
- (c) The crop or property to be treated.
- 2. The special use permit may limit the time, quantity, area and manner of application.

Sec. 319. NRS 586.406 is hereby amended to read as follows:

586.406 1. It is unlawful for any person to sell or offer to sell at the retail level or distribute or deliver for transportation for delivery to the consumer or user a pesticide classified for restricted use pursuant to NRS 586.401 or the Federal Environmental Pesticide Control Act, ~~19~~ 7 U.S.C. §§ 136 et seq. ~~() without first~~, **without** being registered with the ~~{administrator.}~~ **director**.

2. Each person applying for registration must provide a statement including:

- (a) The name and address of the person registering; and
- (b) The name and address of any person who, on behalf of the person registering, sells, offers to sell, distributes or delivers for transportation a restricted-use pesticide.

3. All registrations expire on December 31 and are renewable annually.

4. Each person registering shall pay:

- (a) An annual registration fee of \$10; and
- (b) A penalty fee of \$5 if his previous registration has expired by the failure to reregister on or before February 1, unless his registration is accompanied by a signed statement that no person named on the registration statement has sold or distributed any restricted-use pesticides during the ~~{period of the year during which}~~ **year** the registration was not in effect.

5. All persons registered shall maintain ~~{and keep for a period of}~~ **for** 2 years a record of all sales of restricted-use pesticides showing:

- (a) The date of sale or delivery;
- (b) The name and address of the person to whom sold or delivered;
- (c) The brand name of the pesticide product;
- (d) The amount of pesticide product sold or delivered;
- (e) The certification number of the certified applicator who is applying or supervising the application of the pesticide if the purchaser of the pesticide is not certified to apply the pesticide; and
- (f) Such other information as may be required by the ~~{administrator.}~~ **director**.

6. Each person registered pursuant to this section shall, on or before the 15th day of each month, file a report with the ~~{administrator}~~ **director** of restricted-use pesticides sold during the previous month. The ~~{administrator}~~ **director** shall provide the form for the report. The form must be filed even if the person did not sell any pesticides during the previous month.

Sec. 320. NRS 586.4065 is hereby amended to read as follows:

586.4065 The ~~{administrator}~~ **director** may refuse to grant or renew a registration under NRS 586.406 or may suspend or revoke ~~{such}~~ **the** registration if, after ~~{due}~~ notice and **a** hearing, he is satisfied that:

1. The person registered has, without reasonable cause, failed to record information as required by NRS 586.406 or ~~{by}~~ **a** regulation adopted by the ~~{administrator}~~ **director**;

2. The person registered has made a fictitious or false entry in the required records; or

3. The applicant has made sales or delivery of restricted-use pesticides without ~~{first}~~ registering with the ~~{administrator}~~ **director**.

Sec. 321. NRS 586.407 is hereby amended to read as follows:

586.407 It is unlawful for any person to sell or deliver any restricted-use pesticide to any person who is required by the regulations adopted by the ~~{administrator}~~ **director** to have a permit to use ~~{such}~~ **that** material, unless the person or his agent to whom delivery is made signs a written statement in a form prescribed by the ~~{administrator}~~ **director** stating that the person holds a valid permit to use the kind and quantity of the restricted-use pesticide which is delivered.

Sec. 322. NRS 586.410 is hereby amended to read as follows:

586.410 It is unlawful for any person to use for his own advantage, or to reveal, other than to the ~~{administrator}~~ **director** or proper ~~{officials}~~ **officers** or employees of the state, or to the courts of this state in response to a subpoena, or to physicians, or in emergencies to pharmacists and other qualified persons, for use in the preparation of antidotes, any information ~~{relative}~~ **relating** to **the** formulas of products acquired by authority of NRS 586.280.

Sec. 323. NRS 586.420 is hereby amended to read as follows:

586.420 1. The penalties provided for violations of NRS 586.350 to 586.390, inclusive, do not apply to:

(a) Any carrier while lawfully engaged in transporting a pesticide within this state, if the carrier, upon request, permits the ~~{administrator}~~ **director** or his designated agent to copy all records showing the transactions in and movement of the articles.

(b) Public ~~{officials}~~ **officers** of this state and the Federal Government engaged in the performance of their ~~{official}~~ duties.

(c) The manufacturer or shipper of a pesticide for experimental use only:

(1) By or under the supervision of an agency of this state or of the Federal Government authorized by law to conduct research in the field of pesticides; or

(2) By ~~{others}~~ **other persons** if the pesticide is not sold and if the container thereof is plainly and conspicuously marked "For experimental use only—Not to be sold," together with the manufacturer's name and

address, but if a written permit has been obtained from the ~~{administrator,}~~ **director**, pesticides may be sold for experimental purposes subject to such restrictions and conditions as may be set forth in the permit.

2. ~~{No}~~ **An** article shall **not** be deemed in violation of **the provisions of** NRS 586.010 to 586.450, inclusive, ~~{when}~~ **if** intended solely for export to a foreign country, and ~~{when}~~ **if** prepared or packed according to the specifications or directions of the purchaser. If not so exported, all the provisions of NRS 586.010 to 586.450, inclusive, apply.

Sec. 324. NRS 586.430 is hereby amended to read as follows:

586.430 1. The examination of pesticides or devices must be made under the direction of the ~~{administrator for the purpose of determining}~~ **director to determine** whether they comply with the requirements of NRS 586.010 to 586.450, inclusive. If it appears from the examination that a pesticide or device fails to comply with the provisions of NRS 586.010 to 586.450, inclusive, and the ~~{administrator}~~ **director** contemplates instituting criminal proceedings against any person, the ~~{administrator}~~ **director** shall cause appropriate notice to be given to the person. Any person so notified must be given an opportunity to present his views, ~~{either}~~ orally or in writing, with regard to ~~{such}~~ **those** contemplated proceedings, and if thereafter in the opinion of the ~~{administrator}~~ **director** it appears that the provisions of NRS 586.010 to 586.450, inclusive, have been violated by the person, the ~~{administrator}~~ **director** shall refer the facts to the district attorney of the county in which the violation occurred with a copy of the results of the analysis or the examination of the article. ~~{Nothing in}~~ **The provisions of** NRS 586.010 to 586.450, inclusive, ~~{requires the administrator}~~ **do not require the director** to report any act or failure to act for prosecution or for the institution of libel proceedings, or to report minor violations of NRS 586.010 to 586.450, inclusive, ~~{whenever}~~ **if** he believes that the public interest will be best served by a suitable notice of warning in writing.

2. Each district attorney to whom any such violation is reported shall cause appropriate proceedings to be instituted and prosecuted in a court of proper jurisdiction without delay.

3. The ~~{administrator}~~ **director** shall, by publication in such manner as he may prescribe, give notice of all judgments entered in actions instituted under the authority of NRS 586.010 to 586.450, inclusive.

Sec. 325. Chapter 587 of NRS is hereby amended by adding thereto the provisions set forth as sections 326, 327 and 328 of this act.

Sec. 326. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 327 and 328 of this act have the meanings ascribed to them in those sections.*

Sec. 327. *“Department” means the state department of agriculture.*

Sec. 328. *“Director” means the director of the department.*

Sec. 329. NRS 587.015 is hereby amended to read as follows:

587.015 As used in NRS 587.015 to 587.123, inclusive, unless the context otherwise requires, the words and terms defined in NRS ~~587.016~~ 587.017 to 587.073, inclusive, have the meanings ascribed to them in those sections.

Sec. 330. NRS 587.019 is hereby amended to read as follows:

587.019 “Agricultural seeds” includes the seeds of grass, forage, cereal and fiber crops and any other kinds of seeds commonly recognized within this state as agricultural seeds, lawn seeds and mixtures of ~~such~~ those seeds, and may include any other kind of seeds ~~when the administrator~~ if the director determines that ~~such~~ the seed is being used as agricultural seed.

Sec. 331. NRS 587.075 is hereby amended to read as follows:

587.075 The ~~administrator~~ director shall administer and enforce the provisions of NRS 587.015 to 587.123, inclusive.

Sec. 332. NRS 587.077 is hereby amended to read as follows:

587.077 The ~~division~~ department is designated as the official seed-certifying agency for the State of Nevada. The ~~administrator~~ director shall, by rules or regulations, adopt and enforce standards governing the certification of seed as to variety, purity, quality or other matters relating thereto, and shall establish a schedule of fees for ~~such~~ that certification.

Sec. 333. NRS 587.079 is hereby amended to read as follows:

587.079 The ~~administrator~~ director may do service grain grading, including testing for dockage and moisture, and may establish a schedule of fees for ~~such~~ that grading and testing.

Sec. 334. NRS 587.081 is hereby amended to read as follows:

587.081 The ~~administrator~~ director or his authorized representatives shall:

1. Sample, inspect, make analysis of and test seeds subject to NRS 587.015 to 587.123, inclusive, that are transported, sold, offered or exposed for sale within the state for sowing purposes, at such time and place and to such extent as may be necessary to determine whether the seeds are in compliance with NRS 587.015 to 587.123, inclusive.

2. Notify promptly the person who transported, sold, offered or exposed the seed for sale of any violation.

Sec. 335. NRS 587.083 is hereby amended to read as follows:

587.083 1. The ~~administrator~~ director shall adopt regulations:

- (a) Governing the terms and methods used in sampling, inspecting, analyzing, testing and examining seeds subject to NRS 587.015 to 587.123, inclusive, and the tolerances to be used.

- (b) Establishing a list of prohibited and restricted noxious weeds and prescribing the maximum rate of occurrence per pound of seeds of restricted noxious weeds which may be associated with any seeds. A noxious weed may be prohibited if it is highly destructive and difficult to

control in this state by ordinary good cultural or chemical practice and restricted if it is objectionable or injurious in fields, lawns and gardens of this state, but ~~lean~~ **may** be controlled by good cultural or chemical practices.

(c) Establishing minimum standards of germination for seeds of vegetables, herbs and flowers.

(d) Defining the terms to be used in labeling seeds.

(e) Establishing a list of the species of trees and shrubs subject to the labeling requirements ~~of~~ **set forth in** subsection 7 of NRS 587.105.

(f) Establishing the duration of the validity of testing to determine the percentage of germination of seeds subject to the requirements for labeling as set forth in NRS 587.091 to 587.105, inclusive, before the sale, offering for sale or transporting of ~~these~~ **those** seeds.

(g) For the labeling of seeds of flowers in respect to kind and variety or the characteristics of type and performance as required by NRS 587.101 and 587.103.

(h) Establishing a list of the kinds of seeds of flowers which are subject to the labeling requirements of NRS 587.101 and 587.103.

2. The ~~administrator~~ **director** may adopt such other regulations as are necessary to carry out the provisions of NRS 587.015 to 587.123, inclusive.

Sec. 336. NRS 587.085 is hereby amended to read as follows:

587.085 The ~~administrator~~ **director** or his authorized representatives may:

1. Enter upon or within any public or private premises or upon or into any truck or other conveyance by land, water or air at any time to examine seeds, screenings or records which are subject to the provisions of NRS 587.015 to 587.123, inclusive, or rules and regulations adopted pursuant thereto.

2. Issue and enforce a written or printed stop-sale order against the owner or custodian of any seed or screenings which are found to be in violation of any of the provisions of NRS 587.015 to 587.123, inclusive, or the rules and regulations adopted pursuant thereto.

Sec. 337. NRS 587.087 is hereby amended to read as follows:

587.087 1. A ~~["~~ stop-sale order ~~"]~~ issued pursuant to subsection 2 of NRS 587.085 may prohibit the sale, processing or movement of ~~such~~ **the** seed or screenings until evidence is submitted or obtained that the violation has been corrected and a release from the stop-sale order is issued.

2. Whenever tree seed, shrub seed or screenings are subject to a stop-sale order, the ~~administrator~~ **director** or his representative shall notify the shipper or consignor that the order is in effect. Upon the shipper's or consignor's request, the ~~administrator~~ **director** may permit the return of the seed to the shipper or may permit the seed to be transferred to a mutually acceptable storage area pending its further disposition as provided by law.

3. Any person aggrieved by a stop-sale order may, within 60 days after the order issues, appeal from ~~{such}~~ **the** order to the district court in the county in which the seeds, subject to ~~{such}~~ **the** order, are located.

Sec. 338. NRS 587.089 is hereby amended to read as follows:

587.089 The ~~{administrator}~~ **director** shall cooperate with the United States Department of Agriculture and other appropriate agencies in seed law enforcement.

Sec. 339. NRS 587.105 is hereby amended to read as follows:

587.105 Except for seed supplied by a seedsman of trees to a consumer under a contractual agreement, which may be labeled by invoice or by an analysis tag attached to the invoice if the seed is in bulk or if each bag or other container is clearly identified by the number of the lot stenciled on the container, the labeling of each bag or container which is not so identified and each container of seeds of trees and shrubs which is sold, offered for sale or transported within this state for sowing purposes must state, in addition to the requirements of NRS 587.091:

1. The common name of the species of seed and subspecies, if appropriate.
2. The scientific name of the genus, species and subspecies, if appropriate.
3. The number or other identification of the lot.
4. The origin of the seed, specified as follows:
 - (a) For seed collected from a predominantly indigenous stand, the area of collection given by latitude and longitude, geographic description or political subdivision, ~~{such as}~~ **including** state and county; or
 - (b) For seed collected from other than a predominantly indigenous stand, identification of the area of collection and the origin of the stand or, if applicable, the statement: "Origin not indigenous."
5. The upper and lower limits of elevations within which the seed was collected.
6. The purity of the seed as a percentage of pure seed by weight.
7. For those species for which standard procedures for testing germination are prescribed by the ~~{administrator}~~ **director**, one of the following:
 - (a) The germination in percentage and percentage of firm ungerminated seed, and the month and year of the test;
 - (b) For seed transported or delivered for transportation within the year of collection or within 6 months following the year of collection, the statement: "Test is in process"; or
 - (c) For seed being transported to a consumer, the name of the consumer and a statement: "Contract seed not for resale, and subject to test to be arranged."
8. For those species for which standard procedures for testing germination have not been prescribed by the ~~{administrator}~~ **director**, the year in which the seed was collected.

9. The name and address of the person who labeled the seed, or who sells or offers the seed for sale within this state.

Sec. 340. NRS 587.107 is hereby amended to read as follows:

587.107 Each person whose name appears on a label as handling seeds subject to any of the provisions of NRS 587.015 to 587.123, inclusive, shall keep for ~~{a period of}~~ 2 years complete records of each lot of seed handled and for 1 year a file sample of each lot of seed after final disposition of the lot. All such records and samples pertaining to the shipment or shipments involved must be available for inspection by the ~~{administrator}~~ **director** or his representative during normal business hours.

Sec. 341. NRS 587.109 is hereby amended to read as follows:

587.109 1. Any person importing any white or Irish potatoes intended for seed purposes into the State of Nevada shall, within 24 hours after the receipt of ~~{such}~~ **the** potatoes, notify the ~~{administrator}~~ **director** of the arrival of the potatoes and hold them at his place of business or at the point of receipt until the potatoes are inspected and released by the ~~{administrator}~~ **director**.

2. If, upon inspection, the ~~{administrator}~~ **director** finds that the potatoes are infected with bacterial ring rot, or other potato diseases in amounts in excess of that allowed under the standards set for Nevada certified potatoes, the potatoes may not be released for planting in this state, but must be disposed of for nonseed purposes in a manner approved by the ~~{administrator}~~ **director**.

3. If the seed potatoes are found to be free from bacterial ring rot, and other potato diseases are not present in excess of that allowed under the standards set for Nevada certified seed potatoes, the ~~{administrator}~~ **director** shall release the potatoes.

Sec. 342. NRS 587.119 is hereby amended to read as follows:

587.119 1. ~~{Whenever any}~~ **If a** seed is prepared for use, all screenings or cleanings must be removed from the premises only under a permit issued by the ~~{administrator}~~ **director**.

2. It is unlawful to distribute, give away, sell or use screenings containing weed seeds unless the screenings have been treated to destroy the viability of the weed seeds or otherwise in a manner approved by the ~~{administrator}~~ **director**.

Sec. 343. NRS 587.121 is hereby amended to read as follows:

587.121 1. Any lot of seed found or reasonably suspected to be in violation of any of the provisions of NRS 587.015 to 587.119, inclusive, is subject to seizure upon a complaint by the ~~{administrator}~~ **director** filed in the district court of the county in which the seed is located.

2. If the court finds that the seed is in violation of any of ~~{such}~~ **those** provisions, it may, after allowing the party or parties in interest to apply for the release of the seed or for permission to bring the seed into compliance with the law, make such orders as may be necessary for the seed to be processed, relabeled, denatured, destroyed or otherwise disposed of according to the circumstances of the case.

Sec. 344. NRS 587.131 is hereby amended to read as follows:

587.131 As used in NRS 587.135 to 587.185, inclusive, unless the context requires otherwise:

1. “Advisory board” means the alfalfa seed advisory board.
2. “Alfalfa seed” means the seed that is harvested from any variety of alfalfa plant.
3. “Dealer” means any person, partnership, association, corporation, cooperative or other business unit or device that first handles, packs, ships, buys and sells alfalfa seed.

4. ~~“Division” means the division of agriculture of the department of business and industry.~~

~~—5.—~~ “Grower” means any landowner personally engaged in growing alfalfa seed, or both the owner and tenant jointly, and includes a person, partnership, association, corporation, cooperative organization, trust, sharecropper or any and all other business units, devices or arrangements that grow alfalfa seed.

Sec. 345. NRS 587.155 is hereby amended to read as follows:

587.155 1. The ~~{division}~~ **department** shall, on or before August 1 of each year, fix an annual special assessment not to exceed 50 cents per hundred weight of alfalfa seed to be levied upon all alfalfa seed grown in this state. The ~~{division}~~ **department** shall collect the assessment and transmit the proceeds to the state treasurer for credit to the alfalfa seed research and promotion account.

2. On or before June 30 of each year, any person who has paid the special assessment levied pursuant to this section may file a claim for **a** refund with the ~~{division}~~ **department** accompanied by a receipt showing ~~{such}~~ payment. Upon verification of the correctness of the claim, the ~~{division}~~ **department** shall transmit ~~{it}~~ **the claim** to the state controller for payment from the alfalfa seed research and promotion account.

Sec. 346. NRS 587.161 is hereby amended to read as follows:

587.161 All assessments levied pursuant to the provisions of NRS 587.155 must be paid to the ~~{division}~~ **department** by the person, either grower or dealer, by whom the alfalfa seed was first handled in the primary channels of the trade and must be paid within 60 days after the date on which the grower received payment for the alfalfa seed. If the person first handling the alfalfa seed in the primary channels of trade is a person other than the grower, he may charge against or recover from the grower the full amount of any assessment paid by him under NRS 587.155.

Sec. 347. NRS 587.165 is hereby amended to read as follows:

587.165 Any grower or dealer who fails to file a return or to pay any assessment pursuant to NRS 587.155 within the ~~{time}~~ **period** required forfeits to the ~~{division}~~ **department** a penalty of 5 percent of the amount of the assessment due and 1 percent of the assessment due for each month of delay or fraction thereof after the end of the month in which the return was required to be filed or in which the assessment became due. The ~~{division,}~~

department, if satisfied the delay was excusable, may remit all or any part of the penalty. The penalty must be paid to the ~~{division}~~ **department** and deposited for credit to the alfalfa seed research and promotion account.

Sec. 348. NRS 587.171 is hereby amended to read as follows:

587.171 Any assessment levied constitutes a personal debt of every person so assessed. If a person fails to pay the assessment, including all penalties, the ~~{division}~~ **department** may, at any time within 3 years ~~{from}~~ **after** the date of delinquency, maintain a civil action against ~~{him}~~ **the person** to recover the amount of the delinquent assessment and penalties.

Sec. 349. NRS 587.175 is hereby amended to read as follows:

587.175 1. Every dealer shall maintain accurate records of all Nevada alfalfa seed handled, packed, shipped or processed by him.

2. The records must be:

(a) In such form and contain such information as the state board of agriculture may require;

(b) Preserved for ~~{a period of}~~ 2 years; and

(c) Subject to inspection at any reasonable time at the request of the state board of agriculture or ~~{of the division.}~~ **the department**.

Sec. 350. NRS 587.181 is hereby amended to read as follows:

587.181 Alfalfa seed growers who ship their alfalfa seed directly to dealers outside the State of Nevada shall remit assessment fees to and file such reports as are required with the ~~{division.}~~ **department**.

Sec. 351. NRS 587.360 is hereby amended to read as follows:

587.360 1. The state quarantine officer ~~{is authorized to}~~ **may** designate any competent employee or agent of the ~~{division of agriculture of the department of business and industry}~~ **department** to inspect or classify agricultural products in accordance with such regulations as he may prescribe at such places as the volume of business may be found to warrant the furnishing of ~~{such}~~ **the** inspection service, at the request of persons having an interest in ~~{such}~~ **those** products, and to ascertain and to certify to ~~{such}~~ **those** persons the grade, classification, quality or condition thereof, and such other pertinent facts as the state quarantine officer may require.

2. The state quarantine officer ~~{is authorized to}~~ **may** fix, assess and collect, or cause to be collected, fees for ~~{such services when}~~ **those services if** they are performed by employees or agents of the ~~{division of agriculture.}~~ **department**.

Sec. 352. NRS 587.370 is hereby amended to read as follows:

587.370 1. The board of county commissioners of any county may employ one or more inspectors to assist in carrying out the provisions of NRS 587.290 to 587.450, inclusive, upon a salary or on a per diem basis, for such **a** period ~~{or periods}~~ as the board and the state quarantine officer deem necessary, but no inspector may be so employed who is not licensed by the state quarantine officer, who shall direct all of the inspector's official activities.

2. Any inspector so employed by any county shall collect all inspection fees fixed and established by the state quarantine officer for any inspections and certifications performed by him, and promptly forward the fees to the state quarantine officer. The state quarantine officer shall forward any portion of the fees due any federal agency to that agency. Ten percent of the inspection fees collected must be remitted to the ~~{division of agriculture of the department of business and industry}~~ **department** for use in the plant industry program, and the balance must be reimbursed to the counties ~~{in which}~~ **where** the fees were collected.

Sec. 353. NRS 587.460 is hereby amended to read as follows:

587.460 As used in NRS 587.460 to 587.660, inclusive, unless the context otherwise requires, the words and terms defined in NRS ~~{587.465}~~ **587.470** to 587.530, inclusive, have the meanings ascribed to them in those sections.

Sec. 354. NRS 587.540 is hereby amended to read as follows:

587.540 The ~~{administrator}~~ **director** and the deputies and inspectors under his supervision and control shall enforce the provisions of NRS 587.460 to 587.660, inclusive.

Sec. 355. NRS 587.550 is hereby amended to read as follows:

587.550 The ~~{administrator}~~ **director** may adopt regulations:

1. Prescribing methods of selecting samples of lots or containers of fruits, nuts and vegetables on a basis of size or other specific classification which are reasonably calculated to produce by ~~{such}~~ **that** sampling fair representations of the entire lots or containers which are sampled.

2. Establishing and issuing official color charts which depict the color standards and requirements which may be established by NRS 587.460 to 587.660, inclusive.

3. Which are ~~{reasonably}~~ necessary to secure uniformity in the enforcement of **the provisions of** NRS 587.460 to 587.660, inclusive.

Sec. 356. NRS 587.560 is hereby amended to read as follows:

587.560 The ~~{administrator}~~ **director** may cooperate financially or otherwise with any county in accordance with **the provisions of** NRS 244.327 and 561.245 in the enforcement of **the provisions of** NRS 587.460 to 587.660, inclusive.

Sec. 357. NRS 587.570 is hereby amended to read as follows:

587.570 1. All potatoes sold or offered for sale for human consumption within this state must meet the U.S. No. 2 grade requirements or better, as adopted by the United States Department of Agriculture and by the ~~{division under authority}~~ **department pursuant to the provisions** of NRS 587.390.

2. All containers of potatoes ~~{when}~~ **if** full must bear upon them in plain sight and plain letters the name of the person who authorized the packing of the potatoes or the name under which the packer is engaged in business, together with a sufficiently explicit address to permit **the** ready location of the packer.

3. All containers of potatoes sold must be marked with one of the grade markings for potatoes established by the United States Department of Agriculture and the ~~{division,}~~ **department**, except that open containers ~~{need not}~~ **are not required to** be marked with one of the grade markings ~~{when}~~ **if** they are part of an open display of potatoes which is marked with one of the grade markings. The potatoes in ~~{such}~~ **those** containers must meet the grade marked on the open display.

Sec. 358. NRS 587.580 is hereby amended to read as follows:

587.580 1. All onions sold or offered for sale for human consumption within this state must meet the U.S. No. 2 grade requirements, or better, as adopted by the United States Department of Agriculture and ~~{by the division under authority}~~ **the department pursuant to the provisions** of NRS 587.390.

2. All containers of onions ~~{when}~~ **if** full must bear upon them in plain sight and plain letters the name of the person who authorized the packing of the onions or the name under which the packer is engaged in business, together with a sufficiently explicit address to permit **the** ready location of the packer.

3. All containers of onions sold must be marked with one of the grade markings for onions established by the United States Department of Agriculture and the ~~{division,}~~ **department**, except that open containers ~~{need not}~~ **are not required to** be marked with one of the grade markings ~~{when}~~ **if** they are part of an open display of onions which is marked with one of the grade markings. The onions in ~~{such}~~ **those** containers must meet the grade marked on the open display.

Sec. 359. NRS 587.660 is hereby amended to read as follows:

587.660 The provisions of NRS 587.590 to 587.650, inclusive, apply only to those fruits, nuts or vegetables for which specific quality standards are not otherwise established by this chapter or by ~~{regulation}~~ **regulations** adopted by the ~~{administrator,}~~ **director**. All nuts, fruits and vegetables ~~{when}~~ **if** offered for sale must be mature but not overripe.

Sec. 360. NRS 587.670 is hereby amended to read as follows:

587.670 As used in **this section and** NRS ~~{587.670,}~~ 587.680 and 587.690:

1. ~~{“Administrator” means the administrator of the division of agriculture of the department of business and industry.~~

~~—2.]~~ “Commercial feed” means all materials except seed, whole or processed, which are distributed for use as feed or for mixing in feed intended for livestock except that the ~~{administrator}~~ **director** by regulation may exempt from this definition or from specific provisions of NRS 587.680 and 587.690 commodities ~~{such as}~~ **including** hay, straw, stover, silage, cobs, husk, hull and individual chemical compounds ~~{or substances when such}~~ **and substances if those** commodities, compounds or substances are not intermixed or mixed with other materials.

~~[3.]~~ 2. “Contract feeder” means a person who as an independent contractor feeds commercial feed to animals pursuant to a contract whereby ~~[such]~~ **the** commercial feed is supplied, furnished or otherwise provided to ~~[such]~~ **the** person and whereby ~~[such person’s]~~ **his** remuneration is determined in whole or in part by feed consumption, mortality, profits ~~[]~~ or **the** amount or quality of **the** product.

~~[4.]~~ 3. “Customer-formula feed” means commercial feed which consists of a mixture of commercial feeds or feed ingredients, ~~[or both,]~~ each batch of which is manufactured according to the specific instructions of the final purchaser.

~~[5.]~~ 4. “Livestock” means:

- (a) All cattle or animals of the bovine species.
- (b) All horses, mules, burros and asses or animals of the equine species.
- (c) All swine or animals of the porcine species.
- (d) All goats or animals of the caprine species.
- (e) All poultry or domesticated fowl or birds.
- (f) All rabbits of the genus oryctolagus.
- (g) All sheep or animals of the ovine species.

Sec. 361. NRS 587.680 is hereby amended to read as follows:

587.680 The ~~[administrator]~~ **director** may adopt such rules and regulations for commercial feed for livestock as are necessary for the efficient enforcement of **the provisions of** NRS 587.690. Regulations must include, but are not limited to:

1. Methods of labeling;
2. Descriptions or statements of the ingredients or the effects thereof;
3. Directions for use for all feed containing drugs; and
4. Warning or caution statements necessary for the safe and effective use of the commercial feed.

Sec. 362. NRS 587.700 is hereby amended to read as follows:

587.700 As used in NRS 587.700 to 587.850, inclusive, unless the context otherwise requires, the words and terms defined in NRS ~~[587.710]~~ **587.720** to 587.790, inclusive, have the meanings ascribed to them in those sections.

Sec. 363. NRS 587.730 is hereby amended to read as follows:

587.730 “Certifying agent” means a person accredited by the ~~[administrator]~~ **director** or the Secretary of Agriculture of the United States to certify a producer or handler for the purposes of the federal act or NRS 587.700 to 587.850, inclusive.

Sec. 364. NRS 587.800 is hereby amended to read as follows:

587.800 1. The ~~[administrator]~~ **director** shall establish a program for the certification of organic agricultural products. The program must ~~[cover]~~ **include** all vegetable products and may ~~[cover]~~ **include** animal products.

2. The governor and the ~~[administrator]~~ **director** shall submit the program to the Secretary of Agriculture for approval. ~~[pursuant to the federal act.]~~

Sec. 365. NRS 587.810 is hereby amended to read as follows:

587.810 1. An advisory council for organic agricultural products is hereby created in the ~~{division of agriculture of the department of business and industry.}~~ **department**. The advisory council ~~{must consist}~~ **consists** of:

(a) Four members who are producers or handlers of organic agricultural products;

(b) One member who is a purchaser, consumer, or wholesale or retail seller of organic agricultural products; and

(c) One member who represents an agricultural interest other than organic agricultural products.

2. The ~~{administrator}~~ **director** shall nominate members for the advisory council, and the state board of agriculture shall appoint the members.

3. The advisory council shall advise the ~~{administrator}~~ **director** and the state board of agriculture concerning the administration of the program for the certification of organic agricultural products.

Sec. 366. NRS 587.820 is hereby amended to read as follows:

587.820 1. The state board of agriculture shall appoint three of the first members of the advisory council for organic agricultural products for terms of 2 years and three for terms of 3 years. After the expiration of the initial term, the term of office of each member is 3 years. A vacancy must be filled, for the unexpired term, by appointment of a member whose qualifications are the same as those of the member replaced. The advisory council shall elect a chairman and vice chairman from among its members. The ~~{administrator}~~ **director** shall provide appropriate secretarial support and a place for the meetings of the advisory council.

2. The advisory council shall meet at least quarterly, upon the call of the ~~{administrator}~~ **director** or the chairman. A majority of the members appointed to the advisory council constitutes a quorum.

3. For each day or portion of a day necessarily spent on the business of the advisory council, each member is entitled to receive:

(a) Compensation, to be fixed by regulation of the state board of agriculture, which must not exceed \$80 per day; and

(b) The per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 367. NRS 587.850 is hereby amended to read as follows:

587.850 1. The ~~{administrator,}~~ **director**, after giving at least 20 days' written notice and the opportunity for a hearing, may impose, for a violation of this section or of a regulation adopted pursuant to NRS 587.830, a civil penalty of not more than:

(a) For the first violation, \$200;

(b) For the second violation, \$1,500; and

(c) For the third or subsequent violation, \$3,000.

The ~~{administrator}~~ **director** shall deposit any money collected as a penalty with the state treasurer for credit to the state general fund and may present a claim to the state board of examiners for recommendation to the interim

finance committee for an allocation from the contingency fund if money is needed to pay attorney's fees or the cost of an investigation.

2. A person shall not sell or offer for sale an agricultural product with the representation that it is organic if he knows or has reason to know that it has not been certified pursuant to the federal act or NRS 587.700 to 587.850, inclusive.

3. A person who violates the provisions of subsection 2 is guilty of a misdemeanor.

Sec. 368. Chapter 588 of NRS is hereby amended by adding thereto the provisions set forth as sections 369 and 370 of this act.

Sec. 369. *"Department" means the state department of agriculture.*

Sec. 370. *"Director" means the director of the department.*

Sec. 371. NRS 588.010 is hereby amended to read as follows:

588.010 As used in this chapter, unless the context otherwise requires, the words and ~~{phrases}~~ *terms* defined in NRS ~~{588.015}~~ *588.020* to 588.150, inclusive, *and sections 369 and 370 of this act* have the meanings ascribed to them in those sections.

Sec. 372. NRS 588.020 is hereby amended to read as follows:

588.020 "Agricultural minerals" means substances, mixtures of mineral substances, and mixtures of mineral and organic substances, containing less than 5 percent in available form of nitrogen, phosphorus pentoxide, or potassium oxide, singly, collectively, or in combination, except sand and soil, unless otherwise authorized by the ~~{administrator,}~~ *director*.

Sec. 373. NRS 588.100 is hereby amended to read as follows:

588.100 "Official sample" means any sample of commercial fertilizer or agricultural mineral taken by the ~~{administrator,}~~ *director* or his agent according to the methods prescribed by the ~~{administrator,}~~ *director*.

Sec. 374. NRS 588.160 is hereby amended to read as follows:

588.160 ~~{This}~~ *The provisions of this* chapter must be administered by the ~~{administrator,}~~ *director*.

Sec. 375. NRS 588.170 is hereby amended to read as follows:

588.170 1. Each brand and grade of commercial fertilizer or agricultural mineral must be registered with the ~~{division,}~~ *department* before being offered for sale, sold or distributed in this state.

2. An application for registration must be submitted in duplicate to the ~~{administrator,}~~ *director* on a form furnished by him, and must be accompanied by a registration fee in an amount to be fixed annually by the ~~{administrator,}~~ *director*, not to exceed \$25 for each combined registration of brand and grade.

3. The applicant must also deposit with the ~~{division,}~~ *department* an airtight container containing not less than 2 pounds of the fertilizer or agricultural mineral, with an affidavit that it is a fair sample of the fertilizer or agricultural mineral to be sold or offered for sale.

4. Upon approval by the ~~{administrator,}~~ *director*, a copy of the registration must be furnished to the applicant.

5. All registrations expire on June 30 of each year

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Sec. 376. NRS 588.180 is hereby amended to read as follows:

588.180 1. The application must include the following information in the following order:

- (a) The name and address of the person guaranteeing the registration.
- (b) The brand and grade.
- (c) The guaranteed analysis showing the minimum percentage and source of plant food claimed in the following order and form:

Total nitrogen: Percentage, source

Available phosphoric acid: Percentage, source

Soluble potash: Percentage, source

2. Fertilizer materials containing only one plant food element and recognized by their chemical names ~~need only~~ **are not required to** be guaranteed for the plant food element contained therein.

3. Unacidulated mineral phosphatic materials and basic slag must be guaranteed as to both total and available phosphoric acid, and the degree of fineness.

4. In the case of bone, tankage and other natural organic phosphate materials, only the total phosphoric acid ~~need~~ **is required to** be guaranteed.

5. Additional plant food elements, determined by chemical methods, may be guaranteed only by permission of the ~~administrator. When any such~~ **director. If any of those** additional plant foods are claimed, they must be included in the guarantee, and are subject to inspection and analysis in accordance with the methods and regulations that may be prescribed by the ~~administrator.~~ **director.**

6. The ~~administrator~~ **director** may permit or require the potential basicity or acidity, expressed in terms of calcium carbonate equivalent in multiples of 100 pounds per ton, to be registered and guaranteed.

Sec. 377. NRS 588.190 is hereby amended to read as follows:

588.190 The guaranteed analysis of agricultural minerals must be stated as follows:

1. Limestone, limerock, chalk, dolomite, dolomitic limestone, marl, oystershell, shells and every other agricultural mineral, the principal constituent of which is calcium carbonate, the percentage of calcium carbonate therein.

2. Burnt lime, quicklime, and every agricultural mineral, the principal constituent of which is calcium oxide, the percentage of calcium oxide therein.

3. Hydrated lime, slacked lime, and every agricultural mineral, the principal constituent of which is calcium hydroxide, the percentage of calcium hydroxide therein.

4. By-products in the manufacture of sugar or acetylene and every other agricultural mineral obtained as a by-product, the principal

constituent of which is a compound of calcium, the neutralizing powers expressed as calcium carbonate equivalent.

5. Gypsum, land plaster, plaster, and every agricultural mineral, the principal constituent of which is calcium sulfate, the percentage of calcium sulfate dihydrate ($\text{CaSO}_4 \cdot 2\text{H}_2\text{O}$) therein.

6. Sulfur, brimstone, and every agricultural mineral, the principal ingredient of which is elemental sulfur, the percentage of elemental sulfur therein.

7. In the case of any agricultural mineral not specifically mentioned herein, the percentage of all constituents claimed to be therein in terms or equivalent as prescribed by the ~~{administrator,}~~ **director**.

8. In the case of any mixture of two or more agricultural minerals, the percentage of each principal constituent as ~~{above-prescribed,}~~ **prescribed in this section**.

Sec. 378. NRS 588.210 is hereby amended to read as follows:

588.210 1. There must be paid to the ~~{division}~~ **department** for all commercial fertilizers offered for sale, sold or distributed in this state a fee at the rate of 25 cents per ton on every ton sold, but sales to manufacturers or exchanges between them are exempted.

2. There must be paid to the ~~{division}~~ **department** for all agricultural minerals offered for sale, sold or distributed in this state a fee of 25 cents per ton on every ton if sold in packages, or 5 cents per ton if sold in bulk, but sales to manufacturers or exchanges between them are exempt.

3. The ~~{division}~~ **department** shall prepare suitable forms for reporting sales and on request shall furnish the forms without cost to all persons dealing in registered brands of commercial fertilizers or agricultural minerals.

Sec. 379. NRS 588.230 is hereby amended to read as follows:

588.230 1. The ~~{administrator,}~~ **director**, who may act through his authorized agent, shall sample, inspect, make analyses of and test commercial fertilizers and agricultural minerals distributed within this state at such time and place and to such an extent as he may deem necessary to determine whether ~~{such}~~ **those** commercial fertilizers and agricultural minerals are in compliance with the provisions of this chapter. The ~~{administrator, individually or through his agent, is authorized to}~~ **director or his agent may** enter upon any public or private premises during regular business hours in order to have access to commercial fertilizers and agricultural minerals subject to the provisions of this chapter and the rules and regulations ~~{pertaining}~~ **adopted pursuant** thereto.

2. The methods of analysis must be those adopted by the ~~{administrator}~~ **director** from sources such as those of the Association of Official Agricultural Chemists.

3. The ~~{administrator,}~~ **director**, in determining for administrative purposes whether any commercial fertilizer or agricultural mineral is deficient in plant food, must be guided solely by the official sample as

defined in NRS 588.100, and obtained and analyzed as provided for in subsection 2 of this section.

4. The results of official analysis of any commercial fertilizer or agricultural mineral which has been found to be subject to penalty or other legal action must be forwarded by the ~~{administrator}~~ **director** to the registrant at least 10 days before the report is submitted to the purchaser. If during that period no adequate evidence to the contrary is made available to the ~~{administrator}~~ **director**, the report becomes official.

5. Upon request, the ~~{administrator}~~ **director** shall furnish to the registrant a portion of any sample found subject to penalty or other legal action.

Sec. 380. NRS 588.240 is hereby amended to read as follows:

588.240 1. If the analysis shows that any commercial fertilizer or agricultural mineral falls short of the guaranteed analysis in any one ingredient, a penalty must be assessed in accordance with the following provisions:

(a) Total nitrogen: A penalty of 3 times the value of the deficiency, if the deficiency is in excess of 0.020 of 1 percent on goods that are guaranteed 2 percent; 0.25 of 1 percent on goods that are guaranteed 3 percent; 0.35 of 1 percent on goods that are guaranteed 4 percent; 0.40 of 1 percent on goods that are guaranteed 5 percent up to and including 8 percent; 0.50 of 1 percent on goods guaranteed above 8 percent up to and including 30 percent; and 0.75 of 1 percent on goods guaranteed over 30 percent.

(b) Available phosphoric acid: A penalty of 3 times the value of the deficiency, if the deficiency exceeds 0.40 of 1 percent on goods that are guaranteed up to and including 10 percent; 0.50 of 1 percent on goods that are guaranteed above 10 percent up to and including 25 percent; and 0.75 of 1 percent on goods guaranteed over 25 percent.

(c) Soluble potash: A penalty of 3 times the value of the deficiency, if the deficiency is in excess of 0.20 of 1 percent on goods that are guaranteed 2 percent; 0.30 of 1 percent on goods that are guaranteed 3 percent; 0.40 of 1 percent on goods that are guaranteed 4 percent; 0.50 of 1 percent on goods guaranteed above 4 percent up to and including 8 percent; 0.60 of 1 percent on goods guaranteed above 8 percent up to and including 20 percent; and 1 percent on goods guaranteed over 20 percent.

(d) Deficiencies in any other constituent or constituents covered under NRS 588.190 which the registrant is required to or may guarantee must be evaluated by the ~~{administrator}~~ **director** and penalties therefor must be prescribed by him.

2. ~~{Nothing contained in}~~ **The provisions of** this section ~~{prevents}~~ **do not prevent** any person from appealing to a court of competent jurisdiction praying for judgment as to the justification of ~~{such}~~ **the** penalties.

3. All penalties assessed under this section must be paid to the consumer of the lot of commercial fertilizer or agricultural mineral represented by the sample analyzed within 3 months after the date of **the**

notice from the ~~{administrator,}~~ **director** to the registrant, and a receipt taken therefor and promptly forwarded to the ~~{administrator,}~~ **director**. If the consumer cannot be found, the amount of the penalty must be paid to the ~~{division,}~~ **department**.

Sec. 381. NRS 588.250 is hereby amended to read as follows:

588.250 ~~{For the purpose of determining}~~ **To determine** the commercial values to be applied under the provisions of NRS 588.240, the ~~{administrator,}~~ **director** shall determine and publish annually the values per pound of nitrogen, phosphoric acid, and soluble potash in commercial fertilizers or agricultural minerals in this state. The values ~~{so}~~ determined and published must be used in determining and assessing penalties.

Sec. 382. NRS 588.270 is hereby amended to read as follows:

588.270 1. At least annually, the ~~{administrator,}~~ **director** shall publish, in such form as he may deem proper:

(a) Information concerning the sales of commercial fertilizers and agricultural minerals, together with such data on their production and use as he may consider advisable.

(b) A report of the results of the analyses based on official samples of commercial fertilizers or agricultural minerals sold within the state as compared with the analyses guaranteed under NRS 588.170 to 588.200, inclusive.

2. The information concerning production and use of commercial fertilizers or agricultural minerals must be shown separately for the periods ~~{of}~~ **from** July 1 to December 31 and **from** January 1 to June 30 of each year.

3. No disclosure may be made of the operations of any person.

Sec. 383. NRS 588.290 is hereby amended to read as follows:

588.290 If any commercial fertilizer or agricultural mineral in the possession of the consumer is found by the ~~{administrator,}~~ **director** to be short in weight, the registrant of the commercial fertilizer or agricultural mineral shall, within 30 days after ~~{official}~~ notice from the ~~{administrator,}~~ **director**, pay to the consumer a penalty equal to 4 times the value of the actual shortage.

Sec. 384. NRS 588.300 is hereby amended to read as follows:

588.300 The ~~{administrator is authorized and empowered to}~~ **director may** cancel the registration of any brand of commercial fertilizer or agricultural mineral or ~~{to}~~ refuse to register any brand of commercial fertilizer or agricultural mineral, as provided in this chapter, upon satisfactory evidence that the registrant has used fraudulent or deceptive practices in the evasion or attempted evasion of the provisions of this chapter or any rules and regulations adopted ~~{thereunder,}~~ **pursuant thereto**, but no registration may be revoked or refused until the registrant has been given the opportunity to appear ~~{for}~~ **at** a hearing **held** by the ~~{administrator,}~~ **director**.

Sec. 385. NRS 588.320 is hereby amended to read as follows:

588.320 1. Any lot of commercial fertilizer or agricultural mineral not in compliance with the provisions of this chapter is subject to seizure upon **the** complaint of the ~~{administrator}~~ **director** to a court of competent jurisdiction in the area in which the commercial fertilizer or agricultural mineral is located.

2. If the court finds **that** the commercial fertilizer or agricultural mineral ~~{to be in violation}~~ **does not comply with the provisions** of this chapter and orders the condemnation of the commercial fertilizer or agricultural mineral, it must be disposed of in any manner consistent with the quality of the commercial fertilizer or agricultural mineral and the laws of ~~{the}~~ **this** state.

3. In no instance may the disposition of ~~{such}~~ **the** commercial fertilizer or agricultural mineral be ordered by the court without ~~{first}~~ giving the claimant an opportunity to apply to the court for release of the commercial fertilizer or agricultural mineral, or for permission to process or relabel the commercial fertilizer or agricultural mineral, to bring it into compliance with **the provisions of** this chapter.

Sec. 386. NRS 588.330 is hereby amended to read as follows:

588.330 1. If it appears from the examination of any commercial fertilizer or agricultural mineral that any of the provisions of this chapter or the rules and regulations ~~{issued thereunder}~~ **adopted pursuant thereto** have been violated, the ~~{administrator}~~ **director** shall cause notice of the violations to be given to the registrant, distributor or possessor from whom the sample was taken. Any person so notified must be given an opportunity to be heard under such rules and regulations as may be prescribed by the ~~{administrator.}~~ **director**. If it appears after the hearing, ~~{either}~~ in the presence or absence of the person so notified, that any of the provisions of this chapter or **the** rules and regulations ~~{issued thereunder}~~ **adopted pursuant thereto** have been violated, the ~~{administrator}~~ **director** may certify the facts to the proper district attorney.

2. ~~{Nothing in}~~ **The provisions of** this chapter ~~{requires the administrator}~~ **do not require the director** or his representative to report for prosecution, or for the institution of seizure proceedings, minor violations of this chapter ~~{when}~~ **if** he believes that the public interest will be best served by a suitable notice of warning in writing.

3. Each district attorney to whom any violation is reported shall cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.

4. The ~~{administrator is authorized to}~~ **director may** apply for and the court ~~{to}~~ **may** grant a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this chapter or any rule or regulation adopted ~~{under}~~ **pursuant to** this chapter notwithstanding the existence of other remedies at law. The injunction must be issued without bond.

Sec. 387. NRS 590.063 is hereby amended to read as follows:

590.063 1. The use of pumps or other devices which are capable of withdrawing gasoline from each of two tanks containing different qualities of the same petroleum product and dispensing them as a single combined product must be authorized if the ~~{division}~~ **state department** of agriculture ~~{of the department of business and industry}~~ determines that all of the following conditions exist:

(a) The device mechanism accurately measures the quantities of the gasoline being simultaneously withdrawn from each of the two tanks and the quantity dispensed.

(b) The device mechanism accurately and visibly records and displays the resulting combined quality, the total quantity, the price per gallon for the particular quality combination being dispensed, and the total price of the quantity of gasoline dispensed at the particular sale.

(c) The device has a locking selector mechanism which prevents the changing of the proportion of the two qualities being combined during the dispensing of the desired quantity.

2. ~~{It is the purpose}~~ **The provisions** of this section ~~{to}~~ authorize the operation of a blending type of pump connected to two tanks containing two different grades of the same product, which, ~~{when}~~ **if** blended together in different proportions, will produce gasoline of different octane rating, each blend of which meets the specifications for gasoline as required by this chapter.

Sec. 388. NRS 590.065 is hereby amended to read as follows:

590.065 1. The use of pumps or other devices which are capable of withdrawing gasoline from one tank containing gasoline and another tank containing motor oil and dispensing them as a single combined product and of withdrawing gasoline alone from the tank containing gasoline must be authorized if the ~~{division}~~ **state department** of agriculture ~~{of the department of business and industry}~~ determines that all of the following conditions exist:

(a) The device mechanism accurately measures the quantities being simultaneously withdrawn for dispensing as a combined product from each of the two tanks when the combined product is dispensed, and the quantity being dispensed from the gasoline tank alone when gasoline alone is dispensed.

(b) The device mechanism accurately and visibly records and displays the ratio of gasoline to motor oil, the quantity of each ingredient being dispensed, the price per gallon for gasoline being dispensed and the price per quart for motor oil being dispensed, or a device the mechanism of which accurately and visibly records and displays the ratio of gasoline to motor oil, the total volume of the oil and gasoline mixture delivered, and computes the total cost based upon the price set for the finished blend.

(c) The device mechanism prevents the changing of the ratio of gasoline to motor oil during dispensing.

(d) There is firmly attached to or painted upon the device mechanism panel a sign or label plainly visible consisting of the words “outboard motor fuel” in letters not less than one-half inch in height, together with the brand, trade-mark or trade name of the product, which ~~{shall also}~~ **must** be in letters of not less than one-half inch in height.

2. ~~{It is the purpose}~~ **The provisions** of this section ~~{to}~~ authorize the operation of a blending type of pump connected to two tanks, one containing motor oil and the other gasoline, but only if the motor oil in its separate state meets the specifications for lubricating oil as required by NRS 590.080, and the gasoline in its separate state meets the specifications for gasoline as required by NRS 590.070.

Sec. 389. NRS 590.090 is hereby amended to read as follows:

590.090 1. It is unlawful for any person, or any officer, agent or employee thereof, to sell, offer for sale, or assist in the sale of or permit to be sold or offered for sale any petroleum or petroleum product to be used for heating purposes, unless the petroleum or petroleum product conforms to the ~~{latest}~~ **most recent** standards adopted by the American Society for Testing and Materials.

2. All bulk storage tanks, dispensers and petroleum tank truck compartment outlets containing or dispensing heating fuel must be labeled with the brand name and the grade designation of the heating fuel.

3. A person shall not use the numerical grade designation for heating fuels adopted by the American Society for Testing and Materials unless the designation conforms to ~~{the ASTM specification.}~~ **that designation.** Persons using a designation other than the ~~{ASTM}~~ numerical grade designation **adopted by the American Society for Testing and Materials** must ~~{first}~~ file with the ~~{division}~~ **state department** of agriculture ~~{of the department of business and industry}~~ the designation to be used together with its corresponding ~~{ASTM grade designation.}~~ **grade designation of the American Society for Testing and Materials.**

Sec. 390. NRS 652.230 is hereby amended to read as follows:

652.230 The provisions of this chapter apply to all public and private medical laboratories except:

1. A laboratory of any college, university or school which is conducted for the training of its students, actively engaged in research and approved by the state department of education.

2. Laboratories operated by the Federal Government.

3. Laboratories operated by the ~~{division}~~ **state department** of agriculture ~~{of the department of business and industry.}~~

Sec. 391. NRS 705.190 is hereby amended to read as follows:

705.190 1. Every owner or operator of a railroad in this state who injures or kills any livestock of any description by ~~{the running of}~~ **running** an engine or car over or against the livestock shall:

(a) Within 5 days thereafter post for ~~for a period of~~ at least 30 days, at the first railroad station in each direction from the place of the injury or killing, notices in writing in ~~some~~ **a** conspicuous place on the outside of the stations; and

(b) Within 10 days after ~~the injury~~ **injuring** or killing ~~of~~ the livestock, forward by registered or certified mail a duplicate of each notice to the ~~division~~ **state department** of agriculture . ~~of the department of business and industry.~~

2. The notice ~~or notices~~ must:

(a) Contain the number and kind of the animals ~~so~~ injured or killed, with a full description of the animals, including brands and marks and sex.

(b) Give the time and place, as near as possible, of the injury or killing.

(c) Be dated and signed by an officer or agent of the owner or operator of the railroad concerned.

Sec. 392. Section 1 of Assembly Bill No. 135 of this session is hereby amended to read as follows:

Section 1. NRS 555.235 is hereby amended to read as follows:
555.235 As used in NRS 555.235 to 555.249, inclusive:

1. ~~“Agent” means any person who:~~

~~—(a) Acts upon the authority of another person possessing a valid nursery license in this state; and~~

~~—(b) Solicits for the sale of nursery stock.~~

~~2. “Container” means any receptacle in which nursery stock is packed for shipment, storage or sale.~~

~~3.] “Inspecting officer” means a person authorized by the department to inspect nursery stock.~~

~~4.] 2.~~ “Licensee” means any person licensed under the provisions of NRS 555.235 to 555.249, inclusive.

~~5.] 3.~~ “Nursery” means any ~~ground or place where~~ **location:**

~~(a) Where~~ nursery stock is grown, **propagated**, stored ~~packed, treated, fumigated or offered for sale.~~

~~6.] or sold; or~~

(b) From which nursery stock is distributed directly to a customer.

4. “Nursery stock” means any plant for planting, propagation or ornamentation, and includes parts of plants, trees, shrubs, vines, vegetables, bulbs, stolons, tubers, corms, pips, rhizomes, scions, buds and grafts.

~~7.—“Peddler” means any person who sells, solicits or offers for sale nursery stock to the ultimate customer and who does not have an established permanent place of business in the state. The term does not include nurserymen who wholesale stock to retail nurserymen in this state.~~

~~8.] 5.~~ “Pest” means **:**

~~(a) Any~~ **any** form of animal **or vegetable** life detrimental to the nursery industry of ~~the state.~~

~~—(b) Any form of vegetable life detrimental to the nursery industry of the state.~~

~~—9. “Pest disease” means any infectious, transmissible or contagious disease of plants, or any disorder of plants which manifests symptoms or behavior which the director, after investigation, determines to be characteristic of an infectious, transmissible or contagious disease.~~

~~—10. “Place of business” means any location used to propagate, grow, maintain, hold, sell or distribute nursery stock. The term includes, but is not limited to, established permanent places of business, registered places of business, established sales yards, store yards, store and sales locations and similar outlets for which the minimum nursery license fee has been paid.~~

~~—11.] *this state, including, without limitation, any insect, snail, nematode, fungus, virus, bacterium, microorganism, mycoplasmal organism, weed, parasitic plant or any other plant that is normally considered to be a pest of cultivated plants, uncultivated plants, agricultural commodities, horticultural products or nursery stock, or that the director declares to be a pest.*~~

6. “Sell” means exchange, offer for sale, expose for sale, have in possession for sale or solicit for sale.

Sec. 393. Section 2 of Assembly Bill No. 135 of this session is hereby amended to read as follows:

Sec. 2. NRS 555.236 is hereby amended to read as follows:

555.236 1. Every person who engages in the commercial production, holding, distribution, collection or selling of nursery stock shall obtain a license from the director, except:

(a) Retail florists or other persons who sell potted, ornamental plants intended for indoor decorative purposes.

(b) A person who is not engaged in the nursery business and raises nursery stock as a hobby in this state, from which he makes occasional sales, if the person reports to the director his intention to make those sales and does not advertise or solicit for the sale of that nursery stock.

(c) Persons engaged in agriculture and field-growing vegetable plants intended for sale for use in agricultural production.

(d) That the director may, to relieve hardships imposed by the licensing requirements of NRS 555.235 to 555.249, inclusive, upon persons residing in sparsely settled areas of ~~the~~ *this* state where no licensed nurseries exist, waive the requirements for the licensing of nurseries for any established business ~~{concern}~~ to permit occasional sales of nursery stock ~~{for customer accommodation.}~~ *to accommodate the customers of the business.*

(e) At the discretion of the director, persons selling vegetable bulbs or flower bulbs, including , **without limitation**, onion sets, tulip bulbs and similar bulbs.

(f) A nursery licensed by another state that sells nursery stock directly to:

(1) A licensed retail nursery in this state; or

(2) The public by catalog.

2. Persons, state agencies or political subdivisions exempt from the licensing requirements:

(a) Shall conduct their businesses in accordance with pest regulations and grades and standards for nursery stock as established by the director.

(b) Shall register annually, on or before July 1, with the department, the location, size and type of nursery stock being produced.

Sec. 394. Section 6 of Assembly Bill No. 135 of this session is hereby amended to read as follows:

Sec. 6. NRS 555.248 is hereby amended to read as follows:

555.248 Any nursery stock brought into this state which the director or inspecting officer finds or has reasonable cause to believe to be infested or infected with any pest must be destroyed immediately, at the expense of the owner or bailee, under the supervision of the director or the inspecting officer, unless:

1. The nature of the pest is such that no detriment can be caused to the **public, the nursery , agricultural, forestry or horticultural** industry ~~for related industries~~ in this state **or the general environmental quality of this state** by shipping the nursery stock out of ~~the~~ **this** state. In that case the director or inspecting officer:

(a) May affix a warning tag or notice to the nursery stock.

(b) Shall notify the owner or bailee to ship the nursery stock out of this state within 48 hours.

(c) Shall keep the nursery stock under his control at the expense of the owner or bailee.

(d) Shall destroy the nursery stock at the expiration of 48 hours if the owner or bailee has not shipped the nursery stock out of ~~the~~ **this** state.

2. The director determines that the pest can be exterminated by **a** treatment prescribed by the director with the result that no detriment will be caused to the **public, the nursery , agricultural, forestry or horticultural** industry ~~for related industries~~ in this state ~~or the~~ **general environmental quality of this state**. In that case, nursery stock will be released if the nursery stock is:

(a) Treated in the manner prescribed by the director;

(b) Treated within the time specified by the director or inspecting officer;

- (c) Treated under the supervision of the inspecting officer; and
- (d) Found to be free from pests.

Sec. 395. The title of Assembly Bill No. 135 of this session is hereby amended to read as follows:

AN ACT relating to agriculture; revising the definition of “nursery” to include a location where nursery stock is propagated ~~{and}~~ **or** from which nursery stock is distributed directly to a customer; exempting certain nurseries that are licensed by another state from the requirement of obtaining a license from the ~~{administrator}~~ **director** of the ~~{division}~~ **state department** of agriculture ; ~~{of the department of business and industry;}~~ revising the definition of “peddler” to exclude certain nurserymen licensed by another state; requiring nursery stock shipped intrastate or interstate to a point within this state to be accompanied by an inspection certificate or a phytosanitary certificate; and providing other matters properly relating thereto.

Sec. 396. NRS 552.08505, 552.08585, 576.011, 586.035, 587.016, 587.027, 587.465, 587.710, 588.015 and 588.074 are hereby repealed.

Sec. 397. This act becomes effective:

1. Upon passage and approval for the purpose of the adoption of regulations by the commission on mineral resources that are necessary to carry out the provisions of this act; and
2. On July 1, 1999, for all other purposes.

Sec. 398. The legislative counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, with respect to any section that is not amended by this act or is further amended by another act, appropriately change any reference to:
 - (a) “Division of agriculture” to “state department of agriculture”; and
 - (b) Any other agency or any officer whose name is changed or whose responsibilities have been transferred pursuant to the provisions of this act to refer to the appropriate agency or officer.
2. In preparing supplements to the Nevada Administrative Code, appropriately change any reference to:
 - (a) “Division of agriculture” to “state department of agriculture”; and
 - (b) Any other agency or any officer whose name is changed or whose responsibilities have been transferred pursuant to the provisions of this act to refer to the appropriate agency or officer.