

ASSEMBLY BILL NO. 103—ASSEMBLYMEN MARVEL, DE BRAGA, HETTRICK, DINI,
CARPENTER, COLLINS, NEIGHBORS AND HUMKE

FEBRUARY 4, 1999

JOINT SPONSORS: SENATORS RHOADS AND MCGINNESS

Referred to Committee on Natural Resources, Agriculture, and Mining

SUMMARY—Reestablishes state department of agriculture. (BDR 18-102)

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

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

AN ACT relating to 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:

- 1 **Section 1.** NRS 232.510 is hereby amended to read as follows:
2 232.510 1. The department of business and industry is hereby
3 created.
4 2. The department consists of a director and the following:
5 (a) Consumer affairs division.
6 (b) Division of financial institutions.
7 (c) Housing division.
8 (d) Manufactured housing division.
9 (e) Real estate division.
10 (f) Division of unclaimed property.
11 (g) ~~Division of agriculture.~~
12 ~~(h) Division of minerals.~~
13 ~~(i) Division of insurance.~~
14 ~~(j)~~ **(h)** Division of industrial relations.

1 ~~[(k)]~~ (i) Office of labor commissioner.
2 ~~[(l)]~~ (j) Taxicab authority.
3 ~~[(m)]~~ (k) Nevada athletic commission.
4 ~~[(n)]~~ (l) Office of the Nevada attorney for injured workers.
5 ~~[(o)] State predatory animal and rodent committee.~~
6 ~~[(p)]~~ (m) Transportation services authority.
7 ~~[(q)]~~ (n) Any other office, commission, board, agency or entity created
8 or placed within the department pursuant to a specific statute, the budget
9 approved by the legislature or an executive order, or an entity whose
10 budget or activities have been placed within the control of the department
11 by a specific statute.

12 **Sec. 2.** NRS 232.520 is hereby amended to read as follows:
13 232.520 The director:

14 1. Shall appoint a chief or executive director, or both of them, of each
15 of the divisions, offices, commissions, boards, agencies or other entities of
16 the department, unless the authority to appoint such a chief or executive
17 director, or both of them, is expressly vested in another person, board or
18 commission by a specific statute. In making the appointments, the director
19 may obtain lists of qualified persons from professional organizations,
20 associations or other groups recognized by the department, if any. The
21 chief of the consumer affairs division is the commissioner of consumer
22 affairs, the chief of the division of financial institutions is the commissioner
23 of financial institutions, the chief of the housing division is the
24 administrator of the housing division, the chief of the manufactured housing
25 division is the administrator of the manufactured housing division, the chief
26 of the real estate division is the real estate administrator, the chief of the
27 division of unclaimed property is the administrator of unclaimed property,
28 the chief of the division of ~~agriculture is the administrator of the division~~
29 ~~of agriculture, the chief of the division of minerals is the administrator of~~
30 ~~the division of minerals, the chief of the division of~~ insurance is the
31 ~~insurance commissioner,~~ **commissioner of insurance**, the chief of the
32 division of industrial relations is the administrator of the division of
33 industrial relations, the chief of the office of labor commissioner is the
34 labor commissioner, the chief of the taxicab authority is the taxicab
35 administrator, the chief of the transportation services authority is the
36 chairman of the authority and the chief of any other entity of the department
37 has the title specified by the director, unless a different title is specified by
38 a specific statute.

39 2. Is responsible for the administration of all provisions of law relating
40 to the jurisdiction, duties and functions of all divisions and other entities
41 within the department. The director may, if he deems it necessary to carry
42 out his administrative responsibilities, be considered as a member of the
43 staff of any division or other entity of the department for the purpose of

1 budget administration or for carrying out any duty or exercising any power
2 necessary to fulfill the responsibilities of the director pursuant to this
3 subsection. ~~{Nothing contained in}~~ **The provisions of** this subsection ~~{may~~
4 ~~be construed as allowing}~~ **do not authorize** the director to preempt any
5 authority or jurisdiction granted by statute to any division or other entity
6 within the department or ~~{as allowing}~~ **authorize** the director to act or take
7 on a function that would ~~{be in contravention of}~~ **contravene** a rule of court
8 or a statute.

9 3. ~~{Has authority to:}~~ **May:**

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

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

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

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

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

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

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

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

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

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

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

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

18 235.012 1. The director, after consulting with the executive director
19 of the commission on tourism, the administrator of the division of museums
20 and history of the department of museums, library and arts and the
21 administrator of the division of minerals of the ~~department of business and~~
22 ~~industry,~~ *commission on mineral resources*, may contract with a mint to
23 produce medallions made of gold, silver, platinum or nonprecious metals
24 and bars made of gold, silver or platinum.

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

27 (a) Provide a product of the highest quality;

28 (b) Advertise and market the product properly, including the promotion
29 of museums and tourism in this state; and

30 (c) Comply with the requirements of the contract.

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

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

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

37 235.014 1. The ore used to produce a medallion or bar must be
38 mined in Nevada, if the ore is available. If it is not available, ore newly
39 mined in the United States may be used. Each medallion or bar made of
40 gold, silver or platinum must be 0.999 fine. Additional series of medallions
41 made of gold, silver or platinum at degrees of fineness of 0.900 or greater
42 may be approved by the director with the concurrence of the interim

1 finance committee. The degree of fineness of the materials used must be
2 clearly indicated on each medallion.

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

5 3. Bars may be minted in weights of 1 ounce, 5 ounces, 10 ounces and
6 100 ounces.

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

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

15 235.016 1. The director shall set and collect a royalty for the use of
16 The Great Seal of the State of Nevada from the mint which produces the
17 medallions or bars. The amount of the royalty must be:

18 (a) Based on the usual and customary fee charged as a commission by
19 dealers of similar medallions or bars; and

20 (b) Adjusted at least once each year to ensure it is competitive with the
21 usual and customary fee.

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

25 (a) The amount of the royalties being charged; and

26 (b) The information used to determine the usual and customary fee
27 charged by dealers.

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

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

32 244.327 The ~~{board}~~ **boards** of county commissioners ~~{have power and~~
33 ~~jurisdiction}~~ **may** in their respective counties : ~~{to:}~~

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

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

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

40 244.361 1. Except as **otherwise** provided in subsection 3, the boards
41 of county commissioners of the ~~{various}~~ counties of this state ~~{are granted~~
42 ~~the power and authority.}~~ **may**, by ordinance regularly enacted, ~~{to}~~
43 regulate, control and prohibit, as a public nuisance, the excessive emission

1 of dense smoke and air pollution caused by excessive soot, cinders, fly ash,
2 dust, noxious acids, fumes and gases within the boundaries of the county.

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

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

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

17 268.410 1. Except as **otherwise** provided in subsection 3, and in
18 addition to any authority ~~or power~~ provided by the charter of any
19 incorporated city in this state, whether incorporated by general or special
20 act, or otherwise, there is granted to the governing body of each of the
21 cities incorporated under any law of this state the ~~power and~~ authority, by
22 ordinance regularly enacted, to regulate, control and prohibit, as a public
23 nuisance, the excessive emission of dense smoke and air pollution caused
24 by excessive soot, cinders, fly ash, dust, noxious acids, fumes and gases
25 within the corporate limits of the city.

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

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

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

40 289.290 1. A person designated by the ~~administrator~~ **director** of the
41 ~~division~~ **state department** of agriculture ~~of the department of business~~
42 ~~and industry~~ as a field agent or an inspector pursuant to subsection 2 of
43 NRS 561.225 has the powers of **a** peace ~~officers~~ **officer** to make

1 investigations and arrests and to execute warrants of search and seizure,
2 and may temporarily stop the movement of livestock and carcasses for
3 ~~{purposes}~~ **the purpose** of inspection.

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

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

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

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

18 321.5967 1. There is hereby created a board of review composed of:

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

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

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

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

27 (e) The state engineer;

28 (f) The state forester firewarden;

29 (g) The chairman of the state environmental commission;

30 (h) The ~~{administrator}~~ **director** of the ~~{division}~~ **state department** of
31 agriculture ; ~~{of the department of business and industry;}~~

32 (i) The chairman of the board of wildlife commissioners; and

33 (j) The administrator of the office of historic preservation of the
34 department of museums, library and arts.

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

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

41 4. Except as otherwise provided in this subsection, the members of the
42 board serve without compensation. The chairman of the state environmental
43 commission and the chairman of the board of wildlife commissioners are

1 entitled to receive a salary of not more than \$80, as fixed by the board, for
2 each day's attendance at a meeting of the board.

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

6 6. The board:

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

9 (b) May review any decision of the state land registrar made pursuant to
10 NRS 321.596 to 321.599, inclusive, if an appeal is taken pursuant to NRS
11 321.5987, and affirm, modify or reverse the decision.

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

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

16 445B.200 1. The state environmental commission is hereby created
17 ~~fin~~ **within** the state department of conservation and natural resources. The
18 commission consists of:

19 (a) The administrator of the division of wildlife of the department;

20 (b) The state forester firewarden;

21 (c) The state engineer;

22 (d) The ~~administrator~~ **director** of the ~~division~~ **state department** of
23 agriculture ; ~~of the department of business and industry;~~

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

26 (f) A member of the state board of health to be designated by that board;
27 and

28 (g) Five members appointed by the governor, one of whom is a general
29 engineering contractor or a general building contractor licensed pursuant to
30 chapter 624 of NRS and one of whom possesses expertise in performing
31 mining reclamation.

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

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

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

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

42 6. Any person who receives or has **received** during the previous 2 years
43 ~~received~~ a significant portion of his income, as defined by any applicable

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

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

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

20 446.020 1. Except as *otherwise* limited by subsection 2, "food
21 establishment" means any place, structure, premises, vehicle or vessel, or
22 any part thereof, in which any food intended for ultimate human
23 consumption is manufactured or prepared by any manner or means
24 whatever, or in which any food is sold, offered or displayed for sale or
25 served.

26 2. The term does not include:

27 (a) Private homes;

28 (b) Fraternal or social clubhouses at which attendance is limited to
29 members of the club;

30 (c) Vehicles operated by common carriers engaged in interstate
31 commerce;

32 (d) Any establishment in which religious, charitable and other nonprofit
33 organizations sell food occasionally to raise money or in which charitable
34 organizations receive salvaged food in bulk quantities for free distribution,
35 unless the establishment is open on a regular basis to sell food to members
36 of the general public;

37 (e) Any establishment where animals are slaughtered which is regulated
38 and inspected by the ~~{division}~~ *state department* of agriculture ; ~~{of the~~
39 ~~department of business and industry;}~~

40 (f) Dairy farms and plants which process milk and products of milk or
41 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,

1 the state contractors' board and auditors, the state fire marshal, the
2 investigation division of the department and any authorized federal law
3 enforcement agency or law enforcement agency from another state;

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

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

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

13 (1) The state gaming control board;

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

16 (3) The attorney general;

17 (4) City or county juvenile officers;

18 (5) District attorneys' offices;

19 (6) Public administrators' offices;

20 (7) Public guardians' offices;

21 (8) Sheriffs' offices;

22 (9) Police departments in the state; and

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

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

33 4. Applications for the licenses must be made through the head of the
34 department, board, bureau, commission, school district or irrigation district,
35 or through the chairman of the board of county commissioners of the
36 county or town or through the mayor of the city, owning or controlling the
37 vehicles, and no plate or plates may be issued until a certificate has been
38 filed with the department showing that the name of the department, board,
39 bureau, commission, county, city, town, school district or irrigation district,
40 as the case may be, and the words "For Official Use Only" have been
41 permanently and legibly affixed to each side of the vehicle, except those
42 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*.

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

2 513.063 The commission shall:

3 1. Keep itself informed of and interested in the entire field of
4 legislation and administration charged to the ~~{department.}~~ **division.**

5 2. Report to the governor and the legislature on all matters which it
6 may deem pertinent to the ~~{department.}~~ **division**, and concerning any
7 specific matters previously requested by the governor.

8 3. Advise and make recommendations to the governor and the
9 legislature concerning the policy of this state relating to minerals.

10 4. Formulate the administrative policies of the ~~{department and its
11 various divisions.}~~ **division.**

12 5. Adopt regulations necessary for carrying out the duties of the
13 commission and the ~~{department.}~~ **division.**

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

15 513.083 1. The chief administrative officer of the division is the
16 administrator, who must be appointed by the ~~{director of the department of
17 business and industry from a list of three nominees selected by the}~~
18 commission.

19 2. The administrator of the division:

20 (a) Must be a graduate of an accredited college or university and have
21 substantial experience as an administrator or at least 5 years' experience in
22 the exploration for or the production or conservation of minerals.

23 (b) Is in the unclassified service of the state.

24 (c) Except as otherwise provided in NRS 284.143, shall devote his
25 entire time and attention to his duties as a public officer and shall not
26 pursue any other business or occupation or hold any other office of profit.

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

28 513.094 1. An additional fee ~~{of \$1 per}~~ **, established by the**
29 **commission for each** claim **,** is imposed upon all filings to which NRS
30 517.185 applies. Each county recorder shall collect and pay over the
31 additional fee, and the additional fee must be deposited in the same manner
32 as provided in that section.

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

1 **administrator** shall further work to educate the public to recognize and
2 avoid those hazards resulting from mining practices which took place at a
3 mine that is no longer operating.

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

8 4. The commission shall provide by regulation:

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

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

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

20 ***As used in this chapter, unless the context otherwise requires,***
21 ***“division” means the division of minerals of the commission on mineral***
22 ***resources.***

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

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

1 must be capable of being photocopied. Any 24- by 36-inch sheet must be a
2 mylar print or other material capable of being reproduced by standard
3 means.

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

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

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

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

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

17 The map is a public record.

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

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

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

25 517.100 Within 90 days after posting the notice of location of a placer
26 claim, the locator shall : ~~{perform the following:}~~

27 1. Prepare two copies of a map of the claim which must be of a scale of
28 not less than 500 feet to the inch. ~~{Where}~~ **If** the United States survey has
29 been extended over the land embraced in the location, the claim may be
30 taken and described on the map by legal subdivisions as provided in NRS
31 517.090. ~~{Where}~~ **If** the land has not been surveyed by the United States or
32 ~~{where}~~ **if** official corners cannot be found through the exercise of due
33 diligence, the map must set forth the position of the monuments in relation
34 to each other ~~{,}~~ **and** establish numbers of monuments, and the descriptions
35 must be tied to a natural landmark or a readily identifiable artificial
36 landmark as provided in NRS 517.040.

37 2. File the maps with the county recorder in the county in which the
38 claim is located together with a filing fee of \$1 per acre. One-half of the
39 filing fee must be ~~{utilized}~~ **used** by the county to establish and maintain, in
40 accordance with the regulations of the division , ~~{of minerals of the~~
41 ~~department of business and industry,}~~ a map of the mining claims in the
42 county that must accurately record the location of all mining claims filed

1 after July 1, 1971, which is a public record. The remaining part of the fee
2 may be used for the same purposes as any other general revenue of the
3 county.

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

5 517.185 In addition to any recording fee, each filing pursuant to NRS
6 517.050, 517.080, 517.110, 517.140, 517.170, 517.200 and 517.230 must
7 be submitted with a fee ~~{of \$1.50 per claim.}~~ **for each claim that is**
8 **established by the commission on mineral resources.** The county recorder
9 shall collect the fee and, on or before the fifth working day of each month,
10 deposit with the county treasurer all such fees collected during the
11 preceding month. The county treasurer shall quarterly pay the money
12 collected to the division . ~~{of minerals of the department of business and~~
13 ~~industry.}~~ The division shall deposit with the state treasurer, for credit to
14 the account for the division of minerals ~~{}~~ **created pursuant to NRS**
15 **513.103,** all money received pursuant to this section.

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

17 519A.140 The division shall:

18 1. Administer and enforce the provisions of NRS 519A.010 to
19 519A.280, inclusive, and the regulations adopted by the commission
20 pursuant to NRS 519A.160.

21 2. Employ persons who are experienced and qualified in the area of
22 reclamation.

23 3. Enter into a memorandum of understanding with ~~{both}~~ the United
24 States Bureau of Land Management and the United States Forest Service
25 concerning the adoption by those agencies of plans of reclamation that:

26 (a) Apply to mining operations or exploration projects that are
27 conducted on a site which includes ~~{both}~~ public land administered by a
28 federal agency and privately owned land; and

29 (b) Substantially provide for the reclamation and security required by
30 this chapter.

31 4. Develop and offer to operators on a regular basis educational
32 workshops that include and emphasize reclamation training and techniques
33 suitable for small exploration projects and mining operations.

34 5. Offer advice and technical assistance to operators.

35 6. Approve, reject or impose conditions upon the approval of any plan
36 for reclamation for an exploration project or mining operation.

37 7. Provide the division of minerals of the ~~{department of business and~~
38 ~~industry}~~ **commission on mineral resources** with a copy of any conditions
39 imposed upon an approved plan and the security required, on the same day
40 that information is sent to the operator.

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

2 519A.210 A person who desires to engage in a mining operation must:

3 1. File with the division, upon a form approved by it, an application for
4 a permit for each location at which he will conduct operations. The
5 application must include:

6 (a) The name and address of the applicant and, if a corporation or other
7 business entity, the name and address of its principal officers and its
8 resident agent for service of process;

9 (b) A completed checklist developed by the division pursuant to NRS
10 519A.220; and

11 (c) Any other information required by the regulations adopted by the
12 commission pursuant to NRS 519A.160.

13 2. Pay to the division the application fee established in the regulations
14 adopted by the commission pursuant to NRS 519A.160.

15 3. Agree in writing to assume responsibility for the reclamation of any
16 land damaged as a result of the mining operation.

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

19 5. File with the division a bond or other surety in a form and amount
20 required by *the* regulations adopted by the commission pursuant to NRS
21 519A.160.

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

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

27 519A.250 1. An operator who is required by federal law to file a plan
28 of operation or an amended plan of operation with the United States Bureau
29 of Land Management or the United States Forest Service for operations
30 relating to mining or exploration on public land administered by a federal
31 agency, shall, not later than 30 days after *the* approval of the plan or
32 amended plan, provide the division of minerals of the ~~{department of~~
33 ~~business and industry}~~ *commission on mineral resources* with a copy of
34 the filing and pay to the division of minerals a fee ~~{of \$20}~~ *established by*
35 *the commission on mineral resources* for each acre or part of an acre of
36 land to be disturbed by mining included in the plan or incremental acres to
37 be disturbed pursuant to an amended plan.

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

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

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

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

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

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

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

16 519A.290 1. The division of minerals of the ~~{department of business~~
17 ~~and industry}~~ *commission on mineral resources* shall develop and
18 administer a program providing for the pooling of reclamation performance
19 bonds to assist:

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

22 (b) A person who engages in small mining operations or small
23 exploration projects to comply with the requirements for financial
24 guarantees set forth in the regulations adopted pursuant to 43 U.S.C. §
25 1740; or

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

30 2. The program must:

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

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

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

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

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

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

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

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

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

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

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

14 522.023 “Division” means the division of minerals of the ~~{department~~
15 ~~of business and industry.}~~ **commission on mineral resources.**

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

17 522.050 A person desiring to drill a well in search of oil or gas shall
18 notify the division of that intent on a form prescribed by the division and
19 shall pay a fee ~~{of \$50}~~ **established by the commission on mineral**
20 **resources** for a permit for each well. Upon receipt of ~~the~~ notification and
21 fee, the division shall promptly issue ~~{such a}~~ **to the** person a permit to drill,
22 unless the drilling of the well is contrary to law or a regulation or order of
23 the division. The drilling of a well is prohibited until a permit to drill is
24 obtained in accordance with the provisions of this chapter.

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

26 522.150 1. Any expenses in connection with Nevada’s affiliation
27 with the Interstate Oil Compact Commission must be paid from the account
28 for the division of minerals ~~{.}~~ **created pursuant to NRS 513.103.**

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

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

2 527.220 The state forester, subject to the approval of the director of the
3 state department of conservation and natural resources, may:

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

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

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

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

16 534A.031 ~~{Exploration}~~ **Any exploration** and subsurface information
17 obtained as a result of a geothermal project must be filed with the division
18 of minerals of the ~~{department of business and industry}~~ **commission on**
19 **mineral resources** within 30 days after it is accumulated. The information
20 is confidential for ~~{a period of}~~ 5 years after the date of filing and may not
21 be disclosed during that time without the express written consent of the
22 operator of the project, except that it must be made available by the
23 division to the state engineer or any other agency of the state upon request.
24 The state engineer or other agency shall keep the information confidential.

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

26 534A.060 1. ~~{No}~~ **A** person may **not** drill or operate a geothermal
27 well or drill an exploratory well without ~~{first}~~ obtaining a permit from the
28 administrator of the division of minerals of the ~~{department of business and~~
29 ~~industry}~~ **commission on mineral resources** and complying with the
30 conditions of the permit.

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

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

34 534A.070 1. The administrator of the division of minerals of the
35 ~~{department of business and industry}~~ **commission on mineral resources**
36 shall approve or reject an application for a permit to drill an exploratory
37 well within 10 days after he receives the application in proper form. ~~{Such~~
38 ~~a}~~ **The** permit must not be effective for more than 2 years, but may be
39 extended by the administrator.

40 2. Upon receipt of an application for a permit to drill or operate a
41 geothermal well, the administrator of the division of minerals shall transmit
42 copies of the application to the state engineer, the administrator of the
43 division of environmental protection of the state department of

1 conservation and natural resources and the administrator of the division of
2 wildlife of the state department of conservation and natural resources. After
3 consultation with the state engineer and each of the administrators, the
4 administrator of the division of minerals may issue a permit to drill or
5 operate a geothermal well if it is determined that issuance of a permit is
6 consistent with:

7 (a) The policies specified in NRS 445A.305 and 445B.100;

8 (b) The purposes of chapters 533 and 534 of NRS; and

9 (c) The purposes specified in chapter 501 of NRS.

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

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

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

21 (a) Deemed necessary by the administrator of the division of minerals to
22 carry out the purposes of this section; and

23 (b) Imposed by the state engineer consistent with *the provisions of*
24 chapters 533 and 534 of NRS.

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

26 547.050 When any district board of agriculture is classified and
27 organized as provided in NRS 547.040, the secretary of the board shall
28 report such classification and organization to:

29 1. The ~~{division}~~ *state department* of agriculture ; ~~{of the department~~
30 ~~of business and industry;}~~ and

31 2. Its appointing authority.

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

33 548.120 1. The following shall serve, ex officio, as members of the
34 state conservation commission:

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

37 (b) The ~~{administrator}~~ *director* of the ~~{division}~~ *state department* of
38 agriculture . ~~{of the department of business and industry.}~~

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

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

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

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

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

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

9 552.085 As used in this chapter, unless the context otherwise requires,
10 the words and terms defined in NRS ~~{552.08505}~~ **552.0851** to 552.0863,
11 inclusive, *and sections 41 and 42 of this act* have the meanings ascribed to
12 them in those sections.

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

14 552.0861 “Inspector” means any person authorized by the ~~{division}~~
15 **department** to enforce the provisions of this chapter.

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

17 552.090 1. The ~~{division}~~ **department** has control of all matters
18 pertaining to the apiary industry.

19 2. The ~~{administrator}~~ **director** may adopt such regulations as are
20 necessary to carry out the provisions of this chapter.

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

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

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

27 552.155 1. Every person who is the owner or in possession of an
28 apiary located within this state shall, on or before May 1 of each year, and
29 within 10 days after obtaining possession of an apiary, apply to the
30 ~~{division}~~ **department** for registration, stating the number of colonies
31 therein and the location thereof.

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

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

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

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

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

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

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

4 552.157 Every person who owns or possesses 11 or more colonies of
5 bees shall pay to the ~~{division}~~ **department** an annual fee for each colony in
6 excess of 10. The state board of agriculture shall set the amount of the fee,
7 which may not exceed \$1 per colony, after consultation with
8 representatives of the state's beekeepers.

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

10 552.160 1. The ~~{division}~~ **department** may order the inspection of
11 any or all apiaries and all buildings used in connection with ~~{such}~~ **those**
12 apiaries in any district or districts of the state annually, or ~~{oftener}~~ **more**
13 **often** if deemed necessary, or upon report to it that there is **a** reason to
14 believe that any apiary ~~{or apiaries}~~ may be infected with any disease, or
15 that any honey, honeycombs or beeswax ~~{are}~~ **is** exposed to robber bees.

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

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

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

24 (c) Proclaim a quarantine in accordance with **the provisions of** chapter
25 554 of NRS.

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

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

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

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

38 552.170 If the owner or person in possession of an apiary neglects or
39 refuses to comply with an order issued under NRS 552.160, the ~~{division}~~
40 **department** may refer the facts to the appropriate district attorney for
41 prosecution under NRS ~~{552.310,}~~ **552.300**, and may authorize the
42 inspector or other agent to abate the nuisance by the method prescribed in
43 the order.

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

2 552.200 1. It is unlawful for any person to transport or move in any
3 manner ~~{whatever}~~ from any point within the State of Nevada or otherwise
4 any established apiary, bees, hives, combs ~~{}~~ or any other used apiary
5 supplies, and set up, establish or deposit them at any point in the State of
6 Nevada without first obtaining a temporary or seasonal written permit from
7 the ~~{division}~~ **department** to do so.

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

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

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

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

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

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

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

38 552.205 The ~~{division}~~ **department** may, if the demand for pollination
39 service is found by the ~~{division}~~ **department** to warrant such action:

40 1. Establish standards of colony strength based upon:

- 41 (a) The number of bees per hive;
42 (b) The number of cells containing brood per hive;
43 (c) The health of the bees and brood; and

1 (d) Any other factors which reasonably relate to the ability of the colony
2 to pollinize horticultural and agricultural crops.

3 2. Appoint qualified inspectors to determine colony strength.

4 3. Certify hives of bees used in commercial pollinization on the basis
5 of colony strength.

6 4. Establish reasonable fees to cover the cost of colony strength
7 inspection and certification.

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

9 552.210 1. A person shall not ship or transport into this state any
10 bees, used beehives, honeycombs or appliances, except queens or bees in
11 screened cages without comb, unless he first obtains a permit for entry
12 issued by the ~~division,~~ **department.**

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

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

18 (1) The name, address and telephone number of the owner or shipper
19 and the state and county of origin.

20 (2) The address and telephone number of the owner or shipper in this
21 state, if applicable.

22 (3) The number of colonies containing bees and a complete listing of
23 all beekeeping equipment and appliances to be brought into this state.

24 (4) A legal description and the exact geographical location of the site
25 for each apiary at its destination in this state.

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

29 (1) That all bees intended for shipment and owned or controlled by
30 the applicant have been inspected within 60 days before shipment and at a
31 time when the bees are actively rearing their brood.

32 (2) That 1 percent or less **of** American foulbrood disease has been
33 found during the preceding 2 years in any apiaries intended for shipment by
34 the applicant, and that all disease found during that period has been
35 destroyed.

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

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

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

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

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

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

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

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

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

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

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

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

33 552.212 1. A person shall not ship or transport into this state any
34 queens or other bees in screened cages without comb unless the shipment is
35 accompanied by a certificate of an authorized officer of the state of origin
36 certifying that all bees intended for shipment:

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

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

39 2. The ~~{division}~~ **department** shall hold a shipment which is not
40 accompanied by the certificate of inspection and notify the person who
41 owns or controls the bees that they will be destroyed after 48 hours ~~{from}~~

1 *after* the time of the notice unless a proper certificate of inspection is
2 supplied. If the certificate is not supplied within that time, the bees may be
3 destroyed.

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

5 552.214 1. If the ~~{division}~~ *department* finds that after diligent
6 search sufficient bees for pollination purposes are not reasonably available
7 with a 2-year disease-free history as provided in subsection 2 of NRS
8 552.210 and the regulations adopted pursuant thereto, the ~~{division}~~
9 *department* may accept a certificate of inspection from the point of origin
10 stating that the applicant has received an inspection from the authorized
11 state authority in the state of origin finding that the bees covered by the
12 certificate meet the colony strength required by ~~{Nevada regulation}~~ *the*
13 *regulations adopted by the department* and have been 100 percent
14 inspected within the past 60 days and have been found free of American
15 foulbrood disease.

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

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

20 552.215 ~~{When}~~ *If* an inspection is requested by any person for the
21 purpose of obtaining a certificate of inspection for bees or appliances, the
22 applicant for ~~{such}~~ *the* certificate shall pay a reasonable fee as prescribed
23 by the ~~{division}~~ *department* to pay the expenses of the inspection.

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

25 552.270 Any person engaged in the rearing and distribution of queen
26 bees ~~{shall}~~ *must* have his queen-rearing apiary ~~{or apiaries}~~ inspected at
27 least each 60 days during shipping season and , on discovery of any disease
28 which is infectious or contagious in its nature and injurious to bees in their
29 egg, larval, pupal or adult stages, ~~{such a}~~ *the* person shall at once cease to
30 distribute queen bees from the diseased apiary until the ~~{division}~~
31 *department* declares the apiary ~~{or apiaries}~~ free from all disease by the
32 issuance of a certificate of inspection.

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

34 552.300 1. Upon presentation of satisfactory evidence by the state
35 quarantine officer, the chief inspector or any deputy inspector of the
36 violation of any of the provisions of this chapter, any district attorney shall,
37 without delay, prosecute the person ~~{so violating}~~ *who has violated* any of
38 the provisions of this chapter.

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

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

2 555.005 As used in this chapter, unless the context requires otherwise:

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

4 ~~2. “Division”~~ **“Department”** means the ~~{division}~~ **state department** of

5 agriculture . ~~{of the department of business and industry.}~~

6 2. **“Director” means the director of the department.**

7 3. “Noxious weed” means any species of plant which is, or is likely to

8 be, detrimental or destructive and difficult to control or eradicate.

9 4. “Vertebrate pest” means any animal of the subphylum Vertebrata,

10 except predatory animals, which is normally considered to be a pest, ~~{such~~

11 ~~as}~~ **including** a gopher, ground squirrel, rat, mouse, starling ~~{or blackbird,~~

12 ~~or}~~ , **blackbird and any other animal** which the ~~{administrator}~~ **director**

13 may declare to be a pest.

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

15 555.010 Within the limits of any appropriation made by law, the

16 ~~{administrator}~~ **director** may:

17 1. Investigate the prevalence of; and

18 2. Take the necessary action to control,

19 vertebrate and invertebrate pests of plants and animals, plant diseases,

20 physiological plant disorders and noxious weeds for the protection of the

21 crops, livestock, public health, wildlife, water quality and beneficial uses of

22 land in the State of Nevada.

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

24 555.021 The ~~{administrator}~~ **director** may cooperate, financially or

25 otherwise, with any federal agency or department, any other state agency or

26 department, any county, city, public district or political subdivision of this

27 state, any public or private corporation, and any natural person or group of

28 ~~{such}~~ **natural** persons in suppressing vertebrate pests injurious to the state

29 agricultural interests and in suppressing vertebrate pest vectors of diseases

30 transmissible and injurious to humans.

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

32 555.100 1. The ~~{division}~~ **department** shall, whenever necessary or

33 whenever a complaint is made to the ~~{division,}~~ **department**, cause an

34 inspection to be made of any premises within the jurisdiction of the

35 ~~{division,}~~ **department**, and if found infested with infectious diseases,

36 insects, weeds or other pests injurious to agriculture, the ~~{division}~~

37 **department** may, in writing, notify the owner or occupant of the premises

38 that the ~~{same}~~ **premises** are infested or infected with ~~{such}~~ **those** diseases,

39 insects, weeds or other pests. The ~~{division}~~ **department** may require the

40 owner or occupant to control or eradicate ~~{such}~~ **those** diseases, insects,

41 weeds or other pests within a certain ~~{time}~~ **period** to be specified in the

42 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.

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

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

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

10 8. "Pest" means:

11 (a) Any form of animal life detrimental to the nursery industry of the
12 state.

13 (b) Any form of vegetable life detrimental to the nursery industry of the
14 state.

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

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

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

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

28 555.236 1. Every person who engages in the commercial production,
29 holding, distribution, collection or selling of nursery stock shall obtain a
30 license from the ~~administrator,~~ director, except:

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

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

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

40 (d) That the ~~administrator~~ director may, to relieve hardships imposed
41 by the licensing requirements of NRS 555.235 to 555.249, inclusive, upon
42 persons residing in sparsely settled areas of the state ~~[in which there exist]~~
43 ~~where~~ no licensed nurseries ~~[-waive nursery licensing]~~ exist, ~~waive the~~

1 requirements for *the licensing of nurseries for* any established business
2 concern to permit occasional sales of nursery stock for customer
3 accommodation.

4 (e) At the discretion of the ~~{administrator,}~~ *director*, persons selling
5 vegetable bulbs or flower bulbs, ~~{such as}~~ *including* onion sets, tulip bulbs
6 ~~{or}~~ *and* similar bulbs.

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

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

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

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

15 555.237 1. Any person applying for a license shall do so on the
16 application form and in the manner prescribed by the ~~{administrator,}~~
17 *director*.

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

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

22 555.241 The ~~{administrator}~~ *director* may refuse to issue or renew, or
23 may suspend or revoke, a nursery license for violation of any provision of
24 NRS 555.235 to 555.249, inclusive, or any rule or regulation adopted under
25 NRS 555.243, but no license may be refused, suspended or revoked until
26 the applicant or licensee has been given the opportunity to appear ~~{or}~~ *at* a
27 hearing. Offenders must be given 15 days' notice in writing. The notice
28 must indicate the offense and the place of hearing.

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

30 555.242 The ~~{administrator}~~ *director* may order any ~~{or all}~~ nursery
31 stock to be held for terminal inspection.

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

33 555.243 The ~~{administrator}~~ *director* may adopt such regulations as he
34 may deem necessary to:

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

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

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

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

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

2 555.244 The ~~{administrator}~~ **director** or any inspecting officer may
3 enter any nursery during reasonable hours to ascertain:

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

5 2. The condition of nursery stock offered for sale.

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

7 555.245 1. Any person may request the ~~{administrator}~~ **director** to
8 certify to pest conditions, quality, viability or grade of nursery stock
9 intended for shipment to ~~{meet plant pest}~~ **comply with the** requirements
10 **for plant pests** established by any state, territory or foreign country or by
11 contract.

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

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

15 555.248 Any nursery stock brought into this state which the
16 ~~{administrator}~~ **director** or inspecting officer finds or has reasonable cause
17 to believe to be infested or infected with any pest must be destroyed
18 immediately, at the expense of the owner or bailee, under the supervision of
19 the ~~{administrator}~~ **director** or the inspecting officer, unless:

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

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

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

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

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

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

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

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

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

40 (d) Found to be free from pests.

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

42 555.2485 1. The ~~{administrator}~~ **director** shall adopt regulations
43 specifying a schedule of administrative fines which may be imposed, upon

1 notice and a hearing, for each violation of the provisions of NRS 555.235
2 to 555.249, inclusive, or the regulations adopted pursuant thereto. The
3 maximum fine that the ~~{administrator}~~ **director** may impose for each
4 violation may not exceed:

- 5 (a) For the first violation, \$250;
- 6 (b) For the second violation, \$500; and
- 7 (c) For each subsequent violation, \$1,000.

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

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

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

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

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

20 555.249 Any person violating the provisions of NRS 555.235 to
21 555.249, inclusive, or the regulations adopted pursuant thereto is guilty of a
22 misdemeanor and shall be punished by imprisonment in the county jail for
23 not more than 6 months, or by a fine of not more than \$1,000, or by both
24 fine and imprisonment. The prosecuting attorney and the ~~{division}~~
25 **department** may recover the costs of the proceeding, including
26 investigative costs and attorney's fees, against a person convicted of a
27 misdemeanor pursuant to this section.

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

29 555.2617 "Certificate" means a certificate of competency issued by the
30 ~~{administrator}~~ **director** to a commercial applicator or private applicator
31 authorizing that person to make application of or to supervise the
32 application of a restricted-use pesticide.

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

34 555.2618 "Certified applicator" means any person who is certified by
35 the ~~{administrator}~~ **director** as qualified to use or to supervise the use of
36 any restricted-use pesticide.

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

38 555.2665 "Pest" ~~{means,}~~ **includes**, but is not limited to, any insect,
39 fungus, rodent, nematode, snail, slug ~~{,}~~ **and** weed and any form of plant or
40 animal life or virus, except **any** virus on or in **a** living ~~{man}~~ **human** or
41 other animal, which is normally considered to be a pest or which the
42 ~~{administrator}~~ **director** declares to be a pest.

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

2 555.267 “Pesticide” means:

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

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

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

16 555.2683 “Restricted-use pesticide” means any pesticide, including
17 any highly toxic pesticide, which:

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

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

23 (b) Detrimental to:

24 (1) Vegetation, except weeds;

25 (2) Wildlife; or

26 (3) Public health and safety; or

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

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

31 555.2687 “Supervision” of the application of a restricted-use pesticide
32 by a certified applicator must be defined by regulation of the
33 ~~{administrator.}~~ **director.**

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

35 555.280 A person shall not engage in pest control or serve as an agent,
36 operator or pilot for that purpose within this state at any time without a
37 license issued by the ~~{administrator.}~~ **director.**

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

39 555.285 A person shall not for hire engage in, offer to engage in,
40 advertise or solicit to perform any of the following pest control activities
41 concerning wood-destroying pests or organisms without a license issued by
42 the ~~{administrator.}~~ **director:**

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

4 2. Making inspection reports concerning the infestations or infections.

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

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

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

11 555.290 1. An application for a license must be submitted to the
12 ~~{administrator}~~ *director* and must ~~{contain}~~ *set forth* such information
13 regarding the applicant's qualifications and proposed operations and other
14 relevant matters as required pursuant to regulations adopted by the
15 ~~{administrator.}~~ *director*. If the applicant is a natural person, the application
16 must include the social security number of the applicant.

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

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

22 555.300 1. The ~~{administrator}~~ *director* may require the applicant to
23 show, upon examination, that he possesses adequate knowledge concerning
24 the proper use and application of pesticides and the dangers involved and
25 precautions to be taken in connection with their application.

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

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

36 (a) Not less than 2 years' practical experience in pest control; or

37 (b) Possess university credits of not less than 16 credit hours in
38 biological sciences of which not less than 8 credit hours must be in subjects
39 directly related to the categories of pest control in which the applicant
40 wishes to be licensed and have 6 or more months of practical experience in
41 pesticide application or related pest control.

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

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

5 555.310 1. The ~~{administrator}~~ **director** shall collect from each
6 person applying for the examination or re-examination a testing fee of \$10
7 for each field of pest control in which the applicant wishes to be examined,
8 subject ~~{, however,}~~ to a maximum charge of \$35 and a minimum charge of
9 \$15 for any one application.

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

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

16 555.320 1. If the ~~{administrator}~~ **director** finds the applicant
17 qualified, and upon the applicant's appointing the ~~{administrator}~~ **director**
18 agent for service of process and finding that the applicant has satisfied the
19 requirements of NRS 555.325 and 555.330, the ~~{administrator}~~ **director**
20 shall issue a license to perform pest control within this state.

21 2. The license period is the calendar year. All licenses expire on
22 December 31 of each year. The license may be renewed annually upon
23 application to the ~~{administrator}~~ **director** and payment of the license fee on
24 or before January 16 of each year. If the holder of the license is a natural
25 person, he must submit with his application for renewal the statement
26 required pursuant to NRS 555.325.

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

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

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

37 **Sec. 89.** NRS 555.325 is hereby amended to read as follows:

38 555.325 1. A natural person who applies for the issuance or renewal
39 of a license to perform pest control shall submit to the ~~{administrator}~~
40 **director** the statement prescribed by the welfare division of the department
41 of human resources pursuant to NRS 425.520. The statement must be
42 completed and signed by the applicant.

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

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

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

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

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

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

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

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

23 555.330 1. The ~~{administrator}~~ **director** shall require from each
24 applicant for a pest control license proof of public liability and property
25 damage insurance in an amount not less than \$10,000, nor more than
26 \$200,000. The ~~{administrator}~~ **director** may accept a liability insurance
27 policy or surety bond in the proper amount.

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

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

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

1 percent of the crop has been harvested. A report of investigations resulting
2 from a verified complaint must be furnished to the ~~{complainant;}~~ **person**
3 **who filed the complaint.**

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

5 555.350 1. The ~~{administrator;}~~ **director** may suspend, pending
6 inquiry, for not longer than 10 days, and, after opportunity for a hearing,
7 may revoke, suspend or modify any license issued under NRS 555.2605 to
8 555.460, inclusive, if he finds that:

9 (a) The licensee is no longer qualified;

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

12 (c) The licensee has made false or fraudulent claims through any media
13 ~~{;}~~ **by** misrepresenting the effect of materials or methods to be ~~{utilized;}~~
14 **used;**

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

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

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

19 (g) The licensee has violated any of the provisions of NRS 555.2605 to
20 555.460, inclusive, or regulations ~~{made thereunder;}~~ **adopted pursuant**
21 **thereto;**

22 (h) The licensee engaged in the business of pest control without having a
23 licensed applicator or operator in direct on-the-job supervision;

24 (i) The licensee aided or abetted a licensed or an unlicensed person to
25 evade the provisions of NRS 555.2605 to 555.460, inclusive, combined or
26 conspired with such a licensee or an unlicensed person to evade the
27 provisions, or allowed one's license to be used by an unlicensed person;

28 (j) The licensee was intentionally guilty of fraud or deception in the
29 procurement of his license; or

30 (k) The licensee was intentionally guilty of fraud or deception in the
31 issuance of an inspection report on wood-destroying pests or other report
32 required by regulation.

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

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

38 555.3505 1. If the ~~{administrator;}~~ **director** receives a copy of a court
39 order issued pursuant to NRS 425.540 that provides for the suspension of
40 all professional, occupational and recreational licenses, certificates and
41 permits issued to a person who is the holder of a license to perform pest
42 control, the ~~{administrator;}~~ **director** shall deem the license issued to that
43 person to be suspended at the end of the 30th day after the date on which

1 the court order was issued unless the ~~{administrator}~~ **director** receives a
2 letter issued to the holder of the license by the district attorney or other
3 public agency pursuant to NRS 425.550 stating that the holder of the
4 license has complied with the subpoena or warrant or has satisfied the
5 arrearage pursuant to NRS 425.560.

6 2. The ~~{administrator}~~ **director** shall reinstate a license to perform pest
7 control that has been suspended by a district court pursuant to NRS
8 425.540 if the ~~{administrator}~~ **director** receives a letter issued by the district
9 attorney or other public agency pursuant to NRS 425.550 to the person
10 whose license was suspended stating that the person whose license was
11 suspended has complied with the subpoena or warrant or has satisfied the
12 arrearage pursuant to NRS 425.560.

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

14 555.351 1. A person shall not use any restricted-use pesticide within
15 this state at any time without a certificate issued by the ~~{administrator}~~
16 **director** except a person using any restricted-use pesticide under the
17 supervision of a certified applicator.

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

19 (a) A permit pursuant to NRS 586.403; or

20 (b) A special use permit pursuant to NRS 586.405,

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

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

24 555.353 Application for a certificate must be made to the
25 ~~{administrator}~~ **director** and contain such information regarding the
26 applicant's qualifications and proposed operations and other relevant
27 matters as required pursuant to **the** regulations adopted by the
28 ~~{administrator.}~~ **director.**

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

30 555.355 1. The ~~{administrator}~~ **director** may require the applicant to
31 show, upon examination, that he possesses adequate knowledge concerning
32 the proper use and application of restricted-use pesticides and the dangers
33 involved and precautions to be taken in connection with their application,
34 including , but not limited to , the following ~~{subject}~~ areas:

35 (a) Label and labeling comprehension.

36 (b) Environmental consequences of pesticide use and misuse.

37 (c) Pests.

38 (d) Pesticides.

39 (e) Equipment.

40 (f) Application techniques.

41 (g) Laws and regulations.

42 (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

1 10. Has failed or neglected to give adequate instruction or direction to
2 an uncertified person working under his supervision.

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

4 555.360 1. Any person aggrieved by any action of the ~~{administrator}~~
5 **director** may obtain a review thereof by filing in the district court of the
6 county in which the person resides, within 30 days after notice of the
7 action, a written petition praying that the action of the ~~{administrator}~~
8 **director** be set aside.

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

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

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

19 555.370 The ~~{administrator}~~ **director** may provide for **the** inspection of
20 any ground equipment or of any device or apparatus used for application of
21 pesticides by aircraft, and may require proper repairs or other changes
22 before its further use.

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

24 555.380 1. The ~~{administrator}~~ **director** may, by regulation, prescribe
25 materials or methods to be used and prohibit the use of materials or
26 methods in custom application of pesticides, to the extent necessary to
27 protect health or to prevent injury ~~{by reason}~~ **because** of the drifting,
28 washing or application of ~~{such}~~ **those** materials to desired plants or
29 animals, including pollinating insects and aquatic life.

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

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

35 555.390 1. The ~~{administrator}~~ **director** may, by regulation, require
36 any licensee to maintain such records and furnish reports giving such
37 information with respect to particular applications of pesticides and such
38 other relevant information as ~~{the administrator}~~ **he** may deem necessary.

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

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

2 555.400 1. The ~~{administrator may make regulations for carrying}~~
3 **director may adopt regulations to carry** out the provisions of NRS
4 555.2605 to 555.460, inclusive, but the regulations must not be inconsistent
5 with regulations issued by this state or by the Federal Government
6 ~~{respecting}~~ **relating to** safety in air navigation or operation of aircraft.

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

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

11 555.410 The ~~{administrator}~~ **director** may, in cooperation with the
12 University and Community College System of Nevada, publish information
13 regarding injury which may result from improper application or handling of
14 pesticides and methods and precautions designed to prevent such an injury.

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

16 555.420 ~~{For the purpose of carrying}~~ **To carry** out the provisions of
17 NRS 555.2605 to 555.460, inclusive, the ~~{administrator}~~ **director** and his
18 ~~{duly}~~ appointed inspectors may enter upon any public or private premises
19 at reasonable times ~~{for the purpose of inspecting, auditing, sampling or~~
20 ~~monitoring}~~ **to inspect, audit, sample or monitor** any aircraft, ground
21 equipment, records, storage, pesticides, pesticide sprays, disposal
22 operations or other operations which are subject to NRS 555.2605 to
23 555.460, inclusive, or regulations adopted ~~{thereunder.}~~ **pursuant thereto.**

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

25 555.460 Any person violating the provisions of NRS 555.2605 to
26 555.420, inclusive, or the regulations ~~{issued thereunder}~~ **adopted pursuant**
27 **thereto**, is guilty of a misdemeanor and, in addition to any criminal penalty,
28 shall pay to the ~~{division}~~ **department** an administrative fine of not more
29 than \$5,000 per violation. If an administrative fine is imposed pursuant to
30 this section, the costs of the proceeding, including investigative costs and
31 attorney's fees, may be recovered by the ~~{division.}~~ **department.**

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

33 555.470 1. The ~~{administrator}~~ **director** shall adopt regulations
34 specifying a schedule of fines which may be imposed, upon notice and **a**
35 hearing, for each violation of the provisions of NRS 555.2605 to 555.460,
36 inclusive. The maximum fine that may be imposed by the ~~{administrator}~~
37 **director** for each violation must not exceed \$5,000 per day. All fines
38 collected by the ~~{administrator}~~ **director** pursuant to this subsection must be
39 remitted to the county treasurer of the county in which the violation
40 occurred for credit to the county school district fund.

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

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

5 (b) Request the district attorney of the appropriate county to investigate
6 or file a criminal complaint against any person that the state board of
7 agriculture suspects may have violated any provision of NRS 555.2605 to
8 555.460, inclusive.

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

10 555.530 The board of directors of a rodent control district may:

11 1. With the approval of the ~~{administrator,}~~ **director**, appoint a rodent
12 control officer.

13 2. Receive and expend any money provided by assessment, voluntary
14 contribution or otherwise for the control of rodents in the district.

15 3. Exercise any other power necessary or proper to ~~{effectuate}~~ **carry**
16 **out** the purposes for which the district exists.

17 4. Elect a chairman from among its members, and secretary who may
18 ~~{or may not}~~ be a member ~~{.}~~ **of the board.**

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

20 556.010 As used in this chapter, unless the context otherwise requires:

21 1. "Advisory board" means the garlic and onion growers' advisory
22 board.

23 2. ~~{ "Division" }~~ **"Department"** means the ~~{division}~~ **state department**
24 of agriculture . ~~{of the department of business and industry.}~~

25 3. "Grower" means any landowner personally engaged in growing
26 garlic or onions, or ~~{both}~~ a landowner and his tenant jointly, and includes a
27 natural person, partnership, association, corporation, cooperative
28 organization, trust, sharecropper and all other business units, devises or
29 arrangements that grow garlic or onions.

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

31 556.070 1. The ~~{division}~~ **department** shall, on or before August 1 of
32 each year, fix an annual special assessment not to exceed \$10 per acre to be
33 levied upon all garlic and onions grown in this state. The ~~{division}~~
34 **department** shall collect the assessment and transmit the proceeds to the
35 state treasurer for credit to the garlic and onion research and promotion
36 account.

37 2. On or before June 30 of each year, any person who has paid the
38 special assessment levied pursuant to this section may file a claim for **a**
39 refund with the ~~{division}~~ **department** accompanied by a receipt showing
40 payment. Upon verification of the correctness of the claim, the ~~{division}~~
41 **department** shall transmit ~~{it}~~ **the claim** to the state controller for payment
42 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**.

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

2 561.045 There is hereby created in the ~~{division}~~ **department** a state
3 board of agriculture composed of 10 members appointed by the governor.

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

5 561.075 1. While engaged in the business of the ~~{division,}~~
6 **department**, each member of the board is entitled to receive a salary of not
7 more than \$80 per day, as fixed by the board.

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

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

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

16 561.085 1. The board shall elect one of its members as chairman of
17 the board.

18 2. The ~~{administrator}~~ **director** shall act as the nonvoting recording
19 secretary of the board ~~{-He}~~ **and** shall keep the minutes of the proceedings
20 of the board.

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

22 561.095 1. The members of the board may meet at such times and at
23 such places as may be specified by the call of the chairman or a majority of
24 the board and a meeting of the board may be held regularly at least once
25 every 3 months. In case of **an** emergency, special meetings may be called
26 by the chairman or by the ~~{administrator,}~~ **director**.

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

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

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

32 561.105 1. The board ~~{shall:~~

33 ~~—(a) Be~~ :

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

36 ~~—(b) Report~~ **department**.

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

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

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

1 ~~—(e) Adopt~~ **department.**

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

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

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

8 561.115 The ~~{administrator must be:~~

9 ~~1. Appointed~~ **director:**

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

12 ~~2. In~~ **governor.**

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

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

15 561.125 The ~~{administrator}~~ **director** must be a graduate ~~{from}~~ **of** an
16 accredited college or university and have at least 5 years' experience in
17 official agricultural or livestock regulatory work, public administration,
18 accounting or business administration.

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

20 561.135 The salary of the ~~{administrator}~~ **director** may be apportioned
21 and paid from any money available to the ~~{division}~~ **department** unless
22 otherwise provided by specific statute.

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

24 561.145 1. The ~~{administrator}~~ **director** shall direct and supervise all
25 administrative and technical activities of the ~~{division}~~ **department**, and all
26 programs administered by the ~~{division}~~ **department** as provided by law.
27 Except as otherwise provided in NRS 284.143, the ~~{administrator}~~ **director**
28 shall devote his entire time to the duties of his office, and shall follow no
29 other gainful employment or occupation.

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

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

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

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

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

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

2 561.146 1. Whenever the ~~{administrator}~~ **director** is authorized or
3 required by law to conduct a hearing, he may issue subpoenas requiring the
4 attendance of witnesses before him, together with all books, memoranda,
5 papers and other documents ~~{relative}~~ **relating** to the matters for which the
6 hearing is called, and take depositions within or without the state, as the
7 circumstances of the case may require.

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

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

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

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

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

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

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

39 561.147 If any feed, grain, hay, machinery or other article is found to
40 be infested with, or the possible carrier of, the propagating parts of any
41 noxious weed, injurious insect pest or plant disease, and the ~~{administrator}~~
42 **director** determines that movement of the article into any area of the state
43 will be damaging or will jeopardize the agricultural industry of the area, the

1 ~~{administrator}~~ **director** may prohibit or restrict movement of the infested
2 article or ~~{he}~~ may prescribe treatment to devitalize or sterilize the infested
3 article.

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

5 561.148 The ~~{administrator}~~ **director** may participate in the
6 investigation and prosecution of any suspected theft, mutilation or
7 malicious destruction of livestock, and may temporarily stop the movement
8 of livestock and carcasses for ~~{purposes}~~ **the purpose** of inspection.

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

10 561.149 In all cases where the ~~{administrator}~~ **director** is required or
11 authorized by law to proceed upon a verified complaint, he, or his deputy
12 so authorized by him, may take depositions, within or without the state, as
13 the circumstances of the case may require.

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

15 561.153 The ~~{administrator}~~ **director** may by regulation adopt such
16 procedures as he may deem appropriate for the billing or collection of fees
17 for any service rendered by the department under Titles 49, 50 and 51 of
18 NRS for which fees are collectible.

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

20 561.155 The ~~{administrator}~~ **director** is hereby designated and
21 appointed ex officio state sealer of weights and measures, and shall carry
22 out all the duties of the state sealer of weights and measures as provided by
23 law.

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

25 561.165 The ~~{administrator}~~ **director** is hereby designated and
26 appointed ex officio state quarantine officer, and shall carry out all the
27 duties of the state quarantine officer as provided by law.

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

29 561.185 The ~~{administrator}~~ **director** may designate an employee ~~{or~~
30 ~~employees}~~ of the ~~{division}~~ **department** to act as his deputy . ~~{or deputies.}~~
31 In case of the absence of the ~~{administrator,}~~ **director**, or his inability from
32 any cause to discharge the powers and duties of his office, ~~{such}~~ **those**
33 powers and duties devolve upon his deputy . ~~{or deputies.}~~

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

35 561.205 The ~~{administrator}~~ **director** shall appoint a person to manage
36 the activities of the ~~{division-pertaining}~~ **department relating** to the
37 protection and promotion of the livestock industry of the State of Nevada.
38 The person **is in the unclassified service of the state and** must ~~{be}~~ :

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

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

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

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

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

6 561.209 The ~~{administrator}~~ **director** shall appoint a person to manage
7 the activities of the ~~{division pertaining}~~ **department relating** to brands and
8 marks and brand inspection in the State of Nevada. The person must be
9 appointed on the basis of merit ~~{,}~~ and is in the unclassified service ~~{, The~~
10 ~~administrator}~~ **of the state. The director** may remove the person from office
11 with the approval of the board.

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

13 561.214 The ~~{administrator}~~ **director** shall appoint a person to manage
14 the activities of the ~~{division pertaining}~~ **department relating** to the
15 protection and promotion of the agricultural industry of the State of
16 Nevada. The person **is in the unclassified service of the state and** must
17 ~~{be}~~ :

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

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

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

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

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

27 561.218 1. The ~~{administrator}~~ **director** shall appoint a person to
28 manage the activities of the ~~{division pertaining}~~ **department relating** to
29 natural resources, land use planning and the management and control of
30 wild horses and estrays. The person must be appointed on the basis of merit
31 and is in the unclassified service ~~{, The administrator}~~ **of the state. The**
32 **director** may remove the person from office with the approval of the board.

33 2. The person appointed shall:

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

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

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

1 (d) Monitor gatherings of estrays conducted pursuant to the provisions
2 of NRS 569.040 to 569.130, inclusive, and assist district brand inspectors
3 in identifying estrays before they are sold or given a placement or other
4 disposition through a cooperative agreement established pursuant to NRS
5 569.031.

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

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

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

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

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

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

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

27 3. As used in this section:

28 (a) “Estray” has the meaning ascribed to it in NRS 569.005.

29 (b) “Wild horse” has the meaning ascribed to it in NRS 504.430.

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

31 561.225 1. The ~~{administrator}~~ *director* shall appoint such technical,
32 clerical and operational staff as the execution of his duties and the
33 operation of the ~~{division}~~ *department* may require.

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

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

2 561.235 1. The ~~{division}~~ **department** shall maintain a principal
3 office and may maintain district or branch offices throughout the state if
4 they are necessary for the efficient operation of the ~~{division.}~~ **department**.

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

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

11 561.245 In the administration of various programs by the ~~{division}~~
12 **department** as provided by law, the ~~{division}~~ **department** may cooperate,
13 financially or otherwise, and execute contracts or agreements with the
14 Federal Government or any federal department or agency, any other state
15 department or agency, a county, a city, a public district or any political
16 subdivision of this state, a public or private corporation, a natural person,
17 or a group of natural persons, but such cooperation does not ~~{of-itself}~~
18 relieve any person, department, agency, corporation or political subdivision
19 of any responsibility or liability existing under any provision of law.

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

21 561.247 1. The ~~{division}~~ **department** shall adopt regulations
22 necessary to establish an agricultural loan mediation program that complies
23 with the requirements of 7 U.S.C. § 5101(c) for certification by the
24 Secretary of Agriculture. The ~~{division}~~ **department** shall establish fees to
25 be charged by ~~{the division}~~ **it** for participation in the program. The amount
26 of the fees must be sufficient to cover the costs of administering the
27 program.

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

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

31 561.255 1. The ~~{division}~~ **department** may accept, for programs
32 administered by ~~{the division,}~~ **it**, any money or other contribution which is
33 made available by:

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

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

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

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

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

2 561.275 1. The ~~{division}~~ **department** may exhibit and display
3 property, objects, articles, things, livestock and commodities at exhibits,
4 fairs, expositions and places of public or private exhibition.

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

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

13 561.285 The ~~{division}~~ **department** may collect and disseminate,
14 throughout the state, information calculated to educate and benefit the
15 livestock and agricultural industries of the State of Nevada, and information
16 pertaining to any program administered by the ~~{division.}~~ **department**.

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

18 561.295 1. The ~~{administrator}~~ **director** may issue and enforce a
19 written hold order to the owner or custodian of any agricultural commodity,
20 livestock, livestock product, appliance, material or article which he finds is
21 in violation of any of the provisions of law administered by the ~~{division}~~
22 **department** or which he finds to be infested with a pest or infected with a
23 disease. ~~{Such}~~ **The** order may prohibit further sale or movement or require
24 that the agricultural commodity, livestock, livestock product, appliance,
25 material or article to be held on the premises or at a designated premise
26 until the ~~{administrator}~~ **director** has evidence that the ~~{hold}~~ order has
27 been complied with, and upon compliance , the order must be dissolved.

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

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

40 561.301 Aquatic agriculture, which includes the propagation,
41 cultivation and harvesting of plants indigenous to water in a controlled or
42 selected aquatic environment for the commercial production of food, is one
43 of the agricultural enterprises conducted in this state. The ~~{division}~~

1 **department** shall promote, protect and regulate aquatic agriculture to the
2 extent that the ~~{division}~~ **department** is authorized to regulate other forms
3 of agriculture and other agricultural products. The ~~{division}~~ **department**
4 shall confer with the division of wildlife of the state department of
5 conservation and natural resources regarding aquatic agriculture to prevent
6 any adverse effects on existing aquatic animals.

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

8 561.305 The ~~{division}~~ **department** shall establish and maintain a
9 laboratory ~~{or laboratories}~~ for the following purposes:

10 1. The diagnosis of infectious, contagious and parasitic diseases of
11 livestock, as may be necessary under the provisions of chapter 571 of NRS.

12 2. The diagnosis of infectious, contagious and parasitic diseases of
13 bees, as may be necessary under the provisions of NRS 552.085 to
14 552.310, inclusive.

15 3. The diagnosis of infectious, contagious and destructive diseases of
16 agricultural commodities, and infestations thereof by pests, as may be
17 necessary under the provisions of NRS 554.010 to 554.240, inclusive.

18 4. The survey and identification of insect pests, plant diseases and
19 noxious weeds, and the maintenance of a herbarium, as may be necessary
20 under the provisions of NRS 555.010 to 555.249, inclusive.

21 5. The testing of pesticides, as may be necessary under the provisions
22 of NRS 555.2605 to 555.460, inclusive, and 586.010 to 586.450, inclusive.

23 6. The safekeeping and maintenance of official standards of weights
24 and measures as may be necessary under the provisions of chapter 581 of
25 NRS.

26 7. The testing and grading of agricultural products and the testing of
27 the purity and germinating power of agricultural seeds and the testing of the
28 spray residue contained in produce, as may be necessary under the
29 provisions of chapter 587 of NRS.

30 8. The analysis and testing of commercial fertilizers and agricultural
31 minerals as may be necessary under the provisions of NRS 588.010 to
32 588.350, inclusive.

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

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

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

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

2 561.315 The ~~{administrator}~~ **director** may fix the maximum number of
3 samples that may be examined, diagnosed, analyzed or tested in the
4 department's laboratory ~~{or laboratories}~~ free of charge for any one natural
5 person, group or corporation in any one period, and may fix reasonable fees
6 for samples submitted in excess of those tested free of charge.

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

8 561.325 1. The ~~{division}~~ **department** may offer a standing reward,
9 or a reward for each class of livestock, not to exceed \$1,500, for
10 information leading to the arrest and conviction of each person engaged in
11 stealing livestock . ~~{, the reward to}~~ **The reward must** be paid to the person
12 ~~{or persons giving}~~ **who provides** the information leading to the arrest and
13 conviction of ~~{such person or persons}~~ **the person** immediately upon the
14 conviction of the person ~~{or persons}~~ so arrested.

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

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

19 561.335 1. The revolving account for agriculture working capital in
20 the amount of \$10,000 is hereby created for the use of the ~~{division.}~~
21 **department.**

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

25 3. The account may be used for:

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

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

1 (c) Making grants and loans for any purpose authorized by subsection 2
2 of NRS 561.445. Any loan or grant made pursuant to this paragraph must
3 be reimbursed promptly, as other claims against the state are paid, from the
4 money deposited in the state treasury pursuant to subsection 1 of NRS
5 561.445.

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

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

11 561.344 1. The livestock inspection account is hereby created in the
12 state general fund for the use of the ~~{division.}~~ **department.**

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

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

18 (b) Fees and other money collected pursuant to the provisions of chapter
19 564 of NRS.

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

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

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

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

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

30 3. Expenditures from the livestock inspection account must be made
31 only for carrying out the provisions of **this chapter and** chapters 564, 569,
32 571, 573 and 576 of NRS. ~~{, and the provisions of this chapter.}~~

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

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

37 561.365 1. The apiary inspection account is hereby created in the
38 state general fund for the use of the ~~{division.}~~ **department.**

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

41 (a) Fees collected pursuant to the provisions of NRS 552.085 to
42 552.310, inclusive.

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

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

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

8 561.375 1. The noxious weed and insect pest control program is
9 hereby established.

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

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

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

21 561.385 1. The agriculture registration and enforcement account is
22 hereby created in the state general fund for the use of the ~~{division.}~~
23 **department.**

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

26 (a) Fees collected pursuant to the provisions of NRS 586.010 to
27 586.450, inclusive.

28 (b) Fees collected pursuant to the provisions of NRS 588.010 to
29 588.350, inclusive.

30 (c) Fees collected pursuant to the provisions of NRS 590.340 to
31 590.450, inclusive.

32 (d) Laboratory fees collected for the testing of pesticides as authorized
33 by NRS 561.305, and as are necessary pursuant to the provisions of NRS
34 555.2605 to 555.460, inclusive, and 586.010 to 586.450, inclusive.

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

39 (f) Laboratory fees collected for the analysis and testing of petroleum
40 products, as authorized by NRS 561.305, and as are necessary pursuant to
41 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~~ **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

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

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

5 561.423 1. The garlic and onion research and promotion account is
6 hereby created in the state general fund. The proceeds of the special
7 assessment levied pursuant to NRS 556.070 must be credited to the account
8 and all refunds made pursuant to NRS 556.070 must be paid from the
9 account.

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

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

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

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

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

19 561.425 The ~~{division is designated and empowered to}~~ *department*
20 *may* act as the agency of and ~~{in}~~ *on* behalf of and for the State of Nevada
21 to make application to and to receive from the Secretary of Agriculture of
22 the United States, or any other federal ~~{official}~~ *officer* properly authorized
23 by the Federal Government and pursuant and subject to the provisions of
24 that certain Act of Congress, approved May 3, 1950, entitled "An Act to
25 provide for the liquidation of the trust under the transfer agreements with
26 the state rural rehabilitation corporations, and for other purposes," being c.
27 152, 64 Stat. 98, 40 U.S.C. §§ 440 to 444, inclusive, the trust assets, either
28 ~~{funds}~~ *money* or property, held by the United States as trustee for and in
29 behalf of the defunct Nevada rural rehabilitation corporation.

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

31 561.435 The ~~{division}~~ *department* may:

32 1. Enter into agreements with the Secretary of Agriculture of the
33 United States pursuant to section 2(f) of c. 152, 64 Stat. 98, 40 U.S.C. §
34 440(f), upon such terms and conditions and for such periods ~~{of time}~~ as
35 may be mutually agreeable, authorizing the Secretary of Agriculture of the
36 United States to accept, administer, expend and use in the State of Nevada
37 all or any part of ~~{such}~~ *those* trust assets or any other money of the State of
38 Nevada which may be appropriated for such uses for carrying out the
39 purposes of the applicable provisions of the Bankhead-Jones Farm Tenant
40 Act, being 7 U.S.C. §§ 1000 to 1031, inclusive, as ~~{the same}~~ *it* is now or
41 hereafter may be amended.

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

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

2 561.445 1. Notwithstanding any other provisions of law, ~~the~~ money
3 and ~~the~~ proceeds of the trust assets which are not authorized to be
4 administered by the Secretary of Agriculture of the United States under the
5 provisions of NRS 561.435 must be received by the ~~{division}~~ **department**
6 and by it forthwith deposited with the state treasurer.

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

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

17 561.455 1. The ~~{division}~~ **department** may:

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

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

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

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

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

40 561.465 The United States, and the Secretary of Agriculture thereof,
41 must be held free from liability ~~{by virtue}~~ **as a result** of the transfer of the
42 assets to the ~~{division}~~ **department** pursuant to NRS 561.425 to 561.465,
43 inclusive.

1 **Sec. 163.** NRS 562.060 is hereby amended to read as follows:
2 562.060 The state board of sheep commissioners, consisting of three
3 members appointed by the governor, is hereby created ~~{-}~~ **within the state**
4 **department of agriculture.**

5 **Sec. 164.** NRS 562.130 is hereby amended to read as follows:
6 562.130 The board may:

7 1. Employ a secretary and such inspectors and other employees as it
8 may find necessary ~~{in-carrying}~~ **to carry** out the provisions of this chapter.

9 2. Prescribe the duties and fix the compensation and travel and
10 subsistence expenses of its employees and volunteers.

11 3. Require such bonds from its inspectors as ~~{the board sees fit.}~~ **it**
12 **determines necessary.**

13 4. Request the ~~{administrator}~~ **director** of the ~~{division}~~ **state**
14 **department** of agriculture ~~{of the department of business and industry}~~ to
15 designate, pursuant to NRS 561.225, one or more employees of the
16 ~~{division}~~ **department** to issue sheep permits and act as sheep inspectors
17 ~~{when}~~ **if** the board and its inspectors are unable to do so.

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

19 562.390 1. All sheep or bucks imported to Nevada from any state,
20 territory or the District of Columbia or from any foreign country must,
21 upon entering the state, irrespective of the time of entry, be dipped as
22 required by and under the supervision of an inspector of the board. After
23 the dipping, if the sheep or bucks are free of disease, they must be released
24 and thereupon become subject to the laws, rules and regulations governing
25 other sheep in the state.

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

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

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

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

7 562.410 1. Any person, ~~{company, corporation or association,}~~ or
8 any agent, servant or employee thereof, desiring to move his ~~{or their}~~
9 sheep which are not sound, ~~{or}~~ which are infected with scabies or any
10 infectious or contagious disease, or which have been exposed in any
11 manner to any such infection or disease ~~{,}~~ must obtain from the member of
12 the board supervising the district or from a designated employee of the
13 ~~{division}~~ **state department** of agriculture , ~~{of the department of business~~
14 ~~and industry,}~~ a traveling permit. A permit may only be granted ~~{for the~~
15 ~~purpose of moving}~~ **to move** the sheep to the nearest practicable place
16 where they may be treated for the infection or disease, and by such routes
17 as the member of the board or the employee of the ~~{division}~~ **department**
18 designates.

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

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

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

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

27 562.430 1. ~~{No}~~ **A** sheep may **not** be brought into Nevada from any
28 point outside ~~{thereof}~~ **this state** unless a permit has been issued by the
29 board or a designated employee of the ~~{division}~~ **state department** of
30 agriculture ~~{of the department of business and industry authorizing their}~~
31 **authorizing the entry of the sheep** and the terms of the permit have been
32 complied with . ~~{in all particulars,}~~

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

36 3. Sheep or bucks trailing into the state from adjoining states for
37 immediate interstate shipments, sheep and bucks grazing along and across
38 the state lines, and sheep shipped or moved by any means from any part of
39 this state to feed yards in any other part of the state are governed by the
40 ~~{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:

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

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

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

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

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

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

18 564.050 1. Only one brand may be awarded or recorded for each
19 owner of animals, except that the owner or owners of separate and distinct
20 livestock units may, under the ~~{terms}~~ **provisions** of NRS 564.010 to
21 564.150, inclusive, and within the discretion of the ~~{division;}~~ **department,**
22 record one brand for use in connection with and for each such distinct and
23 separate livestock unit.

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

32 3. ~~{Nothing in}~~ **The provisions of** this section ~~{applies}~~ **do not apply** to
33 the rerecording of any brand ~~{or brands}~~ legally recorded on July 1, 1961,
34 and remaining of legal record in this state under the provisions of NRS
35 564.010 to 564.150, inclusive, insofar as the legal owners of ~~{such}~~ **the**
36 brand ~~{or brands}~~ on July 1, 1961, are concerned, until July 1, 1976, or to
37 brands legally transferred as provided for in NRS 564.110.

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

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

41 564.060 1. Upon receipt of an application, as set forth in NRS
42 564.040, the ~~{division}~~ **department** shall cause the records of previously
43 recorded brands, remaining of legal record, or not abandoned for more than

1 1 year as provided in NRS 564.120, to be searched and, if the brand
2 applied for is recordable under the provisions of NRS 564.050, award the
3 brand set forth in the application to the applicant and proceed to record the
4 ~~{same,}~~ **brand**, together with the mark or marks.

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

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

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

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

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

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

28 564.070 1. Upon the awarding of a brand or brands as provided in
29 NRS 564.010 to 564.150, inclusive, the ~~{division}~~ **department** shall
30 immediately proceed to record the ~~{same.}~~ **brand or brands**.

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

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

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

39 (c) The date of application.

40 (d) The date of award.

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

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

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

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

10 564.080 Except as otherwise provided in NRS 564.010 to 564.150,
11 inclusive, the ~~{division may, in its discretion, establish fair and reasonable~~
12 ~~charges deemed justified by the division}~~ **department may establish** and
13 collect ~~{the same}~~ **reasonable fees** for:

- 14 1. The recording of brands or brands and marks;
- 15 2. The rerecording of ~~{the same;}~~ **brands or brands and marks;**
- 16 3. The recording of instruments transferring ownership of brands or
17 brands and marks; or
- 18 4. Certificates of recordation or rerecording of brands or brands and
19 marks.

20 **Sec. 181.** NRS 564.090 is hereby amended to read as follows:

21 564.090 All certificates of recordation of brands or brands and marks
22 furnished by the ~~{division}~~ **department** under the provisions of NRS
23 564.010 to 564.150, inclusive, are prima facie evidence of the ownership of
24 all animals of the kind or kinds and bearing the brand or brands and mark
25 or marks specified and as set forth therein, and ~~{such}~~ **those** certificates
26 must be taken as evidence of ~~{such}~~ **that** ownership in all suits of law or in
27 equity, or in any criminal proceedings, ~~{when}~~ **if** the title to animals in this
28 state is involved or proper to be proved.

29 **Sec. 182.** NRS 564.110 is hereby amended to read as follows:

30 564.110 1. Any brand or brand and mark or marks ~~{,}~~ awarded and
31 recorded and remaining of record in accordance with the terms of NRS
32 564.010 to 564.150, inclusive, including those transferred legally as
33 provided in this section, are the property of the person ~~{or persons}~~ to
34 whom they stand of record as provided in NRS 564.010 to 564.150,
35 inclusive, and are subject to sale, assignment, transfer, security agreement
36 or lien, devise and descent the same as other personal property.

37 2. Instruments of writing evidencing ~~{such}~~ **the** sale, assignment,
38 transfer, security agreement, lien, devise or descent must be in that form, as
39 to text, signatures, witnesses, acknowledgments or certifications, required
40 by statutes, in the case of the kind of instrument concerned, but the
41 ~~{division}~~ **department** may secure such competent legal advice or rulings,
42 and require such supporting evidence as it deems necessary, as to such

1 instruments of writing, being in fact, authentic and in ~~{due}~~ legal form,
2 before approving and recording ~~{the same,}~~ *those instruments of writing* as
3 provided in NRS 564.010 to 564.150, inclusive.

4 3. Instruments in writing evidencing the transfer of ownership of any
5 brand or brand and mark or marks must, after approval, be recorded in the
6 office of the ~~{division}~~ *department* in a book to be provided for that
7 purpose, and are not legally binding until so approved by the ~~{division}~~
8 *department* and recorded.

9 4. ~~{Recording of such}~~ *The recording of those* instruments has the
10 same force and effect as to third parties as the recording of instruments
11 affecting the sale, assignment, transfer, devise or descent of other personal
12 property. The original, or a certified copy of any such instrument, may be
13 introduced in evidence *in* the same *manner* as is provided for similar
14 instruments affecting personal property, and the record of ~~{such}~~ *the*
15 instrument or instruments of transfer, or the transcript thereof certified by
16 the custodian of ~~{such}~~ *the* record, may be read in evidence without further
17 proof.

18 5. ~~{Whenever}~~ *If* any brand or brand and mark or marks of record, in
19 accordance with the ~~{terms}~~ *provisions* of NRS 564.010 to 564.150,
20 inclusive, becomes the subject of, or is included in, any security agreement,
21 provisional assignment or legal lien, the secured party, provisional assignee
22 or lien holder may notify the ~~{division}~~ *department* in writing as to the
23 existence and conditions of ~~{such}~~ *the* security agreement, provisional
24 assignment or lien. After the receipt of ~~{such}~~ *the* written notice, the
25 ~~{division}~~ *department* shall not transfer ~~{such}~~ *the* brand or brand and mark
26 or marks, other than to ~~{such}~~ *the* secured party, provisional assignee or
27 lien holder until there is filed with the ~~{division}~~ *department* satisfactory
28 legal evidence that ~~{such}~~ *the* security agreement, provisional assignment or
29 lien has been legally satisfied and removed.

30 6. No transfer or change, or partial, joint or complete ownership, of
31 any brand under the provisions of this section:

32 (a) Grants or recognizes any change in the method or area of its use
33 from that authorized at the time of recording, or subsequent thereto but
34 before the transfer or change of ownership; or

35 (b) Waives or modifies the rerecording requirements set forth in NRS
36 564.120.

37 **Sec. 183.** NRS 564.120 is hereby amended to read as follows:

38 564.120 1. Any owner of a brand or brand and mark or marks of
39 record under the provisions of NRS 564.010 to 564.150, inclusive,
40 including brands or marks transferred ~~{under the terms}~~ *pursuant to the*
41 *provisions* of NRS 564.110, desiring legally to continue the use of the
42 ~~{same}~~ *brand or brand and mark or marks* beyond the prescribed dates
43 shall, within 60 days ~~{prior to}~~ *before* January 1, 1976, and at the end of

1 each 4-year period thereafter, ~~{make application}~~ **apply** to the ~~{division}~~
2 **department** for the rerecording of the ~~{same.}~~ **brand or brand and mark or**
3 **marks.**

4 2. The application must be made in writing and accompanied by any
5 rerecording fee ~~{set}~~ **established** by the ~~{division in accord}~~ **department in**
6 **accordance** with the provisions of NRS 564.080.

7 3. The ~~{division}~~ **department** shall notify every owner of a brand or
8 brand and mark or marks of legal record in its office, including owners of
9 brands and marks transferred under the provisions of NRS 564.110, at least
10 60 days ~~{prior to}~~ **before** January 1, 1976, and January 1 at the end of each
11 4-year period thereafter, of his right to rerecord the ~~{same}~~ **brand or brand**
12 **and mark or marks** as provided in this section. The notice must be in
13 writing and ~~{must be}~~ sent by mail to each such owner at his last address of
14 record in the office of the ~~{division.}~~ **department.** The notice is complete at
15 the expiration of 60 days ~~{from}~~ **after** the date of its mailing by the
16 ~~{division.}~~ **department.**

17 4. The ~~{division}~~ **department** may also advertise the approach of any
18 rerecording period in such manner and at such times as it deems advisable.

19 5. Any ~~{or all}~~ brands or brands and marks for the rerecording of which
20 the owners have not applied as provided for in this section by January 1,
21 1976, or by January 1 of any 4-year period ~~{succeeding}~~ **after** that date,
22 including all brands and marks of record as transferred as provided in NRS
23 564.110, shall be deemed abandoned and no longer of legal record as
24 provided for by NRS 564.010 to 564.150, inclusive. Brands or brands and
25 marks thus abandoned may not be awarded or recorded by the ~~{division}~~
26 **department** to persons other than those **persons** abandoning the ~~{same}~~
27 **brands or brands and marks** until 1 year ~~{has elapsed from the date of}~~
28 ~~**such abandonment and the**~~ **after the date of the abandonment. The**
29 awarding and recording of abandoned brands or brands and marks to any
30 person must be in ~~{accord}~~ **accordance** with the ~~{terms}~~ **provisions** of NRS
31 564.010 to 564.150, inclusive.

32 6. The ~~{division}~~ **department** shall furnish the legal owners of any
33 brand or brand and mark or marks rerecorded under the provisions of this
34 section with a certificate setting forth the fact of ~~{such}~~ **the** rerecording.

35 7. No new brands may be recorded during the 60 days of a rerecording
36 period unless in the opinion of the ~~{administrator}~~ **director** undue hardship
37 would be caused the applicant.

38 **Sec. 184.** NRS 564.130 is hereby amended to read as follows:

39 564.130 1. The ~~{division}~~ **department** may compile and issue books,
40 and supplements thereto, containing transcripts of part or all of its records
41 of brands and marks, so arranged and indexed as to be suitable for use in

1 identifying any brands or marks which may be found in this state on any
2 animals, or the hides thereof, and used in compliance with the ~~{terms}~~
3 **provisions** of NRS 564.010 to 564.150, inclusive.

4 2. Copies of the ~~{same}~~ **brand books and supplements** must be made
5 available to any person at a charge to be fixed by the ~~{division,}~~
6 **department**, but the charge must not be less than the cost of compilation,
7 publication and issuance.

8 3. Copies of ~~{such}~~ **the** brand books or supplements may be furnished
9 by the ~~{division,}~~ **department**, without charge, to any public ~~{official}~~
10 **officer** or other person whose possession of ~~{such}~~ **the** book or supplements
11 will, in the opinion of the ~~{division,}~~ **department**, serve to promote the
12 general welfare.

13 **Sec. 185.** NRS 564.140 is hereby amended to read as follows:

14 564.140 1. It is unlawful for the owner ~~{or owners}~~ of any legally
15 recorded brand, recorded under the provisions of NRS 564.010 to 564.150,
16 inclusive, to use the brand on any position , ~~{or positions,}~~ on any animal ,
17 ~~{or animals,}~~ or in any area , ~~{or areas,}~~ other than ~~{those}~~ **that** authorized in
18 writing at the time the brand was recorded, or subsequent thereto, by the
19 ~~{division. The division}~~ **department. The department** may, on the written
20 application of the owner ~~{or owners}~~ of any legally recorded brand,
21 authorize in writing a change of position ~~{, or new positions}~~ **or a new**
22 **position** for the application of the brand, or change or enlarge the area in
23 which it may be used, if in the opinion of the ~~{division}~~ **department** the
24 change ~~{or changes}~~ in position or area of use will not jeopardize or injure
25 the rights or property of the owner ~~{or owners}~~ of any other brand
26 remaining of legal record.

27 2. Any application for a change in position ~~{, or new positions, or~~
28 ~~changes}~~ **or a new position or a change** in the area of use as provided in
29 subsection 1 must set forth a ~~{valid and}~~ sufficient reason ~~{or reasons}~~ for
30 the ~~{same,}~~ **change**, and the ~~{division}~~ **department** may require such
31 supporting evidence for the ~~{same}~~ **change** as it deems necessary to
32 establish the facts.

33 3. It is unlawful for any person to obliterate, disfigure, extend, deface
34 or remove from any animal a brand that is recorded pursuant to the
35 provisions of NRS 564.010 to 564.150, inclusive.

36 **Sec. 186.** NRS 564.150 is hereby amended to read as follows:

37 564.150 Any person violating any of the provisions of NRS 564.010 to
38 564.140, inclusive:

39 1. Is guilty of a misdemeanor, except that any person who violates the
40 provisions of subsection 3 of NRS 564.140 is guilty of a gross
41 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

1 adopt ~~{and issue}~~ regulations defining the boundaries of the district ~~{}~~ and
2 the fees to be collected for brand inspection ~~{}~~ and prescribing such other
3 ~~{rules or}~~ methods of procedure not inconsistent with the provisions of this
4 chapter as he ~~{deems wise.}~~ *considers necessary.*

5 4. Any regulations ~~{issued}~~ *adopted* pursuant to the provisions of this
6 section must be published at least twice in ~~{some}~~ *a* newspaper having a
7 general circulation in the brand inspection district created by the
8 regulations, and copies of the regulations must be mailed to all common
9 carriers of record with the transportation services authority operating in the
10 brand inspection district. ~~{which}~~ *Such* publication and notification
11 constitutes legal notice of the creation of the brand inspection district. The
12 expense of advertising and notification must be paid from the livestock
13 inspection account.

14 **Sec. 190.** NRS 565.070 is hereby amended to read as follows:

15 565.070 The ~~{division is authorized to}~~ *department may* levy and
16 collect a ~~{reasonably compensatory fee or fees}~~ *reasonable fee* for brand
17 inspection as required under the provisions of this chapter. Any fee ~~for~~
18 ~~fees}~~ so levied must be collected in the manner prescribed by the
19 ~~{administrator.}~~ *director.*

20 **Sec. 191.** NRS 565.075 is hereby amended to read as follows:

21 565.075 The ~~{division}~~ *department* may collect the assessment
22 required pursuant to 7 U.S.C. § 2904 and shall deposit the money collected
23 with the state treasurer for credit to the account for the promotion of beef.

24 **Sec. 192.** NRS 565.090 is hereby amended to read as follows:

25 565.090 1. Except as otherwise provided in subsections 3 and 6, it is
26 unlawful for any person to drive or otherwise remove any animals out of a
27 brand inspection district created under the provisions of this chapter until
28 the animals have been inspected and a brand inspection clearance
29 certificate is issued by the ~~{division}~~ *department* or a written permit from
30 the ~~{division}~~ *department* has been issued authorizing the movement
31 without brand inspection.

32 2. Any person contemplating the driving or movement of any animals
33 out of a brand inspection district shall notify the ~~{division}~~ *department* or
34 an inspector thereof of his intention, stating:

35 (a) The place at which it is proposed to cross the border of the brand
36 inspection district with the animals.

37 (b) The number and kind of animals.

38 (c) The owner of the animals.

39 (d) The brands and marks of the animals claimed by each owner and, if
40 they are other than the brands and marks legally recorded in the name of
41 the owner, information ~~{as to what the claim to}~~ *concerning the basis for*
42 *the claim of* ownership or legal possession. ~~{is based upon.}~~

1 (e) The date of the proposed movement across the border of the brand
2 inspection district and the destination of the movement.

3 (f) If a brand inspection is required, a statement ~~{as to}~~ **setting forth the**
4 **place** where the animals will be held for brand inspection.

5 3. ~~{This section does}~~ **The provisions of this section do** not apply to
6 animals whose accustomed range is on both sides of the boundary of any
7 brand inspection district but contiguous to that district and which are being
8 moved from one portion of the accustomed range to another merely for
9 pasturing and grazing thereon.

10 4. ~~{All the}~~ **The** provisions of this section apply at all times to the
11 movement of any animals across the Nevada state line to any point outside
12 of the State of Nevada, ~~{excepting}~~ **except** animals whose accustomed
13 range is on both sides of the Nevada state line but contiguous thereto and
14 which are being moved from one portion to another of the accustomed
15 range merely for pasturing and grazing thereon.

16 5. In addition to the penalty imposed in NRS 565.170, a person who
17 violates **the provisions of** subsection 1 is:

18 (a) For the first violation, subject to an immediate brand inspection of
19 the animals by the ~~{division}~~ **department** and shall reimburse the ~~{division}~~
20 **department** for its time and mileage and pay the usual fees for the brand
21 inspection.

22 (b) For the second and any subsequent violation, ineligible for a permit
23 to move any livestock without **a** brand inspection until the state board of
24 agriculture is satisfied that any future movement will comply with all
25 applicable statutes and regulations.

26 6. The ~~{division}~~ **department** may establish regulations specifying the
27 circumstances under which a permit may be issued authorizing the
28 movement of livestock without a brand inspection pursuant to this section.
29 ~~{Such}~~ **The** circumstances may include, without limitation, **the** routine
30 movement of horses and bulls within and from this state for the purpose of
31 participating in a rodeo.

32 **Sec. 193.** NRS 565.100 is hereby amended to read as follows:

33 565.100 It is unlawful for any person to consign for slaughter, or
34 slaughter at an approved plant, or transfer ownership of any animals by sale
35 or otherwise within any brand inspection district created under the
36 provisions of this chapter, until ~~{such}~~ **the** animals have been inspected by
37 an inspector of the ~~{division}~~ **department** and a brand inspection clearance
38 certificate issued covering the ~~{same.}~~ **animals.**

39 **Sec. 194.** NRS 565.120 is hereby amended to read as follows:

40 565.120 1. Upon the completion of brand inspection , the inspector
41 of the ~~{division}~~ **department** shall, except as otherwise provided in this
42 chapter, issue a brand inspection clearance certificate on which must be
43 entered:

- 1 (a) The name and address of the person ~~{or persons}~~ claiming to own the
- 2 animals.
- 3 (b) The proposed destination of the animals.
- 4 (c) The name and address of the consignee.
- 5 (d) A full description of all the animals inspected, including the number,
- 6 kind, sex, age, color and the brands or brands and marks thereon.
- 7 (e) The amount of the inspection fee or fees collected.
- 8 (f) The signature of the owner or his authorized agent.

9 2. One copy of the brand inspection certificate must be delivered to the
10 common carrier undertaking to transport ~~{such}~~ **the** animals out of the
11 brand inspection district for attachment to its waybill, or to the person ~~for~~
12 ~~persons}~~ intending to drive, move or otherwise transport ~~{such}~~ **the** animals
13 out of the brand inspection district other than by common carrier to
14 accompany the animals to destination, and one copy must be immediately
15 forwarded to the office of the ~~{division}~~ **department**.

16 **Sec. 195.** NRS 565.130 is hereby amended to read as follows:

17 565.130 1. The ~~{division}~~ **department** or its ~~{duly}~~ authorized
18 inspector shall refuse to issue brand inspection clearance certificates or
19 permits to remove animals from a brand inspection district without brand
20 inspection as provided in this chapter, subject to brand inspection under the
21 provisions of this chapter, not bearing brands or brands and marks of legal
22 record in the name of the person ~~{or persons}~~ claiming lawful possession of
23 and applying for inspection of ~~{such}~~ **the** animals, until satisfactory
24 evidence of ~~{such}~~ **the** right to legal possession of the ~~{same}~~ **animals** and
25 shipment or removal from ~~{such}~~ **the** brand inspection district has been
26 supplied **to** the ~~{division}~~ **department** or its ~~{duly}~~ authorized inspector.

27 2. The ~~{division}~~ **department** and its ~~{duly}~~ authorized inspector shall
28 ~~{also}~~ use all due vigilance to prevent the unlawful removal by any person
29 ~~{or persons}~~ of any animals from any brand inspection district ~~{or districts}~~
30 created under the provisions of this chapter.

31 **Sec. 196.** NRS 565.155 is hereby amended to read as follows:

32 565.155 In addition to enforcing the provisions of this chapter through
33 its inspectors, the ~~{division}~~ **department** may:

34 1. Authorize other peace officers to enforce the provisions of this
35 chapter; and

36 2. Adopt regulations specifying the procedures for the enforcement of
37 the provisions of this chapter by the inspectors of the ~~{division}~~ **department**
38 and other peace officers.

39 **Sec. 197.** NRS 565.160 is hereby amended to read as follows:

40 565.160 ~~{Nothing in}~~ **The provisions of** this chapter ~~{affects}~~ **do not**
41 **affect** the right of the ~~{division}~~ **department** conferred by any other law ~~for~~

1 ~~laws~~ to inspect any animals for the determination of the ownership thereof,
2 or for any other purpose under the provisions of any such other law . ~~for~~
3 ~~laws.~~

4 **Sec. 198.** NRS 565.170 is hereby amended to read as follows:

5 565.170 Any person ~~[, firm or corporation]~~ violating any of the
6 provisions of this chapter:

7 1. Is guilty of a misdemeanor, and upon conviction thereof shall be
8 punished as provided by law.

9 2. In addition to any criminal penalty, shall pay to the ~~[division]~~
10 **department** an administrative fine of not more than \$1,000 per
11 violation.

12 If an administrative fine is imposed pursuant to this section, the costs of the
13 proceeding, including investigative costs and attorney's fees, may be
14 recovered by the ~~[division.]~~ **department**.

15 **Sec. 199.** NRS 566.015 is hereby amended to read as follows:

16 566.015 As used in this chapter, ~~["division"]~~ **"department"** means the
17 ~~[division]~~ **state department** of agriculture . ~~[of the department of business~~
18 ~~and industry.]~~

19 **Sec. 200.** NRS 566.025 is hereby amended to read as follows:

20 566.025 It is unlawful for any person to have in his possession all or
21 part of the carcass of any bovine animal unless:

22 1. ~~[Such]~~ **The** animal was slaughtered at a slaughtering establishment
23 under a United States Government, state, county or municipal inspection
24 system which provides for adequate stamping for identification of all
25 carcasses or parts of carcasses before release; or

26 2. ~~[Such]~~ **The** person exhibits to any peace officer authorized by the
27 ~~[division]~~ **department** under NRS 566.035, or to any inspector of the
28 ~~[division,]~~ **department**, on demand : ~~[, either:]~~

29 (a) The hide of the animal from which the carcass was obtained, with
30 ears and brands attached without disfiguration or alteration;

31 (b) A certificate of inspection or release of the carcass, or of the carcass
32 and hide, issued by an inspector of the ~~[division,]~~ **department;** or

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

36 **Sec. 201.** NRS 566.027 is hereby amended to read as follows:

37 566.027 Any person who slaughters any cattle, unless ~~[such]~~ **the**
38 animal was slaughtered at a slaughtering establishment under a United
39 States Government, state, county or municipal inspection system which
40 provides for adequate stamping for identification of all carcasses or parts of
41 carcasses before release, shall retain in his possession the hide or hides
42 removed from ~~[such]~~ **the** cattle with the ears and brands attached without
43 disfiguration or alteration, for a period of 30 days, unless ~~[such]~~ **the** hide or

1 hides are released pursuant to a certificate of release issued by an inspector
2 of the ~~{division. Such}~~ **department. The** person shall, upon demand within
3 ~~{such}~~ **that** period by any inspector of the ~~{division}~~ **department** or any
4 game warden or peace officer of this state, exhibit the hide or hides of any
5 cattle so slaughtered or the certificate of release.

6 **Sec. 202.** NRS 566.035 is hereby amended to read as follows:

7 566.035 1. In addition to regular ~~{division inspectors, the division}~~
8 **inspectors of the department, the department** may authorize and direct any
9 ~~{duly}~~ elected or appointed peace officer to conduct the inspection
10 provided for in this chapter.

11 2. ~~{Such}~~ **The** peace officer shall conduct the inspection under the
12 supervision of the ~~{division.}~~ **department.**

13 **Sec. 203.** NRS 566.045 is hereby amended to read as follows:

14 566.045 Any person who violates any of the provisions of this chapter
15 is guilty of a gross misdemeanor and, in addition to any criminal penalty,
16 shall pay to the ~~{division}~~ **department** an administrative fine of not more
17 than \$1,000 per violation. If an administrative fine is imposed pursuant to
18 this section, the costs of the proceeding, including investigative costs and
19 attorney's fees, may be recovered by the ~~{division.}~~ **department.**

20 **Sec. 204.** NRS 567.020 is hereby amended to read as follows:

21 567.020 ~~{For the purpose of controlling}~~ **To control** predatory animals,
22 property-destroying birds and rodents within the State of Nevada, with
23 money as may be made available to it by contributions ~~{either by}~~ **from**
24 private or public agencies, or otherwise, ~~{there is hereby created within the}~~
25 ~~department of business and industry~~ **the state predatory animal and rodent**
26 **committee** ~~{}~~ **is hereby created within the state department of agriculture.**

27 **Sec. 205.** NRS 568.040 is hereby amended to read as follows:

28 568.040 ~~{For the purpose of directing and guiding}~~ **To direct and**
29 **guide** the disposition of the range improvement fund of each grazing
30 district concerned, in ~~{those manners}~~ **the manner** most beneficial to the
31 stock-raising payers of the grazing fees from which ~~{such}~~ **the** funds are
32 derived and to the counties concerned, there is hereby created **within the**
33 **state department of agriculture** a state **grazing** board for each Bureau of
34 Land Management grazing district established and existing in Nevada
35 under the provisions of the Taylor Grazing Act.

36 **Sec. 206.** NRS 569.005 is hereby amended to read as follows:

37 569.005 As used in NRS 569.010 to 569.130, inclusive, unless the
38 context otherwise requires:

39 1. ~~{“Division”}~~ **“Department”** means the ~~{division}~~ **state department**
40 of agriculture. ~~{of the department of business and industry.}~~

41 2. **“Director” means the director of the department.**

1 **3.** “Estray” means any livestock running at large upon public or private
2 lands in the State of Nevada, whose owner is unknown in the section where
3 the animal is found.

4 ~~**3.**~~ **4.** “Livestock” means:

- 5 (a) All cattle or animals of the bovine species;
- 6 (b) All horses, mules, burros and asses or animals of the equine species;
- 7 (c) All swine or animals of the porcine species;
- 8 (d) All goats or animals of the caprine species;
- 9 (e) All sheep or animals of the ovine species; and
- 10 (f) All poultry or domesticated fowl or birds.

11 **Sec. 207.** NRS 569.010 is hereby amended to read as follows:

12 569.010 1. Except as otherwise provided by law, all estrays within
13 this state shall be deemed for the purpose of this section to be the property
14 of the ~~{division.}~~ **department.**

15 2. The ~~{division}~~ **department** has all rights accruing pursuant to the
16 laws of this state to owners of ~~{such}~~ **those** animals, and may:

17 (a) Dispose of estrays by sale through an agent appointed by the
18 ~~{division;}~~ **department;** or

19 (b) Provide for the control, placement or disposition of estrays through
20 cooperative agreements pursuant to NRS 569.031.

21 3. Except as otherwise provided by law, all money collected for the
22 sale or for the injury or killing of any such animals must be held for 1 year,
23 subject to the claim of any person who can establish legal title to any
24 animal concerned. All money remaining unclaimed must be deposited in
25 the livestock inspection account after 1 year. The ~~{division}~~ **department**
26 may disallow all claims if ~~{the division}~~ **it** deems the claims illegal or not
27 showing satisfactory evidence of title.

28 4. ~~{Neither the division nor}~~ **The department or** any political
29 subdivision of this state is **not** liable for any trespass or other damage
30 caused by any of ~~{such}~~ **those** estrays.

31 **Sec. 208.** NRS 569.020 is hereby amended to read as follows:

32 569.020 1. Any county, city, town, township or other peace officer or
33 poundmaster who impounds under the provisions of any state law or county
34 or municipal ordinance any livestock shall, immediately after impounding
35 ~~{such}~~ **the** livestock, send a written notice to the ~~{division.}~~ **department.**

36 2. The notice must contain a full description, including all brands and
37 marks, sex, age, weight, color and kind of each animal so impounded.

38 3. If the owner ~~{or owners of such livestock are}~~ **of the livestock is** not
39 known, and in case of the sale of ~~{such}~~ **the** impounded livestock as
40 prescribed by law, all notices posted or advertisements published by any
41 officer or other person having charge of the sale **must** include a complete
42 description of each ~~{such}~~ animal to be sold, including all brands and
43 marks, sex, age, weight, color and kind.

1 **Sec. 209.** NRS 569.031 is hereby amended to read as follows:

2 569.031 The ~~{division}~~ **department** may enter into a cooperative
3 agreement for the control, placement or disposition of the livestock with
4 another agency of this state or with a county, city, town, township, peace
5 officer, poundmaster or nonprofit organization. If an agreement is entered
6 into, it must provide for:

7 1. The responsibility for the payment of the expenses incurred in taking
8 up, holding, advertising and making the disposition of the estray, and any
9 damages for trespass allowed pursuant to NRS 569.440;

10 2. The disposition of any money received from the sale of the
11 livestock;

12 3. The protection of the rights of a lawful owner of an estray pursuant
13 to NRS 569.040 to 569.130, inclusive; and

14 4. The designation of the specific geographic area of this state to which
15 the cooperative agreement applies.

16 The ~~{division}~~ **department** shall annually review the actions of the
17 cooperating person or entity for compliance with the agreement. The
18 ~~{division}~~ **department** may cancel the agreement upon a finding of
19 noncompliant actions.

20 **Sec. 210.** NRS 569.040 is hereby amended to read as follows:

21 569.040 1. Except as otherwise provided in subsection 2, NRS
22 569.040 to 569.130, inclusive, or pursuant to a cooperative agreement
23 established pursuant to NRS 569.031, it is unlawful for any person or his
24 employees or agents, other than an authorized agent of the ~~{division,}~~
25 **department**, to:

26 (a) Take up any estray and retain possession of it; or

27 (b) Feed any estray.

28 2. For a first violation of paragraph (b) of subsection 1, a person may
29 not be cited or charged criminally but must be ~~{reminded}~~ **informed** that it
30 is unlawful to feed an estray.

31 **Sec. 211.** NRS 569.050 is hereby amended to read as follows:

32 569.050 ~~{When-any}~~ **If a** person takes up an estray, he shall, within 5
33 days thereafter, make out a written description of ~~{such}~~ **the** animal, setting
34 forth all marks or brands appearing upon ~~{such}~~ **the** animal, and other
35 marks of identity, ~~{such-as}~~ **including** color, age and sex, and forward the
36 ~~{same}~~ **description** by mail to the ~~{division}~~ **department** at its office.

37 **Sec. 212.** NRS 569.060 is hereby amended to read as follows:

38 569.060 1. Upon receiving notice of the taking up of an estray, the
39 ~~{division,}~~ **department**, or its ~~{duly}~~ authorized agent, shall make or cause
40 to be made an examination of the state brand records.

41 2. If from the records the name of the owner or probable owner can be
42 determined, the ~~{division,}~~ **department**, or its ~~{duly}~~ authorized agent, shall
43 forthwith notify him of the taking up of the estray. ~~{for-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.

1 **Sec. 215.** NRS 569.090 is hereby amended to read as follows:

2 569.090 1. Except as otherwise provided pursuant to a cooperative
3 agreement established pursuant to NRS 569.031, the ~~{division}~~ **department**
4 shall:

5 (a) Pay the reasonable expenses incurred in taking up, holding,
6 advertising and selling the estray, and any damages for trespass allowed
7 pursuant to NRS 569.440, ~~{out-of}~~ **from** the proceeds of the sale of the
8 estray and shall place the balance in an interest-bearing checking account in
9 a bank qualified to receive deposits of public money. The proceeds from
10 the sale and any interest on those proceeds, which are not claimed pursuant
11 to subsection 2 within 1 year after the sale, must be deposited in the state
12 treasury for credit to the livestock inspection account.

13 (b) Make a complete record of the transaction, including the marks and
14 brands and other means of identification of the estray, and shall keep the
15 record ~~{open-to-the-inspection-of}~~ **available for inspection by members of**
16 the **general** public.

17 2. If the lawful owner of the estray is found within 1 year after its sale
18 and proves ownership to the satisfaction of the ~~{division,}~~ **department**, the
19 net amount received from the sale must be paid to the owner.

20 3. If any claim pending after the expiration of 1 year after the date of
21 sale is denied, the proceeds and any interest thereon must be deposited in
22 the livestock inspection account.

23 **Sec. 216.** NRS 569.100 is hereby amended to read as follows:

24 569.100 1. A person who takes up an estray as provided for in NRS
25 569.040 to 569.130, inclusive, is entitled to hold the estray lawfully until
26 relieved of custody by the ~~{division,}~~ **department**.

27 2. A person shall not use or cause to be used, for profit or otherwise,
28 any estray in his keeping under the provisions of NRS 569.040 to 569.130,
29 inclusive. A violation of this subsection shall be deemed grand larceny or
30 petit larceny, as set forth in NRS 205.2175 to 205.2707, inclusive, and the
31 person shall be punished as provided in those sections.

32 3. Any person taking, leading or driving an estray away from the
33 possession of the lawful holder, as specified in NRS 569.040 to 569.130,
34 inclusive, except as ~~{herein provided for,}~~ **otherwise provided in this**
35 **section**, is subject to all the penalties under the law, whether he is the
36 claimant of the estray or not.

37 **Sec. 217.** NRS 569.120 is hereby amended to read as follows:

38 569.120 Estrays may be taken up by ~~{duly}~~ authorized agents of the
39 ~~{division. Procedure for disposing of such estrays must follow}~~ **department**.
40 **The disposal of the estrays must be conducted in the manner set forth in**
41 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.

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

3 3. The ~~{division}~~ department shall send a notice of the annual special
4 tax on each head of the specified classes of livestock to the county assessor
5 or treasurer of each county on or before the first Monday in May of each
6 year.

7 4. Notwithstanding the provisions of subsection 1, the minimum
8 special tax due annually pursuant to this section from each owner of
9 livestock is \$5.

10 5. Upon the receipt of payment of the special tax and the report thereof
11 by the state controller, the ~~{division}~~ department shall credit the amount of
12 the tax as paid on its records.

13 6. The special taxes paid by an owner of livestock, when transmitted to
14 the state treasurer, must be deposited in the livestock inspection account.

15 **Sec. 220.** NRS 571.120 is hereby amended to read as follows:

16 571.120 1. The ~~{division}~~ department shall do all things necessary
17 for the control and eradication of infectious, contagious or parasitic
18 diseases of livestock.

19 2. The ~~{administrator of the division}~~ director shall cooperate with the
20 administrator of the division of wildlife of the state department of
21 conservation and natural resources in a program to prevent the spread of
22 communicable diseases in livestock and wildlife in this state.

23 3. As used in this section, “wildlife” has the meaning ascribed to it in
24 NRS 501.097.

25 **Sec. 221.** NRS 571.135 is hereby amended to read as follows:

26 571.135 1. The state quarantine officer, with the approval of the state
27 board of agriculture, may adopt such regulations requiring the processing
28 of food waste before it is fed to livestock, fish or other animals as are
29 necessary to prevent the introduction or spread of infectious, contagious or
30 parasitic diseases. The regulations may prescribe a procedure by which
31 permits are issued to those persons desiring to process food waste,
32 minimum standards of sanitation are established and periodic inspections of
33 the processing facilities are made. The state quarantine officer may collect
34 a reasonable annual fee for each permit issued to recover costs incurred by
35 the ~~{division}~~ department in the issuance of permits and the inspection of
36 processing facilities.

37 2. Any regulation adopted pursuant to this section does not apply to a
38 person feeding food waste from his household to livestock, fish or other
39 animals being raised on the premises for his consumption.

40 3. ~~{For the purposes of}~~ As used in this section, “food waste” means all
41 waste material derived in whole or in part from the meat of any animal or
42 other animal material, or other refuse associated with any such material,
43 resulting from the handling, preparation and consumption of food.

1 **Sec. 222.** NRS 571.140 is hereby amended to read as follows:

2 571.140 The state quarantine officer, or his representatives or his
3 agents, ~~have full authority and power for the inspection, testing, treatment,~~
4 ~~quarantine and condemnation of~~ **may inspect, test, treat, quarantine and**
5 **condemn** livestock affected with any infectious, contagious or parasitic
6 disease, and any such person may enter upon any ground or premises of this
7 state ~~for the purpose of enforcing~~ **to enforce** the inspection, testing,
8 treatment, quarantine and condemnation laws and all the rules, regulations
9 and orders of the ~~division,~~ **department.**

10 **Sec. 223.** NRS 571.160 is hereby amended to read as follows:

11 571.160 ~~Whenever~~ **If** any livestock becomes infected with any
12 infectious, contagious or parasitic disease as defined by rules and
13 regulations adopted by the state quarantine officer, the owner or agent in
14 charge, an inspector of the ~~division,~~ **department** or any practicing
15 veterinarian shall immediately notify the state quarantine officer.

16 **Sec. 224.** NRS 571.190 is hereby amended to read as follows:

17 571.190 1. The state quarantine officer may order and have
18 destroyed any livestock infected with or exposed to any infectious,
19 contagious or parasitic disease.

20 2. The ~~division,~~ **department** shall compensate the owners of any
21 livestock so destroyed ~~either~~ separately or jointly with any county or
22 municipality of the state or any agency of the Federal Government, the
23 amount of ~~such~~ **the** compensation to be determined by appraisal before
24 the affected livestock is destroyed.

25 3. The appraisal must be made by the state quarantine officer or a
26 ~~properly~~ qualified agent designated by him and the owners or their
27 authorized representative. In the event of their failure to ~~arrive at~~ **reach** an
28 agreement, the two so selected shall designate ~~some~~ **a** disinterested
29 person, who by reason of experience in such matters is a qualified judge of
30 livestock values, to act with them. The judgment of any two such appraisers
31 is binding and final upon all persons.

32 4. The total amount received by the owners of livestock so destroyed,
33 including compensation paid by the ~~division,~~ **department,** any county or
34 municipality or any agency of the Federal Government or any livestock
35 insurance company, and the salvage received from the sale of hides or
36 carcasses or any other source, combined, must not exceed 75 percent of the
37 actual appraised value of the destroyed livestock.

38 5. Any natural person or corporation purchasing any livestock which
39 was at the time of purchase under quarantine by any state, county or
40 municipal authorities or any agency of the Federal Government ~~legally~~
41 ~~empowered~~ **authorized** to lay such quarantine, or who purchases any
42 livestock which due diligence and caution would have shown to be diseased
43 or which have been shipped or transported in violation of the rules and

1 regulations of any agency of the Federal Government or the State of
2 Nevada, is not entitled to **receive** compensation, and the ~~{division}~~
3 **department** may order the destruction of ~~{such}~~ **the** livestock without
4 making any compensation to the owner.

5 6. No payment may be made hereunder as compensation for or on
6 account of any such livestock destroyed if, at the time of inspection or test
7 of ~~{such}~~ **the** livestock or at the time of the ordered destruction thereof,
8 ~~{such}~~ **the** livestock belongs to or ~~{be}~~ **is** upon the premises of any person,
9 firm or corporation to which ~~{such}~~ **the** livestock has been sold, shipped or
10 delivered for ~~{the purpose of being slaughtered.}~~ **slaughter.**

11 7. In no case may any payment by the ~~{division}~~ **department** pursuant
12 to the provisions of this section be more than \$75 for any grade livestock or
13 more than \$200 for any purebred livestock, and no payment ~~{shall}~~ **may** be
14 made unless the owner has complied with all quarantine rules and
15 regulations of the ~~{division.}~~ **department.**

16 **Sec. 225.** NRS 571.250 is hereby amended to read as follows:

17 571.250 Any person violating the provisions of NRS 571.120 to
18 571.240, inclusive, or failing, refusing or neglecting to perform or observe
19 any conditions, orders, rules or regulations prescribed by the state
20 quarantine officer in accordance with the provisions of NRS 571.120 to
21 571.240, inclusive, is guilty of a misdemeanor and, in addition to any
22 criminal penalty, shall pay to the ~~{division}~~ **department** an administrative
23 fine of not more than \$1,000 per violation. If an administrative fine is
24 imposed pursuant to this section, the costs of the proceeding, including
25 investigative costs and attorney's fees, may be recovered by the ~~{division.}~~
26 **department.**

27 **Sec. 226.** NRS 573.010 is hereby amended to read as follows:

28 573.010 As used in this chapter:

- 29 1. ~~{“Administrator” means the administrator of the division.~~
30 ~~—2.}~~ “Consignor” means any person consigning, shipping or delivering
31 livestock to a public livestock auction for sale, resale or exchange.
32 ~~{3. —“Division”}~~
33 2. “**Department**” means the ~~{division}~~ **state department** of agriculture .
34 ~~{of the department of business and industry.}~~
35 3. “**Director**” **means the director of the department.**
36 4. “Livestock” means:
37 (a) Cattle, sheep, goats, horses, mules, asses, burros, swine or poultry;
38 and
39 (b) Alternative livestock as defined in NRS 501.003.
40 5. “Operator of a public livestock auction” means any person holding,
41 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:}~~

1 (b) Executed by the applicant as principal and by a surety company
2 qualified and authorized to do business in this state as surety.

3 (c) A standard form and approved by the ~~{administrator}~~ **director** as to
4 terms and conditions.

5 (d) Conditioned that the principal will not commit any fraudulent act
6 and will comply with the provisions of this chapter and the rules and
7 regulations adopted by the ~~{division pursuant to law.}~~ **department**.

8 (e) To the State of Nevada in favor of every consignor creditor whose
9 livestock was handled or sold through or at the licensee's public livestock
10 auction.

11 2. If the application for a license to operate a public livestock auction
12 is ~~{from}~~ **submitted by** a person who:

13 (a) Has not operated in the past 12-month period, the ~~{administrator}~~
14 **director** shall determine the sum of the initial bond that the applicant must
15 execute in favor of the state, which sum must be equal to an amount
16 estimated to be 50 percent of the average monthly gross sales proceeds of
17 the public livestock auction in the first 6 months of operation, but ~~{such}~~
18 **the** sum must not be less than \$10,000 ~~{nor}~~ **or** more than \$100,000. At any
19 time within the first 12 months of licensed operation, the ~~{administrator}~~
20 **director** may, upon written notice to the licensee, review the licensee's
21 operations and determine whether, because of increased or decreased sales,
22 the amount of the bond should be altered.

23 (b) Has operated in the past 12-month period, the ~~{administrator}~~
24 **director** shall determine the sum of the bond that the applicant must execute
25 in favor of the state, which sum must be equal to ~~{but not exceed}~~ an
26 amount equal to 50 percent of the average monthly gross sales proceeds
27 received by the public livestock auction during the 6 successive months of
28 the last 12-month period which produced the highest dollar volume, but
29 ~~{such}~~ **the** sum must not be less than \$10,000 ~~{nor}~~ **or** more than \$100,000.

30 3. The total and aggregate liability of the surety for all claims upon the
31 bond must be limited to the face amount of the bond.

32 **Sec. 230.** NRS 573.035 is hereby amended to read as follows:

33 573.035 In compliance with the provisions of subsection 2 of NRS
34 573.030, if the applicant is bonded as a market agency under the provisions
35 of the Packers and Stockyards Act, ~~{(7 U.S.C. § 204, (d),)}~~ as amended,
36 and the regulations adopted ~~{thereunder,}~~ **pursuant thereto**, in a sum equal
37 to or greater than the sum required by the provisions of NRS 573.033, the
38 applicant may deliver to the ~~{administrator}~~ **director** a bond approved by
39 the Secretary of Agriculture of the United States naming the ~~{administrator}~~
40 **director** as trustee.

41 **Sec. 231.** NRS 573.037 is hereby amended to read as follows:

42 573.037 1. As authorized by subsection 3 of NRS 573.030, in lieu of
43 filing the bond described in NRS 573.033 or 573.035, the applicant may

1 deliver to the ~~{administrator}~~ **director** the receipt of a bank or trust
2 company doing business in this state showing the deposit with ~~{such}~~ **that**
3 bank or trust company of cash or of securities endorsed in blank by the
4 owner thereof and of a market value equal at least to the required principal
5 amount of the bond, ~~{such}~~ **the** cash or securities to be deposited in escrow
6 under an agreement conditioned as in the case of a bond. A receipt must be
7 accompanied by evidence that there are no unsatisfied judgments against
8 the applicant of record in the county where the applicant resides.

9 2. An action for recovery against any such deposit may be brought in
10 the same manner as in the case of an action for recovery on a bond filed
11 under the provisions of this chapter.

12 3. If any licensed operator of a public livestock auction for any reason
13 ceases to operate ~~{such}~~ **the** auction, the amount of money or securities
14 deposited in lieu of a bond must be retained by the ~~{division}~~ **department**
15 for 1 year. If after the expiration of 1 year ~~{from}~~ **after** the cessation of
16 ~~{such}~~ **the** operation, no legal action has been commenced to recover
17 against ~~{such}~~ **the** money or securities, the amount thereof must be
18 delivered to the owner thereof. If a legal action has been commenced within
19 ~~{such time,}~~ **that period**, all such money and securities must be held by the
20 ~~{administrator}~~ **director** subject to the order of a court of competent
21 jurisdiction.

22 **Sec. 232.** NRS 573.050 is hereby amended to read as follows:

23 573.050 Upon receipt of an application for a license under this chapter,
24 accompanied by the required bond and license fee, the ~~{division}~~
25 **department** shall examine the ~~{same,}~~ **application**, and if it finds the
26 application to be in proper form and that the applicant has otherwise
27 complied with this chapter, the ~~{division}~~ **department** shall grant the license
28 as applied for, subject to the provisions of this chapter.

29 **Sec. 233.** NRS 573.070 is hereby amended to read as follows:

30 573.070 Licenses must be in such form as the ~~{division}~~ **department**
31 may prescribe, and set forth:

32 1. The name and address of the operator of the public livestock
33 auction.

34 2. The location of the establishment or premises licensed.

35 3. The kinds of livestock to be sold, exchanged or handled.

36 4. The period of the license.

37 5. The weekly or monthly sales day or days.

38 6. Such other information as the ~~{division}~~ **department** may determine.

39 **Sec. 234.** NRS 573.100 is hereby amended to read as follows:

40 573.100 1. The ~~{division may decline}~~ **department may refuse** to
41 grant or to renew a license or may suspend or revoke a license ~~{already}~~
42 **granted}** if, after ~~{due}~~ notice and **a** hearing, the ~~{division}~~ **department**
43 finds:

- 1 (a) That the licensee has violated any provision of this chapter, or any
- 2 rule, order or regulation issued pursuant to law;
- 3 (b) That the licensee has knowingly received on consignment, or sold or
- 4 exchanged, stolen livestock or mortgaged livestock without authority from
- 5 the owner or mortgagee;
- 6 (c) That the licensee has been guilty of fraud or deception in any
- 7 material particular in securing the license;
- 8 (d) That the licensee has failed to keep records as required by this
- 9 chapter;
- 10 (e) That the licensee has failed to practice measures of sanitation as
- 11 required by this chapter, or has violated the rules and regulations, if any, for
- 12 the yarding, housing, holding and feeding of livestock;
- 13 (f) That the licensee, in the case of livestock weighed on the licensee's
- 14 scales and sold by weight, has knowingly quoted incorrect weights, or has
- 15 failed to have his scales regularly inspected and tested;
- 16 (g) That the applicant or licensee has intentionally made a false or
- 17 misleading statement as to the conditions of the livestock market, or has
- 18 authorized any false advertising reflecting the operation of his public
- 19 livestock auction;
- 20 (h) That the applicant or licensee has been previously convicted of a
- 21 felony; or
- 22 (i) That the applicant or licensee has within 3 years next preceding the
- 23 action of the ~~{division:}~~ **department:**
- 24 (1) Filed a voluntary petition in bankruptcy;
- 25 (2) Been adjudged an involuntary bankrupt;
- 26 (3) Received or been refused a discharge in bankruptcy; or
- 27 (4) Failed to make full settlement with all consignor creditors after a
- 28 claim against his surety or deposit in lieu of bond has been collected by
- 29 court order.
- 30 2. ~~{Subparagraphs}~~ **The provisions of subparagraphs** (1), (2) and (3)
- 31 of paragraph (i) of subsection 1 do not apply to any person who has made
- 32 full settlement with his creditors. A natural person shall be deemed to have
- 33 committed one of the acts ~~{listed}~~ **set forth** in those subparagraphs if such
- 34 an act has been committed by any corporation of which he was at the time
- 35 of the act an officer or director or the beneficial owner of 20 percent or
- 36 more of the capital stock. A corporation shall be deemed to have committed
- 37 one of the acts ~~{listed}~~ **set forth** in those subparagraphs if ~~{such-an}~~ **the** act
- 38 has been committed:
- 39 (a) By another corporation controlled by the applicant corporation.
- 40 (b) By a natural person who at the time of application is an officer or
- 41 director or the beneficial owner of 20 percent or more of the capital stock
- 42 of the applicant corporation.

1 (c) By another corporation of which a natural person as described in
2 paragraph (b) was at the time of the act an officer or director or the
3 beneficial owner of 20 percent or more of the capital stock.

4 3. In the case of any hearing held under the provisions of this section,
5 there must be filed in the office of the ~~{division}~~ **department** a
6 memorandum stating briefly the reasons of the ~~{division}~~ **department** for
7 the denial, suspension or revocation of the license, but formal findings of
8 fact are required to be made or filed.

9 **Sec. 235.** NRS 573.103 is hereby amended to read as follows:

10 573.103 1. Except as otherwise provided in subsection 2, every
11 operator of a public livestock auction shall cause his accounts to be audited
12 at least annually by a holder of a live permit under chapter 628 of NRS, and
13 shall file with the ~~{administrator}~~ **director** a copy of the audit, signed and
14 certified as correct by the auditor. The ~~{administrator}~~ **director** may
15 prescribe by regulation the content and times for filing of ~~{such}~~ **the** audits.

16 2. Every operator whose accounts are audited under the provisions of
17 the Packers and Stockyards Act, 7 U.S.C. § 204, as amended, shall file a
18 copy of each such audit with the ~~{administrator.}~~ **director.**

19 **Sec. 236.** NRS 573.104 is hereby amended to read as follows:

20 573.104 1. Each licensee shall deposit the gross proceeds received by
21 him from the sale of livestock handled on a commission or agency basis in
22 a separate bank account established and maintained by the licensee in the
23 bank at which his line of credit, as required by paragraph (g) of subsection
24 2 of NRS 573.020, is established. The separate bank account must be
25 designated a “custodial account for consignors’ proceeds.”

26 2. The custodial account for consignors’ proceeds may be drawn on
27 only:

28 (a) For the payment of net proceeds to the consignor, or any other
29 person or persons of whom the licensee has knowledge who is entitled to
30 those proceeds;

31 (b) To obtain the sums due the licensee as compensation for his
32 services; and

33 (c) For such sums as are necessary to pay all legal charges against the
34 consignment of livestock which the licensee in his capacity as agent is
35 required to pay for and on behalf of the consignor.

36 3. The licensee shall:

37 (a) In each case keep such accounts and records ~~{as}~~ **that** will at all
38 times disclose the names of the consignors and the amount due to each
39 from the money in the custodial account for consignors’ proceeds.

40 (b) Maintain the custodial account for consignors’ proceeds in a manner
41 that will expedite examination by the ~~{administrator and reflect}~~ **director**
42 **and indicate** compliance with the requirements of this section.

1 **Sec. 237.** NRS 573.105 is hereby amended to read as follows:

2 573.105 The ~~{administrator}~~ **director** shall ascertain, at least quarterly,
3 the continued existence and amount of the line of credit shown pursuant to
4 paragraph (g) of subsection 2 of NRS 573.020, or its replacement by a line
5 of credit at another bank in the State of Nevada and the amount of the
6 replacement. If the line of credit is ~~{se}~~ replaced, the custodial account
7 must be transferred to the bank issuing the new line of credit. If a line of
8 credit in the amount required is not maintained, the ~~{administrator}~~ **director**
9 shall suspend the operator's license.

10 **Sec. 238.** NRS 573.107 is hereby amended to read as follows:

11 573.107 1. A consignor creditor claiming to be injured by the fraud
12 of a licensee may bring an action upon the bond against ~~{both}~~ the principal
13 and the surety in any court of competent jurisdiction to recover the
14 damages caused by the fraud.

15 2. The ~~{administrator}~~ **director** or any consignor creditor may also
16 bring an action upon the bond against ~~{both}~~ the principal and the surety in
17 any court of competent jurisdiction to recover the damages caused by any
18 failure to comply with the provisions of this chapter and the rules and
19 regulations adopted by the ~~{division pursuant to law.}~~ **department.**

20 **Sec. 239.** NRS 573.108 is hereby amended to read as follows:

21 573.108 1. In case of failure by a licensee to pay ~~{amounts}~~ **the**
22 **amount** due a consignor creditor whose livestock was handled or sold
23 through or at the licensee's public livestock auction, as evidenced by a
24 verified complaint filed with the ~~{administrator, the administrator}~~ **director,**
25 **the director** shall proceed forthwith to ascertain the names and addresses of
26 all consignor creditors of the licensee, together with the amounts due to
27 them by the licensee, and shall request all the consignor creditors to file a
28 verified statement of their respective claims with the ~~{administrator.}~~
29 **director.** The request must be addressed to each known consignor creditor
30 at his last known address.

31 2. If a consignor creditor so addressed fails, refuses or neglects to file
32 in the office of the ~~{administrator}~~ **director** his verified claim as requested
33 by the ~~{administrator}~~ **director** within 60 days after the date of the request,
34 the ~~{administrator}~~ **director** is relieved of further duty or action under this
35 section on behalf of that consignor creditor.

36 3. ~~{Where by reason}~~ **If because** of the absence of records, or other
37 circumstances making it impossible or unreasonable for the ~~{administrator}~~
38 **director** to ascertain the names and addresses of all consignor creditors, the
39 ~~{administrator,}~~ **director,** after exerting due diligence and making
40 reasonable inquiry to secure the information from all reasonable and
41 available sources, may make demand on the bond on the basis of

1 information ~~{then}~~ in his possession, and thereafter is not liable or
2 responsible for claims or the handling of claims which may subsequently
3 appear or be discovered.

4 4. Upon ascertaining all claims and statements in the manner set forth
5 in this section, the ~~{administrator may then}~~ **director may** make **a** demand
6 upon the bond on behalf of those claimants whose statements have been
7 filed, and may settle or compromise the claims with the surety company on
8 the bond and execute and deliver a release and discharge of the bond
9 involved.

10 5. Upon the refusal of the surety company to pay the demand, the
11 ~~{administrator}~~ **director** may thereupon bring an action on the bond ~~{in}~~ **on**
12 behalf of the consignor creditors. Upon any action being commenced on the
13 bond, the ~~{administrator}~~ **director** may require the filing of a new bond.
14 Immediately upon the recovery in any action on the bond the licensee shall
15 file a new bond. Upon failure to file the bond within 10 days, in either case,
16 the failure constitutes grounds for the suspension or revocation of his
17 license.

18 6. In any settlement or compromise by the ~~{administrator}~~ **director** with
19 a surety company as provided in subsection 4, ~~{where}~~ **if** there are two or
20 more consignor creditors that have filed claims, ~~{either}~~ fixed or contingent,
21 against a licensee's bond, the creditors must share pro rata in the proceeds
22 of the bond to the extent of their actual damage.

23 7. ~~{For the purpose of enforcing}~~ **To enforce** the provisions of this
24 section, the ~~{administrator}~~ **director** may receive verified complaints from
25 any consignor against any licensee, or agent, or any person assuming or
26 attempting to act as such, and upon receipt of a verified complaint may
27 ~~{make}~~ **conduct** any necessary investigations ~~{relative}~~ **relating** to the
28 complaint. The ~~{administrator}~~ **director** may administer oaths of
29 verification of the complaints.

30 8. ~~{For the purpose of making}~~ **To conduct** investigations as provided
31 for in subsection 7, the ~~{administrator}~~ **director** may enter a public livestock
32 auction and examine any records required under the provisions of this
33 chapter. The ~~{administrator}~~ **director** may issue subpoenas requiring the
34 attendance of witnesses before him, together with all books, memoranda,
35 papers and other documents ~~{relative}~~ **relating** to the matters under
36 investigation.

37 **Sec. 240.** NRS 573.109 is hereby amended to read as follows:

38 573.109 1. The district court in and for the county in which any
39 investigation is ~~{being}~~ conducted by the ~~{administrator}~~ **director** pursuant
40 to the provisions of subsections 7 and 8 of NRS 573.108 ~~{has the power to}~~
41 **may** compel the attendance of witnesses, the giving of testimony and the
42 production of books and papers as required by any subpoena issued by the
43 ~~{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.

1 **Sec. 242.** NRS 573.120 is hereby amended to read as follows:

2 573.120 1. Any person buying, or receiving on a consignment,
3 commission or fee basis, any livestock for slaughter at a slaughtering
4 establishment or plant, shall keep the following records for each lot of
5 livestock so received:

6 (a) The name and address of the person from whom *the livestock was*
7 received.

8 (b) A description of the livestock, which ~~{description}~~ must include the
9 number and kind, approximate age, the sex, and any visible brands or other
10 distinguishing or identifying marks.

11 2. If any livestock bought or received as provided in subsection 1 is
12 disposed of other than by slaughter, a record must be kept of ~~{such}~~ *the*
13 disposal, including the description as provided in subsection 1 and the
14 name and address of the person receiving the ~~{same.}~~ *livestock.*

15 3. The records provided for in this section must be retained ~~{and~~
16 ~~preserved}~~ for at least 2 years and must be open for inspection by any peace
17 officer or representative of the ~~{division}~~ *department* at all reasonable
18 times.

19 **Sec. 243.** NRS 573.125 is hereby amended to read as follows:

20 573.125 Each operator of a livestock auction shall issue to each
21 purchaser of livestock a receipt on a form approved by the ~~{division,}~~
22 *department*, and the receipt must contain:

23 1. The name and address of the purchaser of the livestock.

24 2. A description of the livestock, which must include the number and
25 kind, approximate age, the sex, and any visible brands or other
26 distinguishing or identifying marks.

27 **Sec. 244.** NRS 573.130 is hereby amended to read as follows:

28 573.130 1. ~~{No-livestock}~~ *Livestock that is* under quarantine ~~{on~~
29 ~~account}~~ *because* of any contagious, infectious or communicable disease
30 ~~{may}~~ *must not* be consigned to or sold through any public livestock
31 auction.

32 2. ~~{No-livestock}~~ *Livestock that is* known to be infected with, or
33 known to have been exposed to, any contagious, infectious or parasitic
34 livestock disease ~~{may}~~ *must not* be consigned to or sold through any
35 public livestock auction except under rules and regulations governing
36 ~~{such}~~ *the* consignments and sales ~~{made}~~ *adopted* by the ~~{division.}~~
37 *department.*

38 3. The ~~{division}~~ *department* may require such testing, treating and
39 examining of livestock sold, traded, exchanged or handled at or through
40 public livestock auctions as in its judgment may be necessary to prevent the
41 spread of infectious, contagious or parasitic diseases among the livestock of
42 this state.

1 4. The ~~{division}~~ **department** may require operators of public livestock
2 auctions to reimburse the ~~{division}~~ **department** for actual expenses or any
3 part thereof incurred in testing, treating and examining livestock sold,
4 traded, exchanged or handled at or through ~~{such}~~ **those** auctions.

5 **Sec. 245.** NRS 573.160 is hereby amended to read as follows:

6 573.160 ~~{For the purpose of carrying}~~ **To carry** out the provisions of
7 this chapter and ~~{making inspections thereunder, the division}~~ **to conduct**
8 **inspections pursuant thereto, the department** or any ~~{duly}~~ authorized
9 representative thereof may enter the establishment or premises where any
10 public livestock auction is held and inspect the records thereof at all
11 reasonable times.

12 **Sec. 246.** NRS 573.165 is hereby amended to read as follows:

13 573.165 Public livestock auction facilities must include space and
14 facilities approved by the ~~{administrator}~~ **director** for brand inspectors to
15 carry out their duties in a safe and expeditious manner.

16 **Sec. 247.** NRS 573.170 is hereby amended to read as follows:

17 573.170 1. The operator of a public livestock auction may apply to
18 the ~~{division}~~ **department** for a change of the weekly or monthly sales day
19 or days specified in his license. The application is subject to a hearing and
20 approval by the ~~{administrator}~~.

21 ~~—2.—No}~~ **director.**

22 **2. A** special sale ~~{may}~~ **must not** be conducted by the operator of a
23 public livestock auction unless he has applied to the ~~{division}~~ **department**
24 in writing 15 days before the proposed sale ~~{,}~~ and the date of the sale is
25 approved by the ~~{administrator}~~ **director.**

26 **Sec. 248.** NRS 573.183 is hereby amended to read as follows:

27 573.183 ~~{When the administrator}~~ **If the director** determines, on the
28 basis of any verified complaint or of any inspection or investigation made
29 by him pursuant to this chapter, that any operator of a public livestock
30 auction is violating or is about to violate any provision of this chapter for
31 the protection of consignor creditors, he may order:

32 1. The operator to cease and desist from:

33 (a) Receiving or selling any livestock;

34 (b) Receiving or disbursing any money; or

35 (c) Any practice which violates any provision of this chapter or any
36 other law or any rule, order or regulation issued pursuant to law.

37 2. Any bank which holds the custodial account of the operator, as
38 required by NRS 573.104, to refrain from paying out any money from the
39 account.

40 The order ceases to be effective upon the expiration of 3 days, ~~{exclusive~~
41 ~~of}~~ **excluding** Saturdays, Sundays and other nonjudicial days, ~~{from}~~ **after**
42 its date of issuance unless a court has, pursuant to NRS 573.185, issued an
43 order which continues the restraint.

1 **Sec. 249.** NRS 573.185 is hereby amended to read as follows:
2 573.185 ~~{Whenever}~~ **If** any licensee has engaged or is about to engage
3 in any acts or practices which ~~{constitute or will constitute an offense~~
4 ~~against}~~ **violate or will violate any of the provisions of** this chapter or the
5 rules and regulations adopted by the ~~{division pursuant to law,}~~
6 **department,** the district court of any county, on application of the
7 ~~{administrator,}~~ **director,** may issue an injunction or other appropriate order
8 restraining ~~{such}~~ **that** conduct. Proceedings under this section are
9 governed by Rule 65 of the Nevada Rules of Civil Procedure, except that
10 no bond or undertaking is required in any action commenced by the
11 ~~{administrator,}~~ **director.**

12 **Sec. 250.** NRS 573.190 is hereby amended to read as follows:
13 573.190 1. Any person who operates a public livestock auction
14 without a license required by this chapter, or who violates any of the
15 provisions of this chapter or of any rules or regulations ~~{lawfully issued~~
16 ~~pursuant to law,}~~ **adopted pursuant thereto,** is guilty of a misdemeanor
17 and, in addition to any criminal penalty, shall pay to the ~~{division}~~
18 **department** an administrative fine of not more than \$1,000 per violation. If
19 an administrative fine is imposed pursuant to this section, the costs of the
20 proceeding, including investigative costs and attorney's fees, may be
21 recovered by the ~~{division,}~~ **department.**

22 2. Each day's operation in which livestock is sold or exchanged at any
23 unlicensed public livestock auction constitutes a separate offense.

24 **Sec. 251.** NRS 574.055 is hereby amended to read as follows:

25 574.055 1. Any peace officer or officer of a society for the
26 prevention of cruelty to animals who is authorized to make arrests pursuant
27 to NRS 574.040 shall, upon discovering any animal which is being treated
28 cruelly, take possession of it and provide it with shelter and care or, upon
29 obtaining written permission from the owner of the animal, may destroy it
30 in a humane manner.

31 2. ~~{When}~~ **If** an officer takes possession of an animal, he shall give to
32 the owner, if the owner can be found, a notice containing a written
33 statement of the reasons for the taking, the location where the animal will
34 be cared for and sheltered, and the fact that there is a limited lien on the
35 animal for the cost of shelter and care. If the owner is not present at the
36 taking and the officer cannot find the owner after a reasonable search, he
37 shall post the notice on the property from which he takes the animal. If the
38 identity and address of the owner are later determined, the notice must be
39 mailed to the owner immediately after the determination is made.

40 3. An officer who takes possession of an animal pursuant to this
41 section has a lien on the animal for the reasonable cost of care and shelter
42 furnished to the animal and, if applicable, for its humane destruction. The
43 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.]~~

1 **Sec. 253.** NRS 575.050 is hereby amended to read as follows:

2 575.050 1. The governor may enter into agreements with the United
3 States, its departments or agencies, respecting the granting and extending of
4 financial aid, or any other form of benefits, to the state for the benefit of
5 persons, firms or corporations engaged in the livestock or agriculture
6 industry.

7 2. Before any such agreement is entered into, the governor, after
8 diligent inquiry, shall determine by proclamation that such an emergency
9 exists as in the interests of the livestock or agriculture industry of the state
10 warrants a request for federal aid, money or such other type of benefit as
11 may be available. ~~{From and after the issuing of such}~~ **After issuing the**
12 proclamation, the governor may match ~~{such}~~ available federal money, or
13 benefits, from the livestock aid fund, not to exceed the total sum of
14 \$30,000. ~~{Where}~~ **If** an emergency has been proclaimed by the governor,
15 the ~~{administrator}~~ **director** of the ~~{division}~~ **state department** of
16 agriculture ~~{of the department of business and industry}~~ may expend money
17 in the livestock aid fund, as the interests of the livestock or agriculture
18 industry of the state may require, without federal participation in the form
19 of aid, money or other benefits.

20 3. There is hereby created in the state treasury the livestock aid fund.
21 Money for the livestock aid fund must be provided as needed by the state
22 board of examiners from ~~{their}~~ **its** emergency fund, and may be used only
23 to carry out the provisions of this section.

24 4. The governor, or such commission, department or agency of the
25 State of Nevada as he may designate and entrust with the disbursement of
26 the ~~{moneys}~~ **money** or benefits made available, may adopt such
27 regulations as may be necessary for the proper administration thereof, and
28 if the benefits are in the form of money, each expenditure from the fund
29 must be approved by the state board of examiners in the manner provided
30 generally for the payment of claims against the state.

31 5. The State of Nevada, through the acts of its governor, in accepting
32 the agreements entered into, is obligated to perform the agreements fully as
33 to all the terms thereof for the duration of the agreements.

34 **Sec. 254.** NRS 575.060 is hereby amended to read as follows:

35 575.060 1. As used in this section, unless the context **otherwise**
36 requires ~~{otherwise, “division”}~~, **“department”** means the ~~{division}~~ **state**
37 **department** of agriculture. ~~{of the department of business and industry.}~~

38 2. Any cattle, horses or mules found by the ~~{division}~~ **department** or an
39 authorized representative of the ~~{division}~~ **department** to be in the
40 possession of any person who does not have satisfactory evidence of the
41 ownership or right to possession thereof may be impounded by the
42 ~~{division}~~ **department** or its representative without liability at the expense
43 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.

1 4. “Sheep” means the animals subject to the taxes levied pursuant to
2 NRS 562.170 and 567.110.

3 5. “Tax” means any of the taxes levied pursuant to NRS 562.170,
4 567.110, 571.035 and 575.070.

5 **Sec. 257.** NRS 575.090 is hereby amended to read as follows:

6 575.090 1. There is hereby created in each county a committee for
7 assessing livestock composed of:

8 (a) Two persons who own livestock in the county and who are appointed
9 by the state board of agriculture;

10 (b) One person who owns sheep in the county and who is appointed by
11 the board or, if there is no owner of sheep in the county, another person
12 who owns livestock in the county who is appointed by the state board of
13 agriculture;

14 (c) A brand inspector who is designated by the ~~{administrator}~~ **director**
15 of the ~~{division;}~~ **department;** and

16 (d) The county assessor or a person designated by him.

17 2. Except as otherwise provided in this subsection, the term of each
18 member is 2 years, and any vacancy must be filled by appointment for the
19 unexpired term. The term of the county assessor expires upon the
20 expiration of the term of his office. A person designated by the county
21 assessor serves at the pleasure of the county assessor. The brand inspector
22 serves at the pleasure of the ~~{administrator}~~ **director** of the ~~{division.}~~
23 **department.**

24 3. While engaged in official business of the committee for assessing
25 livestock, each member of the committee is entitled to:

26 (a) A salary not exceeding \$60 per day for attending meetings or
27 performing other official business, to be paid from any money available to
28 the ~~{division.}~~ **department.**

29 (b) The per diem allowance and travel expenses fixed for state officers
30 and employees.

31 **Sec. 258.** NRS 575.120 is hereby amended to read as follows:

32 575.120 1. The ~~{division}~~ **department** shall prepare a form for
33 declaration of livestock and sheep on which an owner of livestock or sheep
34 shall declare the average number, kind and classification of all livestock
35 and sheep in the state owned by him during the year immediately preceding
36 the date the declaration is made.

37 2. Before May 6 of each year, the ~~{division}~~ **department** shall
38 distribute the form for declaration to all the county assessors.

39 **Sec. 259.** NRS 575.170 is hereby amended to read as follows:

40 575.170 1. An owner of sheep or livestock who wishes to challenge
41 the accuracy of the report as changed by the committee for assessing
42 livestock may, within 15 days after receiving notice of the change, file a

1 statement with the committee for assessing livestock for his county
2 specifying the alleged inaccuracy.

3 2. Upon receipt of the statement under subsection 1, the committee for
4 assessing livestock shall review the allegations and may ~~{change what}~~
5 **make any changes** it considers necessary to make the report accurate and
6 complete. An owner of sheep or livestock, the board, or the ~~{administrator}~~
7 **director** of the ~~{division}~~ **department** may appeal from any decision of the
8 committee for assessing livestock to and in the manner prescribed by the
9 state board of agriculture.

10 **Sec. 260.** NRS 575.180 is hereby amended to read as follows:

11 575.180 1. When the report of owners of livestock and sheep is
12 approved by the committee for assessing livestock as complete and
13 accurate, the approval must be noted on the report. The report must ~~{then}~~
14 be returned to the county assessor and a copy sent to the board, the
15 ~~{division}~~ **department** and the Nevada beef council.

16 2. If, as the result of a challenge of the accuracy of the report, any
17 change is ordered in the report of owners of livestock and sheep after it has
18 been approved by the committee for assessing livestock, the county
19 assessor, the board, the ~~{division}~~ **department** and the Nevada beef council
20 must be notified of the change.

21 **Sec. 261.** NRS 575.190 is hereby amended to read as follows:

22 575.190 Using the tax levies from the board, the ~~{division}~~ **department**
23 and the Nevada beef council, the county assessor, auditor or treasurer shall
24 calculate the total taxes due from each owner of livestock or sheep based
25 on the report of owners of livestock or sheep approved by the committee
26 for assessing livestock.

27 **Sec. 262.** NRS 575.220 is hereby amended to read as follows:

28 575.220 Any taxes delinquent must be reported by the county assessor
29 or county treasurer to the:

30 1. ~~{Division}~~ **Department**, if the taxes were levied pursuant to NRS
31 571.035 and 575.070; or

32 2. Board, if the taxes were levied pursuant to NRS 562.170 and
33 567.110.

34 **Sec. 263.** NRS 575.230 is hereby amended to read as follows:

35 575.230 A brand inspection clearance certificate described in NRS
36 565.120 or a certificate or bill of health described in NRS 562.460 may not
37 be issued for the movement of any sheep or livestock owned by a person
38 delinquent in the payment of a tax. The ~~{division}~~ **department** may collect
39 any delinquent tax and the penalty and interest thereon at the time of a
40 brand or health inspection. The appropriate county authority must be
41 notified if the tax is so collected.

1 **Sec. 264.** Chapter 576 of NRS is hereby amended by adding thereto a
2 new section to read as follows:

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

4 **Sec. 265.** NRS 576.010 is hereby amended to read as follows:

5 576.010 As used in this chapter, unless the context otherwise requires,
6 the words and terms defined in NRS ~~576.011~~ **576.0115** to 576.018,
7 inclusive, **and section 264 of this act** have the meanings ascribed to them
8 in those sections.

9 **Sec. 266.** NRS 576.015 is hereby amended to read as follows:

10 576.015 ~~“Division”~~ **“Department”** means the ~~division~~ **state**
11 **department** of agriculture . ~~[of the department of business and industry.]~~

12 **Sec. 267.** NRS 576.020 is hereby amended to read as follows:

13 576.020 A person shall not act as a broker, dealer, commission
14 merchant, cash buyer or agent without having obtained a license from the
15 ~~division~~ **department** as provided in this chapter.

16 **Sec. 268.** NRS 576.030 is hereby amended to read as follows:

17 576.030 1. Every person, before acting as a broker, dealer,
18 commission merchant, cash buyer or agent, shall file an application with the
19 ~~division~~ **department** for a license to transact such business. Separate
20 applications must be filed for each class of business.

21 2. The application must be on a form prescribed and furnished by the
22 ~~division~~ **department** and must set forth:

23 (a) The full name of the person applying for the license. If the applicant
24 is a firm, exchange, association or corporation, the full name of each
25 member of the firm, or the names of the officers of the exchange,
26 association or corporation must be given in the application.

27 (b) If the applicant is a natural person, the social security number of the
28 applicant.

29 (c) The principal business address of the applicant in this state and
30 elsewhere.

31 (d) The name ~~or names~~ of the person ~~or persons~~ authorized to accept
32 service of summons and legal notice of all kinds for the applicant.

33 (e) The names and addresses of all persons by whom the applicant has
34 been employed for a period of 3 years immediately preceding the making of
35 the application.

36 (f) A complete statement of the applicant’s business activity for the 3
37 years immediately preceding the making of the application which is not
38 covered by paragraph (e).

39 (g) A statement of whether the applicant has ever been arrested for
40 ~~anything~~ **any crime** other than a traffic violation punishable by a fine of
41 \$25 or less and, if so, when and where, the nature of the crime charged, the
42 disposition of the charge, the title and address of the police ~~officials~~

1 **officers** having custody of the record of arrest, and the names and locations
2 of all the courts before which any proceedings in connection with the arrest
3 took place.

4 (h) A statement of whether the applicant has ever been a party in a civil
5 suit and, if so, the nature of the suit, whether the applicant was the plaintiff
6 or the defendant, the disposition of the suit, and, if the applicant was the
7 defendant and lost, whether there is a judgment or any portion thereof
8 which remains unpaid.

9 (i) The county or counties in which the applicant proposes to engage in
10 business.

11 (j) The class or classes of farm products the applicant proposes to
12 handle.

13 (k) Such other information as the ~~{division}~~ **department** may reasonably
14 require.

15 3. In addition to the general requirements applicable to all classes of
16 applications as set forth in subsection 2, the following requirements apply
17 to the class of applications specified in ~~{paragraphs (a) and (b) of}~~ this
18 subsection:

19 (a) Commission merchants. Each application must include a complete
20 schedule of commissions and an itemized listing of all charges for all
21 services. Any services rendered for which charges are made, if not listed in
22 the schedule on the application, must be rendered on a strictly cost basis.

23 (b) Agents. Each application must be in the same form as an application
24 for a license as a broker, dealer or commission merchant, and must include
25 the name and address of the broker, dealer, commission merchant or cash
26 buyer represented or sought to be represented by the agent, and the written
27 endorsement or nomination of ~~{such}~~ **the** broker, dealer, commission
28 merchant or cash buyer.

29 4. The application must be accompanied by an executed instrument
30 whereby the applicant:

31 (a) Appoints and constitutes the ~~{administrator}~~ **director** and his
32 successor or successors in office the true and lawful attorney of the
33 applicant upon whom all lawful process in any action or legal proceeding
34 against the applicant arising in this state from a transaction under the
35 provisions of this chapter may be served; and

36 (b) Agrees that any ~~{such}~~ lawful process against him which may be
37 served upon his attorney as provided in this subsection is of the same force
38 and validity as if served upon him and that the authority thereof continues
39 in force irrevocably as long as any liability of the applicant in the state
40 remains outstanding.

41 **Sec. 269.** NRS 576.032 is hereby amended to read as follows:

42 576.032 1. A natural person who applies for the issuance or renewal
43 of a license as a broker, dealer, commission merchant, cash buyer or agent

1 shall submit to the ~~{division}~~ **department** the statement prescribed by the
2 welfare division of the department of human resources pursuant to NRS
3 425.520. The statement must be completed and signed by the applicant.

4 2. The ~~{division}~~ **department** shall include the statement required
5 pursuant to subsection 1 in:

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

8 (b) A separate form prescribed by the ~~{division}~~ **department**.

9 3. A license as a broker, dealer, commission merchant, cash buyer or
10 agent may not be issued or renewed by the ~~{division}~~ **department** if the
11 applicant is a natural person who:

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

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

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

26 **Sec. 270.** NRS 576.035 is hereby amended to read as follows:

27 576.035 1. The ~~{division}~~ **department** shall require the applicant for
28 a license as a broker, dealer, commission merchant, cash buyer or agent to
29 make a showing of character, responsibility and good faith in seeking to
30 carry on the business stated in the application, and may make
31 investigations, hold hearings and make determinations regarding ~~{such}~~
32 **those** matters.

33 2. ~~{Should}~~ **If** the applicant ~~{be}~~ **is** a corporation or partnership, it shall
34 ~~{likewise}~~ satisfy the ~~{division}~~ **department** of the character, responsibility
35 and good faith of all persons connected with it in a responsible or managing
36 position, ~~{such-as}~~ **including the** manager, superintendent, officer ~~{or}~~ **and**
37 director.

38 3. Failure of any person to satisfy the ~~{division}~~ **department** of his
39 character, responsibility or good faith may be considered by the ~~{division}~~
40 **department** as adverse to a showing of such qualifications and is ~~{good}~~
41 ~~and}~~ sufficient grounds for the denial of an application for a license or of
42 the renewal thereof. ~~{Previous}~~ **A previous** conviction of a felony, previous

1 bankruptcy, voluntary or involuntary, or previous violation of this chapter
2 may be considered by the ~~{division}~~ **department** as adverse to a showing of
3 such character, responsibility or good faith on the part of the applicant.

4 4. Any person adjudged a bankrupt, or any person against whose
5 bondsman or bondsmen or deposit in lieu of bond a claim ~~{or claims have}~~
6 **has** been collected by **a** court order, who has not made full settlement with
7 all producer-creditors, may not be licensed by the ~~{division during the}~~
8 ~~period of}~~ **department for** 3 years ~~{from}~~ **after** the date of ~~{such}~~ **the**
9 adjudication or collection.

10 5. The ~~{division}~~ **department** may refuse to accept a new application
11 for a license by an applicant rejected pursuant to this section for a period
12 not exceeding 3 years ~~{from}~~ **after** the date of rejection of the first
13 application.

14 **Sec. 271.** NRS 576.040 is hereby amended to read as follows:

15 576.040 1. Each applicant to whom a license to act as a dealer,
16 broker or commission merchant is issued shall:

17 (a) File one of the following:

18 (1) A bond of a surety company authorized to do business in this
19 state.

20 (2) A bond with individual sureties owning unencumbered real
21 property within this state subject to execution and worth, above all
22 exemptions, double the amount of the bond.

23 (3) A personal bond secured by a first deed of trust on real property
24 within this state which is subject to execution and worth, above all
25 exemptions, double the amount of the bond. ~~{When}~~ **If** the applicant files
26 the bond with the ~~{division}~~ **department**, he shall also file a policy of title
27 insurance on the real property from a title insurance company licensed in
28 this state which states that the property is free and clear of all
29 encumbrances and liens other than the first deed of trust. The applicant
30 shall certify under oath that the property is worth at least twice the amount
31 of the bond and that it is unencumbered. The certificate must be approved
32 by the ~~{division.}~~ **department.**

33 The bond must be in the form prescribed by, and to the satisfaction of, the
34 ~~{division,}~~ **department**, conditioned for the payment of a judgment against
35 the applicant and arising out of the failure of the applicant or his agent to
36 conduct his business in accordance with the provisions of this chapter, or
37 for nonpayment of obligations in connection with the purchase and sale of
38 livestock or farm products. The bond must provide that the surety company,
39 if any, will notify the ~~{division}~~ **department** before the end of the second
40 business day after any claim or judgment has been made against the bond.
41 The aggregate liability of any surety to all claimants is limited to the
42 amount of the bond for each licensing period.

1 (b) File a copy of the bond required by the United States pursuant to the
2 provisions of the Packers and Stockyards Act , ~~14~~ 7 U.S.C. § 204 . ~~D-I~~

3 (c) Furnish other security in the amount required by this section which is
4 acceptable to the ~~{division;}~~ department.

5 2. In lieu of complying with one of the alternatives provided in
6 subsection 1, the dealer, broker or commission merchant may deliver to the
7 ~~{division;}~~ department the receipt of a bank or trust company in this state
8 showing the deposit with that bank or trust company of cash or of securities
9 endorsed in blank by the owner thereof and of a market value equal at least
10 to the required principal amount of the bond. The cash or securities must be
11 deposited in escrow under an agreement conditioned as in the case of a
12 bond. Any receipt must be accompanied by evidence that there are no
13 unsatisfied judgments against the dealer, broker or commission merchant of
14 record in the county ~~{or counties}~~ in which he is doing business or resides.
15 An action for recovery against any such deposit may be brought in the same
16 manner as in the case of an action for recovery on a bond filed under the
17 provisions of NRS 576.042.

18 3. The amount of the bond, other security or deposit must be:

19 (a) Based on the applicant's annual volume of purchases, according to a
20 schedule adopted by the ~~{division;}~~ department; and

21 (b) Not less than \$5,000 ~~{nor}~~ or more than \$100,000.

22 4. All bonds must be renewed or continued in accordance with
23 regulations adopted by the ~~{division;}~~ department.

24 5. Any licensed dealer, broker or commission merchant who knowingly
25 sells or otherwise encumbers real property which is the security for a bond
26 under subsection 1, after a policy of title insurance on that property has
27 been issued and while the bond is in force, is guilty of a gross
28 misdemeanor.

29 **Sec. 272.** NRS 576.042 is hereby amended to read as follows:

30 576.042 1. Any:

31 (a) Producer of livestock or farm products or his agent or consignee;

32 (b) Licensed broker, dealer or commission merchant; or

33 (c) ~~{Organization}~~ Nonprofit organization or association ~~{which is~~
34 ~~entirely nonprofit in character, such as}~~ , including the Nevada Fair
35 of Mineral Industries, 4-H clubs, the Nevada junior livestock show,
36 the Nevada state livestock show ~~{or}~~ and the Nevada Hereford
37 Association,

38 who is injured by any violation of the provisions of this chapter, or by any
39 misrepresentations or fraud on the part of any licensed dealer, broker or
40 commission merchant, may maintain a civil action against the dealer,
41 broker or commission merchant. If the dealer, broker or commission
42 merchant is licensed, he may also maintain an action against the surety on

1 any bonds, or the money or securities deposited in lieu of a bond. In such
2 an action against an unlicensed dealer, broker or commission merchant, the
3 injured person is entitled to treble damages.

4 2. Any person having a claim pursuant to subsection 1 against any
5 licensed dealer, broker or commission merchant must begin legal action on
6 any bond, or money or securities deposited in lieu of a bond, for recovery
7 of the amount claimed to be due within 1 year after the claim has accrued.

8 3. Pursuant to subsection 4 of NRS 576.030, process may be served by
9 delivering to the ~~{administrator}~~ **director** duplicate copies of the process
10 and paying a fee of \$2. The service upon the ~~{administrator}~~ **director** shall
11 be deemed service upon the dealer, broker or commission merchant. The
12 ~~{administrator}~~ **director** shall forward one copy of the process by registered
13 mail prepaid to the defendant dealer, broker or commission merchant,
14 giving the day and hour of service. The defendant's return receipt is prima
15 facie evidence of the completion of service. If service of summons is made
16 upon the ~~{administrator}~~ **director** in accordance with the provisions of this
17 subsection, the time within which the defendant is required to appear is
18 extended 10 days. The provisions of this subsection are not exclusive, but if
19 a defendant dealer, broker or commission merchant is found within the
20 State of Nevada, he must be served with process in the State of Nevada.

21 **Sec. 273.** NRS 576.045 is hereby amended to read as follows:

22 576.045 If any licensed dealer, broker or commission merchant for any
23 reason ceases to operate as such, the amount of money or securities
24 deposited in lieu of a bond must be retained by the ~~{division}~~ **department**
25 for 1 year. If after the expiration of 1 year after the cessation of such
26 operation, no legal action has been commenced to recover against the
27 money or securities, they must be delivered to the owner. If a legal action
28 has been commenced within that time, all the money and securities must be
29 held by the ~~{division}~~ **department** subject to the order of the district court.

30 **Sec. 274.** NRS 576.048 is hereby amended to read as follows:

31 576.048 1. If the ~~{division}~~ **department** receives notice from a
32 producer of livestock or farm products or his agent or consignee of the
33 default of a licensed dealer, broker or commission merchant, the ~~{division}~~
34 **department** shall issue an order to the licensee to show cause why his
35 license should not be revoked. The notice must be in writing and set forth a
36 time and place for a hearing to be held before the ~~{administrator of the~~
37 ~~division.}~~ **director**.

38 2. If a license is revoked pursuant to subsection 1, the ~~{division}~~
39 **director** shall, by publication in a newspaper of general circulation in the
40 area, notify all known producers of livestock or farm products in the area in
41 which the licensee operated that the license has been revoked.

1 **Sec. 275.** NRS 576.050 is hereby amended to read as follows:

2 576.050 1. Each applicant for a license as a broker, dealer,
3 commission merchant or cash buyer shall pay to the ~~{division}~~ **department**
4 an annual license fee of \$40.

5 2. Each applicant for a license as an agent shall pay to the ~~{division}~~
6 **department** an annual license fee of \$10.

7 **Sec. 276.** NRS 576.060 is hereby amended to read as follows:

8 576.060 1. Upon receipt of an application for a license, accompanied
9 by the license fee and a surety bond, other acceptable security, a copy of
10 the bond required by the United States, or a deposit receipt, as provided in
11 NRS 576.040, and the statement required pursuant to NRS 576.032, the
12 ~~{division}~~ **department** shall examine the application, bond and other papers
13 and, subject to the provisions of NRS 576.032 and 576.120, upon the
14 completion of its investigation, the ~~{division}~~ **department** shall grant the
15 license as applied for.

16 2. The ~~{division}~~ **department** shall complete its investigation and issue
17 or deny the license within 30 days after receipt of the application, bond and
18 other papers.

19 **Sec. 277.** NRS 576.080 is hereby amended to read as follows:

20 576.080 Licenses must be in such form as the ~~{division}~~ **department**
21 may prescribe, must be under the seal of the ~~{division}~~ **department** and
22 must set forth:

23 1. The name and address of the dealer, broker, commission merchant,
24 cash buyer or agent.

25 2. The period of the license.

26 3. Such other information as the ~~{division}~~ **department** reasonably may
27 require.

28 4. The amount of the bond, deposit or other security required by NRS
29 576.040.

30 **Sec. 278.** NRS 576.100 is hereby amended to read as follows:

31 576.100 1. ~~{No agent may}~~ **An agent shall not** act for any dealer,
32 broker, cash buyer or commission merchant unless:

33 (a) The dealer, broker, cash buyer or commission merchant is licensed
34 and has designated the agent to act in his behalf; and

35 (b) The ~~{division}~~ **department** has been notified in writing and has
36 approved the appointment of the agent.

37 2. The dealer, broker, cash buyer or commission merchant is
38 accountable and responsible for contracts made by his agents.

39 3. An agent must, ~~{prior to}~~ **before** approval by the ~~{division,}~~
40 **department**, file an application with the ~~{division}~~ **department** pursuant to
41 paragraph (b) of subsection 3 of NRS 576.030.

1 **Sec. 279.** NRS 576.110 is hereby amended to read as follows:

2 576.110 1. The ~~{division}~~ **department** on its own motion may, or
3 upon the verified complaint of any interested party shall, investigate,
4 examine or inspect any transaction involving solicitation, receipt, sale or
5 attempted sale of farm products by any person or persons acting or
6 assuming to act as a dealer, agent, commission merchant or broker, the
7 intentional making of false statements as to condition and quantity of any
8 farm products received or in storage, the intentional making of false
9 statements as to market conditions, the failure to make payment for farm
10 products within the time required by this chapter, and all other injurious
11 transactions.

12 2. In furtherance of any such investigation, examination or inspection,
13 the ~~{division}~~ **department** or any authorized representative may examine
14 that portion of the ledgers, books, accounts, memoranda and other
15 documents, farm products, scales, measures and other articles and things
16 used in connection with the business of ~~{such}~~ **the** person relating to the
17 transaction involved.

18 **Sec. 280.** NRS 576.120 is hereby amended to read as follows:

19 576.120 1. The ~~{division}~~ **department** may refuse to grant or renew a
20 license or registration as provided in subsection 4 of NRS 576.140 or may
21 suspend or revoke a license or registration as provided in subsection 4 of
22 NRS 576.140 ~~{already-granted}~~ if, after ~~{due}~~ notice and **a** hearing, the
23 ~~{division}~~ **department** is satisfied of the existence of any of the following
24 facts, the existence of which is hereby declared to be a violation of this
25 chapter:

26 (a) That the applicant or licensee has intentionally made any false or
27 misleading statement ~~{as-to}~~ **concerning** the conditions of the market for
28 any farm products.

29 (b) That the applicant or licensee has made fictitious sales or has been
30 guilty of collusion to defraud the producer.

31 (c) That the licensee was intentionally guilty of fraud or deception in the
32 procurement of the license.

33 (d) That the applicant or licensee has in the handling of any farm
34 products been guilty of fraud, deceit or willful negligence.

35 (e) That the licensee, without reasonable cause, has failed or refused to
36 execute or carry out a lawful contract with a producer.

37 (f) That the licensee, without reasonable cause, has issued checks for the
38 payment of farm products received without sufficient ~~{funds}~~ **money** to
39 cover them or has stopped payment on a check given in payment for farm
40 products received.

41 (g) That the licensee, without reasonable cause, has failed to account or
42 make payment for farm products as required by this chapter.

1 (h) That the licensee has knowingly employed an agent without causing
2 the agent to comply with the licensing requirements of this chapter
3 applicable to agents.

4 (i) That the licensee has failed or refused to ~~{keep,}~~ maintain and file
5 records as required by this chapter.

6 (j) That the licensee has failed or refused to ~~{keep and}~~ maintain a bond
7 or other security as required by the provisions of NRS 576.040.

8 2. The ~~{division}~~ department may suspend, pending inquiry, for not
9 longer than 30 days, and after hearing or investigation may refuse to grant,
10 renew or revoke any license as the case may require, ~~{when}~~ if it is satisfied
11 that the licensee has become bankrupt or insolvent, and is thereby unable to
12 pay producer-creditors of the licensee, or producers with whom the licensee
13 has executory or executed contracts for the purchase of farm products, or
14 for the handling of farm products on consignment.

15 3. A license is suspended automatically, without action of the
16 ~~{division,}~~ department, if the bond filed pursuant to subsection 1 of NRS
17 576.040 is canceled, and remains suspended until ~~{such}~~ the bond is
18 renewed.

19 4. In the case of any hearing held under the provisions of this section,
20 there must be filed in the office of the ~~{division}~~ department a
21 memorandum stating briefly the reasons of the ~~{division}~~ department for
22 the denial, suspension or revocation of the license, but formal findings of
23 fact need not be made or filed.

24 **Sec. 281.** NRS 576.121 is hereby amended to read as follows:

25 576.121 1. If the ~~{division}~~ department receives a copy of a court
26 order issued pursuant to NRS 425.540 that provides for the suspension of
27 all professional, occupational and recreational licenses, certificates and
28 permits issued to a person who is the holder of a license as a broker, dealer,
29 commission merchant, cash buyer or agent, the ~~{division}~~ department shall
30 deem the license issued to that person to be suspended at the end of the
31 30th day after the date on which the court order was issued unless the
32 ~~{division}~~ department receives a letter issued to the holder of the license by
33 the district attorney or other public agency pursuant to NRS 425.550 stating
34 that the holder of the license has complied with the subpoena or warrant or
35 has satisfied the arrearage pursuant to NRS 425.560.

36 2. The ~~{division}~~ department shall reinstate a license as a broker,
37 dealer, commission merchant, cash buyer or agent that has been suspended
38 by a district court pursuant to NRS 425.540 if the ~~{division}~~ department
39 receives a letter issued by the district attorney or other public agency
40 pursuant to NRS 425.550 to the person whose license was suspended
41 stating that the person whose license was suspended has complied with the
42 subpoena or warrant or has satisfied the arrearage pursuant to NRS
43 425.560.

1 **Sec. 282.** NRS 576.123 is hereby amended to read as follows:

2 576.123 1. Every commission merchant, having received any farm
3 products for sale as a commission merchant, shall promptly make and keep
4 a correct record showing in detail the following with reference to the
5 handling, sale or storage of the farm products:

6 (a) The name and address of the consignor.

7 (b) The date received.

8 (c) The condition and quantity upon arrival.

9 (d) Date of ~~such~~ **the** sale for account of the consignor.

10 (e) The price for which sold.

11 (f) An itemized statement of the charges to be paid by the consignor in
12 connection with the sale.

13 (g) The names and addresses of all purchasers if the commission
14 merchant has any financial interest in the business of the purchasers, or if
15 the purchasers have any financial interest in the business of the commission
16 merchant, directly or indirectly, as holder of the other's corporate stock, as
17 copartner, as lender or borrower of money to or from the other, or
18 otherwise, the interest must be noted in the records following the name of
19 the purchaser.

20 (h) A lot number or other identifying mark for each consignment, which
21 number or mark must appear on all sales tags and other essential records
22 needed to show the amount for which the farm products actually sold.

23 (i) Any claim or claims which have been or may be filed by the
24 commission merchant against any person for overcharges or for damages
25 resulting from the injury or deterioration of the farm products by the act,
26 neglect or failure of the person. The records must be open to the inspection
27 of the ~~administrator~~ **director** and the consignor of farm products for
28 whom the claim or claims are made.

29 2. Every dealer purchasing any farm products from the producer
30 thereof shall promptly make and keep for 1 year a correct record showing
31 in detail the following:

32 (a) The name and address of the grower.

33 (b) The date received.

34 (c) The price to be paid.

35 (d) An itemized statement of any charges paid by the dealer for the
36 account of the producer.

37 3. Every broker, upon negotiating the sale of farm products, shall issue
38 to ~~both~~ buyer and seller a written memorandum of sale, showing price,
39 date of delivery, quality and other details concerned in the transaction. A
40 copy of the memorandum must be retained by the broker for ~~a period of~~ 1
41 year.

1 **Sec. 283.** NRS 576.125 is hereby amended to read as follows:

2 576.125 1. ~~{When}~~ **If** requested by his consignor, a commission
3 merchant shall, before the close of the next business day following the sale
4 of any farm products consigned to him, transmit or deliver to the owner or
5 consignor of the farm products a true written account of the sale, showing
6 the amount sold and the selling price. Remittance in full of the amount
7 realized from such sales, including all collections, overcharges and
8 damages, less the agreed commission and other charges, together with a
9 complete account of sales, must be made to the consignor within 10 days
10 after receipt of the money by the commission merchant, unless otherwise
11 agreed in writing.

12 2. Each commission merchant shall retain a copy of all records
13 covering each transaction for ~~{a period of}~~ 1 year ~~{from}~~ **after** the date
14 thereof, which copy must at all times be available for and open to the
15 confidential inspection of the ~~{administrator}~~ **director** and the consignor, or
16 **an** authorized representative of ~~{either.}~~ **the director or consignor.**

17 3. Each dealer shall pay for farm products delivered to him at the time
18 and in the manner specified in the contract with the producer, but if no time
19 is set by the contract, or at the time of the delivery, ~~{then}~~ within 30 days
20 after the delivery or taking possession of the farm products, except that
21 livestock whose sale is subject to the Packers and Stockyards Act, 7 U.S.C.
22 §§ 181 to 231, inclusive, must be paid for within the ~~{time}~~ **period** required
23 by that act and any applicable regulations adopted ~~{thereunder.}~~ **pursuant**
24 **thereto.**

25 4. A person who, with the intent to defraud, fails to make full payment
26 for farm products purchased pursuant to this chapter within 10 days after
27 receiving written notice of the fact that the payment is past due:

28 (a) Is guilty of a gross misdemeanor, if the amount owed is \$1,000 or
29 less.

30 (b) Is guilty of a category D felony, if the amount owed is more than
31 \$1,000, and shall be punished as provided in NRS 193.130. In addition to
32 any other penalty, the court shall order the person to pay restitution.

33 **Sec. 284.** NRS 576.127 is hereby amended to read as follows:

34 576.127 1. Each dealer, commission merchant and cash buyer
35 operating a motor vehicle in the conduct of his licensed business shall carry
36 on the motor vehicle a manifest on a form to be prescribed or approved by
37 the ~~{division}~~ **department** showing:

38 (a) A description of the cargo on the motor vehicle.

39 (b) The brand inspection certificate number for any livestock being
40 transported.

41 (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

1 the state department of conservation and natural resources and local law
2 enforcement agencies to recapture any alternative livestock that has
3 escaped from confinement.

4 2. Any alternative livestock that is recaptured may be impounded at a
5 suitable facility until sufficient repairs or improvements are made to the
6 owner's facility to ensure that the escape of the alternative livestock does
7 not recur.

8 3. The owner of the alternative livestock is liable for:

9 (a) The costs incurred by the ~~{division of agriculture,}~~ **department**, the
10 division of wildlife of the state department of conservation and natural
11 resources and any local law enforcement agency to recapture the alternative
12 livestock;

13 (b) The costs of impounding the alternative livestock; and

14 (c) Any damages caused by the alternative livestock during the escape.

15 **Sec. 287.** NRS 576.133 is hereby amended to read as follows:

16 576.133 ~~{When the administrator}~~ **If the director** believes, on the basis
17 of a verified complaint or of an investigation made pursuant to NRS
18 576.110, that any licensee or person assuming to transact business for
19 which a license is required under this chapter is violating or is about to
20 violate any provision of this chapter, he may order the licensee or other
21 person to cease and desist from the unlawful practice. The order ceases to
22 be effective upon the expiration of 10 days, exclusive of Saturdays,
23 Sundays and other nonjudicial days, ~~{from}~~ **after** its date of issuance unless
24 a court has, pursuant to NRS 576.135, issued an order which continues the
25 restraint.

26 **Sec. 288.** NRS 576.135 is hereby amended to read as follows:

27 576.135 ~~{Whenever}~~ **If** any licensee or person assuming to transact
28 business for which a license is required under this chapter has engaged or is
29 about to engage in any acts or practices which constitute or will constitute
30 an offense against this chapter or the rules and regulations adopted by the
31 ~~{division pursuant to law,}~~ **department**, the district court of any county, on
32 application of the ~~{administrator,}~~ **director**, may issue an injunction or other
33 appropriate order restraining ~~{such}~~ **the** conduct. Proceedings under this
34 section are governed by Rule 65 of the Nevada Rules of Civil Procedure,
35 except that no bond or undertaking is required in any action commenced by
36 the ~~{administrator,}~~ **director**.

37 **Sec. 289.** NRS 576.137 is hereby amended to read as follows:

38 576.137 A cash purchaser, purchasing for his own use, may be
39 exempted by the ~~{division}~~ **department** from the requirements of this
40 chapter upon his filing **of** an affidavit stating such facts as may be required
41 by the ~~{division,}~~ **department**.

1 **Sec. 290.** NRS 576.140 is hereby amended to read as follows:

2 576.140 Except as otherwise provided in NRS 576.042, the provisions
3 of this chapter do not apply to:

4 1. The Nevada Fair of Mineral Industries, 4-H clubs, the Nevada junior
5 livestock show, the Nevada state livestock show, the Nevada Hereford
6 Association, or any other **nonprofit** organization or association . ~~{which is~~
7 ~~entirely nonprofit in character.}~~

8 2. Any railroad transporting livestock ~~{either}~~ interstate or intrastate.

9 3. Any farmer or rancher purchasing or receiving livestock for grazing,
10 pasturing or feeding on his premises within the State of Nevada and not for
11 immediate resale.

12 4. Operators of public livestock auctions as defined in NRS 573.010,
13 and all buyers of livestock at ~~{such}~~ **those** auctions at which the public
14 livestock auction licensee does not control title or ownership to the
15 livestock being sold or purchased at ~~{such}~~ **those** auctions, and any person
16 buying for interstate shipments only and subject to and operating under a
17 bond required by the United States pursuant to the provisions of the
18 Packers and Stockyards Act , ~~{7 U.S.C. § 204 , }~~ and the regulations
19 adopted ~~{thereunder. All persons}~~ **pursuant to those provisions. Each**
20 **person** exempted by the provisions of this subsection shall register annually
21 with the ~~{division,}~~ **department**, giving the location of ~~{their}~~ **his** place of
22 business, the number of ~~{their}~~ **his** license and bond and the expiration date
23 thereof. Each such registrant shall pay an annual registration fee of \$40 to
24 the ~~{division.}~~ **department.**

25 5. Any farmer or rancher whose farm or ranch is located in the State of
26 Nevada, who buys or receives farm products or livestock from another
27 farmer or rancher not for immediate resale.

28 6. Any retail merchant having a fixed and established place of business
29 in this state and who conducts a retail business exclusively.

30 **Sec. 291.** NRS 576.150 is hereby amended to read as follows:

31 576.150 1. Except as otherwise provided by a specific statute, a
32 person who acts as a dealer, broker, commission merchant, cash buyer or
33 agent without a license therefor as required by **the provisions of** this
34 chapter, or who violates any other provision of this chapter, or any of the
35 regulations lawfully adopted pursuant to provisions of this chapter, is guilty
36 of a misdemeanor. If the violation relates to the failure to make payment for
37 farm products, an intent to defraud must be proven before a misdemeanor
38 or other penalty may be imposed.

39 2. Any prosecution brought pursuant to this chapter may be brought in
40 any county of this state in which the defendant or any one of the defendants
41 resides, or in which the unlawful act was committed, or in which the
42 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,

1 education, labor, governmental agencies and the people of Nevada in a
2 transition to the metric system.

3 2. Provide information on the metric system and on conversion to its
4 use.

5 3. Recommend legislation and amendments to regulations of executive
6 agencies to provide for ~~a smooth~~ **an orderly** transition to the metric
7 system.

8 4. Cooperate with the United States Metric Board where appropriate.

9 5. Report to the legislature and ~~to~~ the governor through the
10 ~~administrator~~ **director** of the ~~division~~ **state department** of agriculture ~~of~~
11 ~~the department of business and industry~~ during the month of January of
12 each odd-numbered year ~~in~~ on its activities and the progress toward
13 conversion to the metric system of weights and measures.

14 6. Perform other duties necessary to carry out the provisions of NRS
15 581.500 to 581.540, inclusive.

16 **Sec. 296.** NRS 583.055 is hereby amended to read as follows:

17 583.055 1. The ~~division~~ **state department** of agriculture ~~of the~~
18 ~~department of business and industry~~ shall establish a program for grading
19 and certifying meats, prepared meats and meat products in conformity with
20 federal practice.

21 2. The ~~division~~ **department** may enter into cooperative agreements
22 with the Agricultural Marketing Service of the United States Department of
23 Agriculture and the college of agriculture of the University of Nevada,
24 Reno, and adopt appropriate regulations to carry out the program.

25 3. The ~~division~~ **department** may establish fees, to be collected from
26 slaughtering or other processing operations, for the purpose of grading and
27 certifying meats, prepared meats and meat products.

28 **Sec. 297.** Chapter 586 of NRS is hereby amended by adding thereto a
29 new section to read as follows:

30 ***“Director” means the director of the state department of agriculture.***

31 **Sec. 298.** NRS 586.020 is hereby amended to read as follows:

32 586.020 As used in NRS 586.010 to 586.450, inclusive, ***unless the***
33 ***context otherwise requires,*** the words and terms defined in NRS 586.030
34 to 586.220, inclusive, ***and section 297 of this act*** have the meanings
35 ascribed to them in those sections. ~~*[unless the context otherwise requires.]*~~

36 **Sec. 299.** NRS 586.053 is hereby amended to read as follows:

37 586.053 “Certified applicator” means any person who is certified by
38 the ~~administrator~~ **director** as qualified to use or supervise the use of any
39 restricted-use pesticide.

40 **Sec. 300.** NRS 586.060 is hereby amended to read as follows:

41 586.060 “Device” means any instrument or contrivance intended for
42 trapping, destroying, repelling or mitigating insects or rodents, or
43 destroying, repelling or mitigating fungi or weeds, or such other pests as

1 designated by the ~~{administrator, but not including}~~ **director**. *The term*
2 **does not include** equipment used for the application of pesticides when
3 sold separately therefrom.

4 **Sec. 301.** NRS 586.195 is hereby amended to read as follows:

5 586.195 "Pesticide" ~~{means}~~ **includes**, but is not limited to:

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

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

18 **Sec. 302.** NRS 586.205 is hereby amended to read as follows:

19 586.205 "Restricted-use pesticide" means any pesticide, including any
20 highly toxic pesticide, which:

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

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

26 (b) Detrimental to:

27 (1) Vegetation, except weeds;

28 (2) Wildlife; or

29 (3) Public health and safety; or

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

33 **Sec. 303.** NRS 586.210 is hereby amended to read as follows:

34 586.210 "Rodenticide" means any substance or mixture of substances
35 intended for preventing, destroying, repelling or mitigating rodents or any
36 other vertebrate animal which the ~~{administrator}~~ **director** declares to be a
37 pest.

38 **Sec. 304.** NRS 586.230 is hereby amended to read as follows:

39 586.230 Jurisdiction in all matters pertaining to the distribution, sale
40 and transportation of pesticides and devices is ~~{by}~~, **pursuant to** NRS
41 586.010 to 586.450, inclusive, vested exclusively in the ~~{administrator}~~
42 **director**.

1 **Sec. 305.** NRS 586.250 is hereby amended to read as follows:

2 586.250 1. ~~{Every}~~ **Each** pesticide which is distributed, sold, or
3 offered for sale within this state or delivered for transportation or
4 transported in intrastate commerce or between points within this state
5 through any point outside this state must be registered in the office of the
6 ~~{administrator}~~ **director** and renewed annually.

7 2. Products which have the same formula and are manufactured by the
8 same person, the labeling of which contains the same claims, and the labels
9 of which bear a designation identifying the product as the same pesticide
10 may be registered as a single pesticide. Additional names and labels may be
11 added by supplemental statements during the current period of registration.

12 **Sec. 306.** NRS 586.260 is hereby amended to read as follows:

13 586.260 1. The registrant shall file with the ~~{administrator}~~ **director** a
14 statement including:

15 (a) The name and address of the registrant and the name and address of
16 the person whose name will appear on the label, if other than the registrant.

17 (b) The name of the pesticide.

18 (c) A complete copy of the labeling accompanying the pesticide and a
19 statement of all claims to be made for it, including directions for use.

20 (d) If requested by the ~~{administrator,}~~ **director**, a full description of the
21 tests made and the results thereof upon which the claims are based.

22 2. In **the** case of **the** renewal of registration, a statement is required
23 only with respect to information which is different from ~~{that}~~ **the**
24 **information that was** furnished when the pesticide was registered or last
25 reregistered.

26 **Sec. 307.** NRS 586.270 is hereby amended to read as follows:

27 586.270 1. A registrant shall pay an annual registration fee in an
28 amount fixed by the ~~{administrator}~~ **director** not to exceed \$50 for each
29 pesticide registered.

30 2. The ~~{administrator}~~ **director** shall deposit in a separate account not
31 more than \$25 of each annual registration fee he collects. The money
32 deposited in the account must be used only for the disposal of pesticides.
33 The ~~{administrator}~~ **director** shall fix, by regulation, the amount of each
34 registration fee which must be deposited in the account.

35 3. A registrant who offers a pesticide for sale before **the** registration of
36 the pesticide shall pay an amount equal to twice the registration fee for
37 registration of the pesticide.

38 **Sec. 308.** NRS 586.280 is hereby amended to read as follows:

39 586.280 1. ~~{Whenever the administrator}~~ **If the director** deems it
40 necessary in the administration of NRS 586.010 to 586.450, inclusive, he
41 may require the submission of the complete formula of any pesticide.

42 2. If it appears to the ~~{administrator}~~ **director** that the composition of
43 the article is such as to warrant the proposed claims for it, and if the article

1 and its labeling and other material required to be submitted comply with the
2 requirements of NRS 586.350 to 586.410, inclusive, he shall register the
3 article.

4 **Sec. 309.** NRS 586.290 is hereby amended to read as follows:

5 586.290 1. If it does not appear to the ~~{administrator}~~ **director** that
6 the article is such as to warrant the proposed claims for it, or if the article
7 and its labeling and other material required to be submitted do not comply
8 with the provisions of NRS 586.010 to 586.450, inclusive, he shall notify
9 the registrant of the manner in which the article, labeling, or other material
10 required to be submitted fails to comply with NRS 586.010 to 586.450,
11 inclusive, ~~{so as to afford}~~ **to allow** him an opportunity to make the
12 necessary corrections.

13 2. ~~{In no event is the}~~ **The** registration of an article **is not** a defense for
14 the commission of any offense prohibited under NRS 586.350 to 586.410,
15 inclusive.

16 **Sec. 310.** NRS 586.310 is hereby amended to read as follows:

17 586.310 The ~~{administrator is authorized,}~~ **director may**, after
18 **providing an** opportunity for a hearing:

19 1. ~~{To declare}~~ **Declare** as a pest any form of plant life or animal life or
20 virus which is injurious to plants, ~~{men,}~~ **humans**, domestic animals,
21 articles or substances.

22 2. ~~{To determine}~~ **Determine** whether pesticides are highly toxic to
23 ~~{men.~~

24 ~~—3.— To determine}~~ **humans.**

25 3. **Determine** standards of coloring or discoloring for pesticides, and to
26 subject pesticides to the requirements of NRS 586.380.

27 **Sec. 311.** NRS 586.330 is hereby amended to read as follows:

28 586.330 To avoid confusion endangering the public health resulting
29 from diverse requirements, particularly as to the labeling and coloring of
30 pesticides, and to avoid increased costs to the ~~{people}~~ **residents** of this
31 state ~~{due to}~~ **because of** the necessity of complying with diverse
32 requirements in the manufacture and sale of pesticides, it is desirable that
33 there be uniformity between the requirements of the several states and the
34 Federal Government relating to pesticides. To this end the ~~{administrator is~~
35 ~~authorized,}~~ **director may**, after a public hearing, ~~{to}~~ adopt such
36 regulations applicable to and in conformity with the primary standards
37 established by NRS 586.010 to 586.450, inclusive, as have been or may be
38 prescribed by the United States Environmental Protection Agency with
39 respect to pesticides.

40 **Sec. 312.** NRS 586.335 is hereby amended to read as follows:

41 586.335 1. The ~~{administrator}~~ **director** shall endeavor to eliminate
42 from use in this state any pesticide:

43 (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

1 ~~{administrator,}~~ **director**, a change in the labeling or formula of a pesticide
2 may be made within a registration period without requiring reregistration of
3 the product.

4 **Sec. 315.** NRS 586.360 is hereby amended to read as follows:

5 586.360 It is unlawful for any person to distribute, sell or offer for sale
6 within this state or deliver for transportation or transport in intrastate
7 commerce or between points within this state through any point outside this
8 state any pesticide unless it is in the registrant's or the manufacturer's
9 unbroken immediate container and there is affixed to the container, and to
10 the outside container or wrapper of the retail package, if there ~~{be}~~ **is** one
11 through which the required information on the immediate container cannot
12 be clearly read, a label bearing:

13 1. The name and address of the manufacturer, registrant or person for
14 whom manufactured.

15 2. The name, brand or trade-mark under which the article is sold.

16 3. The net weight or measure of the content, subject ~~{, however,}~~ to
17 such reasonable variations as the ~~{administrator}~~ **director** may permit.

18 **Sec. 316.** NRS 586.380 is hereby amended to read as follows:

19 586.380 1. It is unlawful for any person to distribute, sell or offer for
20 sale within this state or deliver for transportation or transport in intrastate
21 commerce or between points within this state through any point outside this
22 state the pesticides commonly known as standard lead arsenate, basic lead
23 arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc
24 arsenite, sodium fluoride, sodium fluorosilicate, and barium fluorosilicate,
25 and those containing mercurial compounds, unless they have been distinctly
26 colored or discolored as provided by **the** regulations ~~{issued}~~ **adopted** in
27 accordance with **the provisions of** NRS 586.010 to 586.450, inclusive, or
28 any other white powder pesticide which the ~~{administrator,}~~ **director**, after
29 investigation of and after public hearing on the necessity for such action for
30 the protection of the public health and the feasibility of ~~{such}~~ **the**
31 coloration or discoloration, by regulation requires to be distinctly colored
32 or discolored, unless it has been so colored or discolored.

33 2. The ~~{administrator}~~ **director** may exempt any pesticide to the extent
34 that it is intended for a particular use ~~{or uses}~~ from the coloring or
35 discoloring required or authorized by this section if he determines that
36 ~~{such}~~ **the** coloring or discoloring for ~~{such use or uses}~~ **that use** is not
37 necessary ~~{for the protection of}~~ **to protect** the public health.

38 **Sec. 317.** NRS 586.401 is hereby amended to read as follows:

39 586.401 1. The ~~{administrator}~~ **director** shall adopt regulations
40 governing the application and distribution of any pesticides which he finds
41 must necessarily be applied in pest control but which unless carefully used
42 are likely to be:

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

4 (b) Detrimental to:

5 (1) Vegetation, except weeds;

6 (2) Wildlife; or

7 (3) Public health and safety.

8 2. The ~~administrator~~ **director** in classifying pesticides as ~~“~~
9 restricted-use pesticides ~~”~~ shall determine if:

10 (a) They are highly toxic to ~~man~~ **humans** or other animals, including
11 wildlife.

12 (b) The regulations governing their application and distribution are
13 reasonably calculated to avoid injury and are necessary for their proper use.

14 (c) The benefit received from their use is of greater public value than a
15 detriment to the environment, public health and safety.

16 (d) They can be used by permit for purposes other than their registered
17 purposes.

18 3. The ~~administrator~~ **director** may adopt such other rules and
19 regulations as are necessary to carry out the provisions of this chapter,
20 including, but not limited to:

21 (a) The collection and examination of pesticides.

22 (b) The use of certain types of containers or packages for specific
23 pesticides, applicable to construction, strength or size to avoid the danger
24 of spillage, breakage or misuse.

25 (c) The safe handling, transportation, storage, display, distribution and
26 disposal of pesticides and their containers.

27 (d) The information to be recorded and maintained of the sale, use and
28 distribution of pesticides classified for restricted use.

29 **Sec. 318.** NRS 586.405 is hereby amended to read as follows:

30 586.405 1. The ~~administrator~~ **director** may issue a special use
31 permit authorizing the use of a pesticide for a purpose other than that for
32 which it is registered. The permit must set forth:

33 (a) The name and dosage rate of the pesticide or other material to be
34 used.

35 (b) The type of pest to be controlled.

36 (c) The crop or property to be treated.

37 2. The special use permit may limit the time, quantity, area and manner
38 of application.

39 **Sec. 319.** NRS 586.406 is hereby amended to read as follows:

40 586.406 1. It is unlawful for any person to sell or offer to sell at the
41 retail level or distribute or deliver for transportation for delivery to the
42 consumer or user a pesticide classified for restricted use pursuant to NRS

1 586.401 or the Federal Environmental Pesticide Control Act , ~~§~~ 7 U.S.C.
2 §§ 136 et seq. ~~() without first~~ , **without** being registered with the
3 ~~{administrator.}~~ **director**.

4 2. Each person applying for registration must provide a statement
5 including:

6 (a) The name and address of the person registering; and

7 (b) The name and address of any person who, on behalf of the person
8 registering, sells, offers to sell, distributes or delivers for transportation a
9 restricted-use pesticide.

10 3. All registrations expire on December 31 and are renewable annually.

11 4. Each person registering shall pay:

12 (a) An annual registration fee of \$10; and

13 (b) A penalty fee of \$5 if his previous registration has expired by the
14 failure to reregister on or before February 1, unless his registration is
15 accompanied by a signed statement that no person named on the
16 registration statement has sold or distributed any restricted-use pesticides
17 during the ~~{period of the year during which}~~ **year** the registration was not in
18 effect.

19 5. All persons registered shall maintain ~~{and keep for a period of}~~ **for** 2
20 years a record of all sales of restricted-use pesticides showing:

21 (a) The date of sale or delivery;

22 (b) The name and address of the person to whom sold or delivered;

23 (c) The brand name of the pesticide product;

24 (d) The amount of pesticide product sold or delivered;

25 (e) The certification number of the certified applicator who is applying
26 or supervising the application of the pesticide if the purchaser of the
27 pesticide is not certified to apply the pesticide; and

28 (f) Such other information as may be required by the ~~{administrator.}~~
29 **director**.

30 6. Each person registered pursuant to this section shall, on or before
31 the 15th day of each month, file a report with the ~~{administrator}~~ **director** of
32 restricted-use pesticides sold during the previous month. The
33 ~~{administrator}~~ **director** shall provide the form for the report. The form
34 must be filed even if the person did not sell any pesticides during the
35 previous month.

36 **Sec. 320.** NRS 586.4065 is hereby amended to read as follows:

37 586.4065 The ~~{administrator}~~ **director** may refuse to grant or renew a
38 registration under NRS 586.406 or may suspend or revoke ~~{such}~~ **the**
39 registration if, after ~~{due}~~ notice and **a** hearing, he is satisfied that:

40 1. The person registered has, without reasonable cause, failed to record
41 information as required by NRS 586.406 or ~~{by}~~ **a** regulation adopted by
42 the ~~{administrator.}~~ **director**;

1 2. The person registered has made a fictitious or false entry in the
2 required records; or

3 3. The applicant has made sales or delivery of restricted-use pesticides
4 without ~~{first}~~ registering with the ~~{administrator,}~~ **director**.

5 **Sec. 321.** NRS 586.407 is hereby amended to read as follows:

6 586.407 It is unlawful for any person to sell or deliver any restricted-
7 use pesticide to any person who is required by the regulations adopted by
8 the ~~{administrator}~~ **director** to have a permit to use ~~{such}~~ **that** material,
9 unless the person or his agent to whom delivery is made signs a written
10 statement in a form prescribed by the ~~{administrator}~~ **director** stating that
11 the person holds a valid permit to use the kind and quantity of the
12 restricted-use pesticide which is delivered.

13 **Sec. 322.** NRS 586.410 is hereby amended to read as follows:

14 586.410 It is unlawful for any person to use for his own advantage, or
15 to reveal, other than to the ~~{administrator}~~ **director** or proper ~~{officials}~~
16 **officers** or employees of the state, or to the courts of this state in response
17 to a subpoena, or to physicians, or in emergencies to pharmacists and other
18 qualified persons, for use in the preparation of antidotes, any information
19 ~~{relative}~~ **relating** to **the** formulas of products acquired by authority of NRS
20 586.280.

21 **Sec. 323.** NRS 586.420 is hereby amended to read as follows:

22 586.420 1. The penalties provided for violations of NRS 586.350 to
23 586.390, inclusive, do not apply to:

24 (a) Any carrier while lawfully engaged in transporting a pesticide within
25 this state, if the carrier, upon request, permits the ~~{administrator}~~ **director**
26 or his designated agent to copy all records showing the transactions in and
27 movement of the articles.

28 (b) Public ~~{officials}~~ **officers** of this state and the Federal Government
29 engaged in the performance of their ~~{official}~~ duties.

30 (c) The manufacturer or shipper of a pesticide for experimental use
31 only:

32 (1) By or under the supervision of an agency of this state or of the
33 Federal Government authorized by law to conduct research in the field of
34 pesticides; or

35 (2) By ~~{others}~~ **other persons** if the pesticide is not sold and if the
36 container thereof is plainly and conspicuously marked “For experimental
37 use only—Not to be sold,” together with the manufacturer’s name and
38 address, but if a written permit has been obtained from the ~~{administrator,}~~
39 **director**, pesticides may be sold for experimental purposes subject to such
40 restrictions and conditions as may be set forth in the permit.

41 2. ~~{No}~~ **An** article shall **not** be deemed in violation of **the provisions of**
42 NRS 586.010 to 586.450, inclusive, ~~{when}~~ **if** intended solely for export to

1 a foreign country, and ~~{when}~~ *if* prepared or packed according to the
2 specifications or directions of the purchaser. If not so exported, all the
3 provisions of NRS 586.010 to 586.450, inclusive, apply.

4 **Sec. 324.** NRS 586.430 is hereby amended to read as follows:

5 586.430 1. The examination of pesticides or devices must be made
6 under the direction of the ~~{administrator for the purpose of determining}~~
7 *director to determine* whether they comply with the requirements of NRS
8 586.010 to 586.450, inclusive. If it appears from the examination that a
9 pesticide or device fails to comply with the provisions of NRS 586.010 to
10 586.450, inclusive, and the ~~{administrator}~~ *director* contemplates instituting
11 criminal proceedings against any person, the ~~{administrator}~~ *director* shall
12 cause appropriate notice to be given to the person. Any person so notified
13 must be given an opportunity to present his views, ~~{either}~~ orally or in
14 writing, with regard to ~~{such}~~ *those* contemplated proceedings, and if
15 thereafter in the opinion of the ~~{administrator}~~ *director* it appears that the
16 provisions of NRS 586.010 to 586.450, inclusive, have been violated by the
17 person, the ~~{administrator}~~ *director* shall refer the facts to the district
18 attorney of the county in which the violation occurred with a copy of the
19 results of the analysis or the examination of the article. ~~{Nothing in}~~ *The*
20 *provisions of* NRS 586.010 to 586.450, inclusive, ~~{requires the}~~
21 ~~administrator}~~ *do not require the director* to report any act or failure to act
22 for prosecution or for the institution of libel proceedings, or to report minor
23 violations of NRS 586.010 to 586.450, inclusive, ~~{whenever}~~ *if* he believes
24 that the public interest will be best served by a suitable notice of warning in
25 writing.

26 2. Each district attorney to whom any such violation is reported shall
27 cause appropriate proceedings to be instituted and prosecuted in a court of
28 proper jurisdiction without delay.

29 3. The ~~{administrator}~~ *director* shall, by publication in such manner as
30 he may prescribe, give notice of all judgments entered in actions instituted
31 under the authority of NRS 586.010 to 586.450, inclusive.

32 **Sec. 325.** Chapter 587 of NRS is hereby amended by adding thereto
33 the provisions set forth as sections 326, 327 and 328 of this act.

34 **Sec. 326.** *As used in this chapter, unless the context otherwise*
35 *requires, the words and terms defined in sections 327 and 328 of this act*
36 *have the meanings ascribed to them in those sections.*

37 **Sec. 327.** *“Department” means the state department of agriculture.*

38 **Sec. 328.** *“Director” means the director of the department.*

39 **Sec. 329.** NRS 587.015 is hereby amended to read as follows:

40 587.015 As used in NRS 587.015 to 587.123, inclusive, unless the
41 context otherwise requires, the words and terms defined in NRS ~~{587.016}~~
42 *587.017* to 587.073, inclusive, have the meanings ascribed to them in those
43 sections.

1 **Sec. 330.** NRS 587.019 is hereby amended to read as follows:

2 587.019 “Agricultural seeds” includes the seeds of grass, forage, cereal
3 and fiber crops and any other kinds of seeds commonly recognized within
4 this state as agricultural seeds, lawn seeds and mixtures of ~~{such}~~ **those**
5 seeds, and may include any other kind of seeds ~~{when the administrator}~~ **if**
6 **the director** determines that ~~{such}~~ **the** seed is being used as agricultural
7 seed.

8 **Sec. 331.** NRS 587.075 is hereby amended to read as follows:

9 587.075 The ~~{administrator}~~ **director** shall administer and enforce the
10 provisions of NRS 587.015 to 587.123, inclusive.

11 **Sec. 332.** NRS 587.077 is hereby amended to read as follows:

12 587.077 The ~~{division}~~ **department** is designated as the official seed-
13 certifying agency for the State of Nevada. The ~~{administrator}~~ **director**
14 shall, by rules or regulations, adopt and enforce standards governing the
15 certification of seed as to variety, purity, quality or other matters relating
16 thereto, and shall establish a schedule of fees for ~~{such}~~ **that** certification.

17 **Sec. 333.** NRS 587.079 is hereby amended to read as follows:

18 587.079 The ~~{administrator}~~ **director** may do service grain grading,
19 including testing for dockage and moisture, and may establish a schedule of
20 fees for ~~{such}~~ **that** grading and testing.

21 **Sec. 334.** NRS 587.081 is hereby amended to read as follows:

22 587.081 The ~~{administrator}~~ **director** or his authorized representatives
23 shall:

24 1. Sample, inspect, make analysis of and test seeds subject to NRS
25 587.015 to 587.123, inclusive, that are transported, sold, offered or
26 exposed for sale within the state for sowing purposes, at such time and
27 place and to such extent as may be necessary to determine whether the
28 seeds are in compliance with NRS 587.015 to 587.123, inclusive.

29 2. Notify promptly the person who transported, sold, offered or
30 exposed the seed for sale of any violation.

31 **Sec. 335.** NRS 587.083 is hereby amended to read as follows:

32 587.083 1. The ~~{administrator}~~ **director** shall adopt regulations:

33 (a) Governing the terms and methods used in sampling, inspecting,
34 analyzing, testing and examining seeds subject to NRS 587.015 to 587.123,
35 inclusive, and the tolerances to be used.

36 (b) Establishing a list of prohibited and restricted noxious weeds and
37 prescribing the maximum rate of occurrence per pound of seeds of
38 restricted noxious weeds which may be associated with any seeds. A
39 noxious weed may be prohibited if it is highly destructive and difficult to
40 control in this state by ordinary good cultural or chemical practice and
41 restricted if it is objectionable or injurious in fields, lawns and gardens of
42 this state, but ~~{can}~~ **may** be controlled by good cultural or chemical
43 practices.

1 (c) Establishing minimum standards of germination for seeds of
2 vegetables, herbs and flowers.

3 (d) Defining the terms to be used in labeling seeds.

4 (e) Establishing a list of the species of trees and shrubs subject to the
5 labeling requirements ~~{of}~~ **set forth in** subsection 7 of NRS 587.105.

6 (f) Establishing the duration of the validity of testing to determine the
7 percentage of germination of seeds subject to the requirements for labeling
8 as set forth in NRS 587.091 to 587.105, inclusive, before the sale, offering
9 for sale or transporting of ~~{these}~~ **those** seeds.

10 (g) For the labeling of seeds of flowers in respect to kind and variety or
11 the characteristics of type and performance as required by NRS 587.101
12 and 587.103.

13 (h) Establishing a list of the kinds of seeds of flowers which are subject
14 to the labeling requirements of NRS 587.101 and 587.103.

15 2. The ~~{administrator}~~ **director** may adopt such other regulations as are
16 necessary to carry out the provisions of NRS 587.015 to 587.123, inclusive.

17 **Sec. 336.** NRS 587.085 is hereby amended to read as follows:

18 587.085 The ~~{administrator}~~ **director** or his authorized representatives
19 may:

20 1. Enter upon or within any public or private premises or upon or into
21 any truck or other conveyance by land, water or air at any time to examine
22 seeds, screenings or records which are subject to the provisions of NRS
23 587.015 to 587.123, inclusive, or rules and regulations adopted pursuant
24 thereto.

25 2. Issue and enforce a written or printed stop-sale order against the
26 owner or custodian of any seed or screenings which are found to be in
27 violation of any of the provisions of NRS 587.015 to 587.123, inclusive, or
28 the rules and regulations adopted pursuant thereto.

29 **Sec. 337.** NRS 587.087 is hereby amended to read as follows:

30 587.087 1. A ~~{“}~~ stop-sale order ~~{“}~~ issued pursuant to subsection 2
31 of NRS 587.085 may prohibit the sale, processing or movement of ~~{such}~~
32 **the** seed or screenings until evidence is submitted or obtained that the
33 violation has been corrected and a release from the stop-sale order is
34 issued.

35 2. Whenever tree seed, shrub seed or screenings are subject to a stop-
36 sale order, the ~~{administrator}~~ **director** or his representative shall notify the
37 shipper or consignor that the order is in effect. Upon the shipper’s or
38 consignor’s request, the ~~{administrator}~~ **director** may permit the return of
39 the seed to the shipper or may permit the seed to be transferred to a
40 mutually acceptable storage area pending its further disposition as provided
41 by law.

1 3. Any person aggrieved by a stop-sale order may, within 60 days after
2 the order issues, appeal from ~~{such}~~ **the** order to the district court in the
3 county in which the seeds, subject to ~~{such}~~ **the** order, are located.

4 **Sec. 338.** NRS 587.089 is hereby amended to read as follows:

5 587.089 The ~~{administrator}~~ **director** shall cooperate with the United
6 States Department of Agriculture and other appropriate agencies in seed
7 law enforcement.

8 **Sec. 339.** NRS 587.105 is hereby amended to read as follows:

9 587.105 Except for seed supplied by a seedsman of trees to a consumer
10 under a contractual agreement, which may be labeled by invoice or by an
11 analysis tag attached to the invoice if the seed is in bulk or if each bag or
12 other container is clearly identified by the number of the lot stenciled on the
13 container, the labeling of each bag or container which is not so identified
14 and each container of seeds of trees and shrubs which is sold, offered for
15 sale or transported within this state for sowing purposes must state, in
16 addition to the requirements of NRS 587.091:

17 1. The common name of the species of seed and subspecies, if
18 appropriate.

19 2. The scientific name of the genus, species and subspecies, if
20 appropriate.

21 3. The number or other identification of the lot.

22 4. The origin of the seed, specified as follows:

23 (a) For seed collected from a predominantly indigenous stand, the area
24 of collection given by latitude and longitude, geographic description or
25 political subdivision, ~~{such as}~~ **including** state and county; or

26 (b) For seed collected from other than a predominantly indigenous
27 stand, identification of the area of collection and the origin of the stand or,
28 if applicable, the statement: "Origin not indigenous."

29 5. The upper and lower limits of elevations within which the seed was
30 collected.

31 6. The purity of the seed as a percentage of pure seed by weight.

32 7. For those species for which standard procedures for testing
33 germination are prescribed by the ~~{administrator,}~~ **director**, one of the
34 following:

35 (a) The germination in percentage and percentage of firm ungerminated
36 seed, and the month and year of the test;

37 (b) For seed transported or delivered for transportation within the year
38 of collection or within 6 months following the year of collection, the
39 statement: "Test is in process"; or

40 (c) For seed being transported to a consumer, the name of the consumer
41 and a statement: "Contract seed not for resale, and subject to test to be
42 arranged."

1 8. For those species for which standard procedures for testing
2 germination have not been prescribed by the ~~{administrator,}~~ **director**, the
3 year in which the seed was collected.

4 9. The name and address of the person who labeled the seed, or who
5 sells or offers the seed for sale within this state.

6 **Sec. 340.** NRS 587.107 is hereby amended to read as follows:

7 587.107 Each person whose name appears on a label as handling seeds
8 subject to any of the provisions of NRS 587.015 to 587.123, inclusive,
9 shall keep for ~~{a period of}~~ 2 years complete records of each lot of seed
10 handled and for 1 year a file sample of each lot of seed after final
11 disposition of the lot. All such records and samples pertaining to the
12 shipment or shipments involved must be available for inspection by the
13 ~~{administrator,}~~ **director** or his representative during normal business hours.

14 **Sec. 341.** NRS 587.109 is hereby amended to read as follows:

15 587.109 1. Any person importing any white or Irish potatoes
16 intended for seed purposes into the State of Nevada shall, within 24 hours
17 after the receipt of ~~{such}~~ **the** potatoes, notify the ~~{administrator,}~~ **director**
18 of the arrival of the potatoes and hold them at his place of business or at the
19 point of receipt until the potatoes are inspected and released by the
20 ~~{administrator,}~~ **director**.

21 2. If, upon inspection, the ~~{administrator,}~~ **director** finds that the
22 potatoes are infected with bacterial ring rot, or other potato diseases in
23 amounts in excess of that allowed under the standards set for Nevada
24 certified potatoes, the potatoes may not be released for planting in this
25 state, but must be disposed of for nonseed purposes in a manner approved
26 by the ~~{administrator,}~~ **director**.

27 3. If the seed potatoes are found to be free from bacterial ring rot, and
28 other potato diseases are not present in excess of that allowed under the
29 standards set for Nevada certified seed potatoes, the ~~{administrator,}~~
30 **director** shall release the potatoes.

31 **Sec. 342.** NRS 587.119 is hereby amended to read as follows:

32 587.119 1. ~~{Whenever any}~~ **If a** seed is prepared for use, all
33 screenings or cleanings must be removed from the premises only under a
34 permit issued by the ~~{administrator,}~~ **director**.

35 2. It is unlawful to distribute, give away, sell or use screenings
36 containing weed seeds unless the screenings have been treated to destroy
37 the viability of the weed seeds or otherwise in a manner approved by the
38 ~~{administrator,}~~ **director**.

39 **Sec. 343.** NRS 587.121 is hereby amended to read as follows:

40 587.121 1. Any lot of seed found or reasonably suspected to be in
41 violation of any of the provisions of NRS 587.015 to 587.119, inclusive, is
42 subject to seizure upon a complaint by the ~~{administrator,}~~ **director** filed in
43 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

1 handling the alfalfa seed in the primary channels of trade is a person other
2 than the grower, he may charge against or recover from the grower the full
3 amount of any assessment paid by him under NRS 587.155.

4 **Sec. 347.** NRS 587.165 is hereby amended to read as follows:

5 587.165 Any grower or dealer who fails to file a return or to pay any
6 assessment pursuant to NRS 587.155 within the ~~{time}~~ **period** required
7 forfeits to the ~~{division}~~ **department** a penalty of 5 percent of the amount of
8 the assessment due and 1 percent of the assessment due for each month of
9 delay or fraction thereof after the end of the month in which the return was
10 required to be filed or in which the assessment became due. The ~~{division},~~
11 **department**, if satisfied the delay was excusable, may remit all or any part
12 of the penalty. The penalty must be paid to the ~~{division}~~ **department** and
13 deposited for credit to the alfalfa seed research and promotion account.

14 **Sec. 348.** NRS 587.171 is hereby amended to read as follows:

15 587.171 Any assessment levied constitutes a personal debt of every
16 person so assessed. If a person fails to pay the assessment, including all
17 penalties, the ~~{division}~~ **department** may, at any time within 3 years ~~{from}~~
18 **after** the date of delinquency, maintain a civil action against ~~{him}~~ **the**
19 **person** to recover the amount of the delinquent assessment and penalties.

20 **Sec. 349.** NRS 587.175 is hereby amended to read as follows:

21 587.175 1. Every dealer shall maintain accurate records of all
22 Nevada alfalfa seed handled, packed, shipped or processed by him.

23 2. The records must be:

24 (a) In such form and contain such information as the state board of
25 agriculture may require;

26 (b) Preserved for ~~{a period of}~~ 2 years; and

27 (c) Subject to inspection at any reasonable time at the request of the
28 state board of agriculture or ~~{of the division.}~~ **the department**.

29 **Sec. 350.** NRS 587.181 is hereby amended to read as follows:

30 587.181 Alfalfa seed growers who ship their alfalfa seed directly to
31 dealers outside the State of Nevada shall remit assessment fees to and file
32 such reports as are required with the ~~{division.}~~ **department**.

33 **Sec. 351.** NRS 587.360 is hereby amended to read as follows:

34 587.360 1. The state quarantine officer ~~{is authorized to}~~ **may**
35 designate any competent employee or agent of the ~~{division of agriculture~~
36 ~~of the department of business and industry}~~ **department** to inspect or
37 classify agricultural products in accordance with such regulations as he may
38 prescribe at such places as the volume of business may be found to warrant
39 the furnishing of ~~{such}~~ **the** inspection service, at the request of persons
40 having an interest in ~~{such}~~ **those** products, and to ascertain and to certify to
41 ~~{such}~~ **those** persons the grade, classification, quality or condition thereof,
42 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.

1 **Sec. 356.** NRS 587.560 is hereby amended to read as follows:

2 587.560 The ~~{administrator}~~ **director** may cooperate financially or
3 otherwise with any county in accordance with **the provisions of** NRS
4 244.327 and 561.245 in the enforcement of **the provisions of** NRS 587.460
5 to 587.660, inclusive.

6 **Sec. 357.** NRS 587.570 is hereby amended to read as follows:

7 587.570 1. All potatoes sold or offered for sale for human
8 consumption within this state must meet the U.S. No. 2 grade requirements
9 or better, as adopted by the United States Department of Agriculture and by
10 the ~~{division under authority}~~ **department pursuant to the provisions** of
11 NRS 587.390.

12 2. All containers of potatoes ~~{when}~~ **if** full must bear upon them in
13 plain sight and plain letters the name of the person who authorized the
14 packing of the potatoes or the name under which the packer is engaged in
15 business, together with a sufficiently explicit address to permit **the** ready
16 location of the packer.

17 3. All containers of potatoes sold must be marked with one of the grade
18 markings for potatoes established by the United States Department of
19 Agriculture and the ~~{division,}~~ **department**, except that open containers
20 ~~{need not}~~ **are not required to** be marked with one of the grade markings
21 ~~{when}~~ **if** they are part of an open display of potatoes which is marked with
22 one of the grade markings. The potatoes in ~~{such}~~ **those** containers must
23 meet the grade marked on the open display.

24 **Sec. 358.** NRS 587.580 is hereby amended to read as follows:

25 587.580 1. All onions sold or offered for sale for human
26 consumption within this state must meet the U.S. No. 2 grade requirements,
27 or better, as adopted by the United States Department of Agriculture and
28 ~~{by the division under authority}~~ **the department pursuant to the**
29 **provisions** of NRS 587.390.

30 2. All containers of onions ~~{when}~~ **if** full must bear upon them in plain
31 sight and plain letters the name of the person who authorized the packing of
32 the onions or the name under which the packer is engaged in business,
33 together with a sufficiently explicit address to permit **the** ready location of
34 the packer.

35 3. All containers of onions sold must be marked with one of the grade
36 markings for onions established by the United States Department of
37 Agriculture and the ~~{division,}~~ **department**, except that open containers
38 ~~{need not}~~ **are not required to** be marked with one of the grade markings
39 ~~{when}~~ **if** they are part of an open display of onions which is marked with
40 one of the grade markings. The onions in ~~{such}~~ **those** containers must meet
41 the grade marked on the open display.

1 **Sec. 359.** NRS 587.660 is hereby amended to read as follows:

2 587.660 The provisions of NRS 587.590 to 587.650, inclusive, apply
3 only to those fruits, nuts or vegetables for which specific quality standards
4 are not otherwise established by this chapter or by ~~{regulation}~~ **regulations**
5 adopted by the ~~{administrator}~~ **director**. All nuts, fruits and vegetables
6 ~~{when}~~ **if** offered for sale must be mature but not overripe.

7 **Sec. 360.** NRS 587.670 is hereby amended to read as follows:

8 587.670 As used in **this section and** NRS ~~{587.670}~~ 587.680 and
9 587.690:

10 1. ~~{“Administrator” means the administrator of the division of~~
11 ~~agriculture of the department of business and industry.~~

12 ~~—2.~~ “Commercial feed” means all materials except seed, whole or
13 processed, which are distributed for use as feed or for mixing in feed
14 intended for livestock except that the ~~{administrator}~~ **director** by regulation
15 may exempt from this definition or from specific provisions of NRS
16 587.680 and 587.690 commodities ~~{such as}~~ **including** hay, straw, stover,
17 silage, cobs, husk, hull and individual chemical compounds ~~{or substances~~
18 ~~when such}~~ **and substances if those** commodities, compounds or
19 substances are not intermixed or mixed with other materials.

20 ~~{3.}~~ 2. “Contract feeder” means a person who as an independent
21 contractor feeds commercial feed to animals pursuant to a contract whereby
22 ~~{such}~~ **the** commercial feed is supplied, furnished or otherwise provided to
23 ~~{such}~~ **the** person and whereby ~~{such person’s}~~ **his** remuneration is
24 determined in whole or in part by feed consumption, mortality, profits ~~{,}~~ or
25 **the** amount or quality of **the** product.

26 ~~{4.}~~ 3. “Customer-formula feed” means commercial feed which
27 consists of a mixture of commercial feeds or feed ingredients, ~~{or both,}~~
28 each batch of which is manufactured according to the specific instructions
29 of the final purchaser.

30 ~~{5.}~~ 4. “Livestock” means:

- 31 (a) All cattle or animals of the bovine species.
- 32 (b) All horses, mules, burros and asses or animals of the equine species.
- 33 (c) All swine or animals of the porcine species.
- 34 (d) All goats or animals of the caprine species.
- 35 (e) All poultry or domesticated fowl or birds.
- 36 (f) All rabbits of the genus oryctolagus.
- 37 (g) All sheep or animals of the ovine species.

38 **Sec. 361.** NRS 587.680 is hereby amended to read as follows:

39 587.680 The ~~{administrator}~~ **director** may adopt such rules and
40 regulations for commercial feed for livestock as are necessary for the
41 efficient enforcement of **the provisions of** NRS 587.690. Regulations must
42 include, but are not limited to:

- 43 1. Methods of labeling;

- 1 2. Descriptions or statements of the ingredients or the effects thereof;
- 2 3. Directions for use for all feed containing drugs; and
- 3 4. Warning or caution statements necessary for the safe and effective
- 4 use of the commercial feed.

5 **Sec. 362.** NRS 587.700 is hereby amended to read as follows:

6 587.700 As used in NRS 587.700 to 587.850, inclusive, unless the
7 context otherwise requires, the words and terms defined in NRS ~~587.710~~
8 **587.720** to 587.790, inclusive, have the meanings ascribed to them in those
9 sections.

10 **Sec. 363.** NRS 587.730 is hereby amended to read as follows:

11 587.730 “Certifying agent” means a person accredited by the
12 ~~administrator~~ **director** or the Secretary of Agriculture of the United States
13 to certify a producer or handler for the purposes of the federal act or NRS
14 587.700 to 587.850, inclusive.

15 **Sec. 364.** NRS 587.800 is hereby amended to read as follows:

16 587.800 1. The ~~administrator~~ **director** shall establish a program for
17 the certification of organic agricultural products. The program must ~~cover~~
18 **include** all vegetable products and may ~~cover~~ **include** animal products.

19 2. The governor and the ~~administrator~~ **director** shall submit the
20 program to the Secretary of Agriculture for approval . ~~pursuant to the~~
21 ~~federal act.~~

22 **Sec. 365.** NRS 587.810 is hereby amended to read as follows:

23 587.810 1. An advisory council for organic agricultural products is
24 hereby created in the ~~division of agriculture of the department of business~~
25 ~~and industry.~~ **department**. The advisory council ~~must consist~~ **consists** of:

26 (a) Four members who are producers or handlers of organic agricultural
27 products;

28 (b) One member who is a purchaser, consumer, or wholesale or retail
29 seller of organic agricultural products; and

30 (c) One member who represents an agricultural interest other than
31 organic agricultural products.

32 2. The ~~administrator~~ **director** shall nominate members for the
33 advisory council, and the state board of agriculture shall appoint the
34 members.

35 3. The advisory council shall advise the ~~administrator~~ **director** and
36 the state board of agriculture concerning the administration of the program
37 for the certification of organic agricultural products.

38 **Sec. 366.** NRS 587.820 is hereby amended to read as follows:

39 587.820 1. The state board of agriculture shall appoint three of the
40 first members of the advisory council for organic agricultural products for
41 terms of 2 years and three for terms of 3 years. After the expiration of the
42 initial term, the term of office of each member is 3 years. A vacancy must
43 be filled, for the unexpired term, by appointment of a member whose

1 qualifications are the same as those of the member replaced. The advisory
2 council shall elect a chairman and vice chairman from among its members.
3 The ~~{administrator}~~ **director** shall provide appropriate secretarial support
4 and a place for the meetings of the advisory council.

5 2. The advisory council shall meet at least quarterly, upon the call of
6 the ~~{administrator}~~ **director** or the chairman. A majority of the members
7 appointed to the advisory council constitutes a quorum.

8 3. For each day or portion of a day necessarily spent on the business of
9 the advisory council, each member is entitled to receive:

10 (a) Compensation, to be fixed by regulation of the state board of
11 agriculture, which must not exceed \$80 per day; and

12 (b) The per diem allowance and travel expenses provided for state
13 officers and employees generally.

14 **Sec. 367.** NRS 587.850 is hereby amended to read as follows:

15 587.850 1. The ~~{administrator}~~ **director**, after giving at least 20
16 days' written notice and the opportunity for a hearing, may impose, for a
17 violation of this section or of a regulation adopted pursuant to NRS
18 587.830, a civil penalty of not more than:

19 (a) For the first violation, \$200;

20 (b) For the second violation, \$1,500; and

21 (c) For the third or subsequent violation, \$3,000.

22 The ~~{administrator}~~ **director** shall deposit any money collected as a penalty
23 with the state treasurer for credit to the state general fund and may present a
24 claim to the state board of examiners for recommendation to the interim
25 finance committee for an allocation from the contingency fund if money is
26 needed to pay attorney's fees or the cost of an investigation.

27 2. A person shall not sell or offer for sale an agricultural product with
28 the representation that it is organic if he knows or has reason to know that it
29 has not been certified pursuant to the federal act or NRS 587.700 to
30 587.850, inclusive.

31 3. A person who violates the provisions of subsection 2 is guilty of a
32 misdemeanor.

33 **Sec. 368.** Chapter 588 of NRS is hereby amended by adding thereto
34 the provisions set forth as sections 369 and 370 of this act.

35 **Sec. 369.** ***"Department" means the state department of agriculture.***

36 **Sec. 370.** ***"Director" means the director of the department.***

37 **Sec. 371.** NRS 588.010 is hereby amended to read as follows:

38 588.010 As used in this chapter, unless the context otherwise requires,
39 the words and ~~{phrases}~~ **terms** defined in NRS ~~{588.015}~~ **588.020** to
40 588.150, inclusive, ***and sections 369 and 370 of this act*** have the meanings
41 ascribed to them in those sections.

1 **Sec. 372.** NRS 588.020 is hereby amended to read as follows:

2 588.020 “Agricultural minerals” means substances, mixtures of mineral
3 substances, and mixtures of mineral and organic substances, containing less
4 than 5 percent in available form of nitrogen, phosphorus pentoxide, or
5 potassium oxide, singly, collectively, or in combination, except sand and
6 soil, unless otherwise authorized by the ~~{administrator,}~~ **director**.

7 **Sec. 373.** NRS 588.100 is hereby amended to read as follows:

8 588.100 “Official sample” means any sample of commercial fertilizer
9 or agricultural mineral taken by the ~~{administrator,}~~ **director** or his agent
10 according to the methods prescribed by the ~~{administrator,}~~ **director**.

11 **Sec. 374.** NRS 588.160 is hereby amended to read as follows:

12 588.160 ~~{This}~~ **The provisions of this** chapter must be administered by
13 the ~~{administrator,}~~ **director**.

14 **Sec. 375.** NRS 588.170 is hereby amended to read as follows:

15 588.170 1. Each brand and grade of commercial fertilizer or
16 agricultural mineral must be registered with the ~~{division}~~ **department**
17 before being offered for sale, sold or distributed in this state.

18 2. An application for registration must be submitted in duplicate to the
19 ~~{administrator,}~~ **director** on a form furnished by him, and must be
20 accompanied by a registration fee in an amount to be fixed annually by the
21 ~~{administrator,}~~ **director**, not to exceed \$25 for each combined registration
22 of brand and grade.

23 3. The applicant must also deposit with the ~~{division}~~ **department** an
24 airtight container containing not less than 2 pounds of the fertilizer or
25 agricultural mineral, with an affidavit that it is a fair sample of the fertilizer
26 or agricultural mineral to be sold or offered for sale.

27 4. Upon approval by the ~~{administrator,}~~ **director**, a copy of the
28 registration must be furnished to the applicant.

29 5. All registrations expire on June 30 of each year.

30 **Sec. 376.** NRS 588.180 is hereby amended to read as follows:

31 588.180 1. The application must include the following information in
32 the following order:

33 (a) The name and address of the person guaranteeing the registration.

34 (b) The brand and grade.

35 (c) The guaranteed analysis showing the minimum percentage and
36 source of plant food claimed in the following order and form:

37
38 Total nitrogen: Percentage, source

39 Available phosphoric acid: Percentage, source

40 Soluble potash: Percentage, source

1 2. Fertilizer materials containing only one plant food element and
2 recognized by their chemical names ~~{need only}~~ **are not required to** be
3 guaranteed for the plant food element contained therein.

4 3. Unacidulated mineral phosphatic materials and basic slag must be
5 guaranteed as to both total and available phosphoric acid, and the degree of
6 fineness.

7 4. In the case of bone, tankage and other natural organic phosphate
8 materials, only the total phosphoric acid ~~{need}~~ **is required to** be
9 guaranteed.

10 5. Additional plant food elements, determined by chemical methods,
11 may be guaranteed only by permission of the ~~{administrator. When any~~
12 ~~such}~~ **director. If any of those** additional plant foods are claimed, they
13 must be included in the guarantee, and are subject to inspection and
14 analysis in accordance with the methods and regulations that may be
15 prescribed by the ~~{administrator.}~~ **director.**

16 6. The ~~{administrator}~~ **director** may permit or require the potential
17 basicity or acidity, expressed in terms of calcium carbonate equivalent in
18 multiples of 100 pounds per ton, to be registered and guaranteed.

19 **Sec. 377.** NRS 588.190 is hereby amended to read as follows:

20 588.190 The guaranteed analysis of agricultural minerals must be
21 stated as follows:

22 1. Limestone, limerock, chalk, dolomite, dolomitic limestone, marl,
23 oystershell, shells and every other agricultural mineral, the principal
24 constituent of which is calcium carbonate, the percentage of calcium
25 carbonate therein.

26 2. Burnt lime, quicklime, and every agricultural mineral, the principal
27 constituent of which is calcium oxide, the percentage of calcium oxide
28 therein.

29 3. Hydrated lime, slacked lime, and every agricultural mineral, the
30 principal constituent of which is calcium hydroxide, the percentage of
31 calcium hydroxide therein.

32 4. By-products in the manufacture of sugar or acetylene and every
33 other agricultural mineral obtained as a by-product, the principal
34 constituent of which is a compound of calcium, the neutralizing powers
35 expressed as calcium carbonate equivalent.

36 5. Gypsum, land plaster, plaster, and every agricultural mineral, the
37 principal constituent of which is calcium sulfate, the percentage of calcium
38 sulfate dihydrate ($\text{CaSO}_4 \cdot 2\text{H}_2\text{O}$) therein.

39 6. Sulfur, brimstone, and every agricultural mineral, the principal
40 ingredient of which is elemental sulfur, the percentage of elemental sulfur
41 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

1 registrant at least 10 days before the report is submitted to the purchaser. If
2 during that period no adequate evidence to the contrary is made available to
3 the ~~{administrator,}~~ *director*, the report becomes official.

4 5. Upon request, the ~~{administrator,}~~ *director* shall furnish to the
5 registrant a portion of any sample found subject to penalty or other legal
6 action.

7 **Sec. 380.** NRS 588.240 is hereby amended to read as follows:

8 588.240 1. If the analysis shows that any commercial fertilizer or
9 agricultural mineral falls short of the guaranteed analysis in any one
10 ingredient, a penalty must be assessed in accordance with the following
11 provisions:

12 (a) Total nitrogen: A penalty of 3 times the value of the deficiency, if
13 the deficiency is in excess of 0.020 of 1 percent on goods that are
14 guaranteed 2 percent; 0.25 of 1 percent on goods that are guaranteed 3
15 percent; 0.35 of 1 percent on goods that are guaranteed 4 percent; 0.40 of 1
16 percent on goods that are guaranteed 5 percent up to and including 8
17 percent; 0.50 of 1 percent on goods guaranteed above 8 percent up to and
18 including 30 percent; and 0.75 of 1 percent on goods guaranteed over 30
19 percent.

20 (b) Available phosphoric acid: A penalty of 3 times the value of the
21 deficiency, if the deficiency exceeds 0.40 of 1 percent on goods that are
22 guaranteed up to and including 10 percent; 0.50 of 1 percent on goods that
23 are guaranteed above 10 percent up to and including 25 percent; and 0.75
24 of 1 percent on goods guaranteed over 25 percent.

25 (c) Soluble potash: A penalty of 3 times the value of the deficiency, if
26 the deficiency is in excess of 0.20 of 1 percent on goods that are guaranteed
27 2 percent; 0.30 of 1 percent on goods that are guaranteed 3 percent; 0.40 of
28 1 percent on goods that are guaranteed 4 percent; 0.50 of 1 percent on
29 goods guaranteed above 4 percent up to and including 8 percent; 0.60 of 1
30 percent on goods guaranteed above 8 percent up to and including 20
31 percent; and 1 percent on goods guaranteed over 20 percent.

32 (d) Deficiencies in any other constituent or constituents covered under
33 NRS 588.190 which the registrant is required to or may guarantee must be
34 evaluated by the ~~{administrator,}~~ *director* and penalties therefor must be
35 prescribed by him.

36 2. ~~{Nothing contained in}~~ *The provisions of* this section ~~{prevents}~~ *do*
37 *not prevent* any person from appealing to a court of competent jurisdiction
38 praying for judgment as to the justification of ~~{such}~~ *the* penalties.

39 3. All penalties assessed under this section must be paid to the
40 consumer of the lot of commercial fertilizer or agricultural mineral
41 represented by the sample analyzed within 3 months after the date of *the*
42 notice from the ~~{administrator,}~~ *director* to the registrant, and a receipt

1 taken therefor and promptly forwarded to the ~~{administrator,}~~ **director**. If
2 the consumer cannot be found, the amount of the penalty must be paid to
3 the ~~{division,}~~ **department**.

4 **Sec. 381.** NRS 588.250 is hereby amended to read as follows:

5 588.250 ~~{For the purpose of determining}~~ **To determine** the
6 commercial values to be applied under the provisions of NRS 588.240, the
7 ~~{administrator}~~ **director** shall determine and publish annually the values per
8 pound of nitrogen, phosphoric acid, and soluble potash in commercial
9 fertilizers or agricultural minerals in this state. The values ~~{so}~~ determined
10 and published must be used in determining and assessing penalties.

11 **Sec. 382.** NRS 588.270 is hereby amended to read as follows:

12 588.270 1. At least annually, the ~~{administrator}~~ **director** shall
13 publish, in such form as he may deem proper:

14 (a) Information concerning the sales of commercial fertilizers and
15 agricultural minerals, together with such data on their production and use as
16 he may consider advisable.

17 (b) A report of the results of the analyses based on official samples of
18 commercial fertilizers or agricultural minerals sold within the state as
19 compared with the analyses guaranteed under NRS 588.170 to 588.200,
20 inclusive.

21 2. The information concerning production and use of commercial
22 fertilizers or agricultural minerals must be shown separately for the periods
23 ~~{of}~~ **from** July 1 to December 31 and **from** January 1 to June 30 of each
24 year.

25 3. No disclosure may be made of the operations of any person.

26 **Sec. 383.** NRS 588.290 is hereby amended to read as follows:

27 588.290 If any commercial fertilizer or agricultural mineral in the
28 possession of the consumer is found by the ~~{administrator}~~ **director** to be
29 short in weight, the registrant of the commercial fertilizer or agricultural
30 mineral shall, within 30 days after ~~{official}~~ notice from the ~~{administrator,}~~
31 **director**, pay to the consumer a penalty equal to 4 times the value of the
32 actual shortage.

33 **Sec. 384.** NRS 588.300 is hereby amended to read as follows:

34 588.300 The ~~{administrator is authorized and empowered to}~~ **director**
35 **may** cancel the registration of any brand of commercial fertilizer or
36 agricultural mineral or ~~{to}~~ refuse to register any brand of commercial
37 fertilizer or agricultural mineral, as provided in this chapter, upon
38 satisfactory evidence that the registrant has used fraudulent or deceptive
39 practices in the evasion or attempted evasion of the provisions of this
40 chapter or any rules and regulations adopted ~~{thereunder,}~~ **pursuant**
41 **thereto**, but no registration may be revoked or refused until the registrant
42 has been given the opportunity to appear ~~{for}~~ **at** a hearing **held** by the
43 ~~{administrator,}~~ **director**.

1 **Sec. 385.** NRS 588.320 is hereby amended to read as follows:

2 588.320 1. Any lot of commercial fertilizer or agricultural mineral
3 not in compliance with the provisions of this chapter is subject to seizure
4 upon **the** complaint of the ~~{administrator}~~ **director** to a court of competent
5 jurisdiction in the area in which the commercial fertilizer or agricultural
6 mineral is located.

7 2. If the court finds **that** the commercial fertilizer or agricultural
8 mineral ~~{to be in violation}~~ **does not comply with the provisions** of this
9 chapter and orders the condemnation of the commercial fertilizer or
10 agricultural mineral, it must be disposed of in any manner consistent with
11 the quality of the commercial fertilizer or agricultural mineral and the laws
12 of ~~{the}~~ **this** state.

13 3. In no instance may the disposition of ~~{such}~~ **the** commercial
14 fertilizer or agricultural mineral be ordered by the court without ~~{first}~~
15 giving the claimant an opportunity to apply to the court for release of the
16 commercial fertilizer or agricultural mineral, or for permission to process
17 or relabel the commercial fertilizer or agricultural mineral, to bring it into
18 compliance with **the provisions of** this chapter.

19 **Sec. 386.** NRS 588.330 is hereby amended to read as follows:

20 588.330 1. If it appears from the examination of any commercial
21 fertilizer or agricultural mineral that any of the provisions of this chapter or
22 the rules and regulations ~~{issued thereunder}~~ **adopted pursuant thereto**
23 have been violated, the ~~{administrator}~~ **director** shall cause notice of the
24 violations to be given to the registrant, distributor or possessor from whom
25 the sample was taken. Any person so notified must be given an opportunity
26 to be heard under such rules and regulations as may be prescribed by the
27 ~~{administrator.}~~ **director**. If it appears after the hearing, ~~{either}~~ in the
28 presence or absence of the person so notified, that any of the provisions of
29 this chapter or **the** rules and regulations ~~{issued thereunder}~~ **adopted**
30 **pursuant thereto** have been violated, the ~~{administrator}~~ **director** may
31 certify the facts to the proper district attorney.

32 2. ~~{Nothing in}~~ **The provisions of** this chapter ~~{requires the~~
33 ~~administrator}~~ **do not require the director** or his representative to report for
34 prosecution, or for the institution of seizure proceedings, minor violations
35 of this chapter ~~{when}~~ **if** he believes that the public interest will be best
36 served by a suitable notice of warning in writing.

37 3. Each district attorney to whom any violation is reported shall cause
38 appropriate proceedings to be instituted and prosecuted in a court of
39 competent jurisdiction without delay.

40 4. The ~~{administrator is authorized to}~~ **director may** apply for and the
41 court ~~{to}~~ **may** grant a temporary or permanent injunction restraining any
42 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

1 which accurately and visibly records and displays the ratio of gasoline to
2 motor oil, the total volume of the oil and gasoline mixture delivered, and
3 computes the total cost based upon the price set for the finished blend.

4 (c) The device mechanism prevents the changing of the ratio of gasoline
5 to motor oil during dispensing.

6 (d) There is firmly attached to or painted upon the device mechanism
7 panel a sign or label plainly visible consisting of the words “outboard
8 motor fuel” in letters not less than one-half inch in height, together with the
9 brand, trade-mark or trade name of the product, which ~~{shall also}~~ **must** be
10 in letters of not less than one-half inch in height.

11 2. ~~{It is the purpose}~~ **The provisions** of this section ~~{to}~~ authorize the
12 operation of a blending type of pump connected to two tanks, one
13 containing motor oil and the other gasoline, but only if the motor oil in its
14 separate state meets the specifications for lubricating oil as required by
15 NRS 590.080, and the gasoline in its separate state meets the specifications
16 for gasoline as required by NRS 590.070.

17 **Sec. 389.** NRS 590.090 is hereby amended to read as follows:

18 590.090 1. It is unlawful for any person, or any officer, agent or
19 employee thereof, to sell, offer for sale, or assist in the sale of or permit to
20 be sold or offered for sale any petroleum or petroleum product to be used
21 for heating purposes, unless the petroleum or petroleum product conforms
22 to the ~~{latest}~~ **most recent** standards adopted by the American Society for
23 Testing and Materials.

24 2. All bulk storage tanks, dispensers and petroleum tank truck
25 compartment outlets containing or dispensing heating fuel must be labeled
26 with the brand name and the grade designation of the heating fuel.

27 3. A person shall not use the numerical grade designation for heating
28 fuels adopted by the American Society for Testing and Materials unless the
29 designation conforms to ~~{the ASTM specification.}~~ **that designation.**

30 Persons using a designation other than the ~~{ASTM}~~ numerical grade
31 designation **adopted by the American Society for Testing and Materials**
32 must ~~{first}~~ file with the ~~{division}~~ **state department** of agriculture ~~{of the~~
33 ~~department of business and industry}~~ the designation to be used together
34 with its corresponding ~~{ASTM grade designation.}~~ **grade designation of**
35 **the American Society for Testing and Materials.**

36 **Sec. 390.** NRS 652.230 is hereby amended to read as follows:

37 652.230 The provisions of this chapter apply to all public and private
38 medical laboratories except:

39 1. A laboratory of any college, university or school which is conducted
40 for the training of its students, actively engaged in research and approved
41 by the state department of education.

42 2. Laboratories operated by the Federal Government.

1 3. Laboratories operated by the ~~[division]~~ *state department* of
2 agriculture . ~~[of the department of business and industry.]~~

3 **Sec. 391.** NRS 705.190 is hereby amended to read as follows:

4 705.190 1. Every owner or operator of a railroad in this state who
5 injures or kills any livestock of any description by ~~[the running of]~~ *running*
6 an engine or car over or against the livestock shall:

7 (a) Within 5 days thereafter post for ~~[a period of]~~ at least 30 days, at the
8 first railroad station in each direction from the place of the injury or killing,
9 notices in writing in ~~[some]~~ *a* conspicuous place on the outside of the
10 stations; and

11 (b) Within 10 days after ~~[the injury]~~ *injuring* or killing ~~[of]~~ the
12 livestock, forward by registered or certified mail a duplicate of each notice
13 to the ~~[division]~~ *state department* of agriculture . ~~[of the department of~~
14 ~~business and industry.]~~

15 2. The notice ~~[or notices]~~ must:

16 (a) Contain the number and kind of the animals ~~[so]~~ injured or killed,
17 with a full description of the animals, including brands and marks and sex.

18 (b) Give the time and place, as near as possible, of the injury or killing.

19 (c) Be dated and signed by an officer or agent of the owner or operator
20 of the railroad concerned.

21 **Sec. 392.** Section 1 of Assembly Bill No. 135 of this session is hereby
22 amended to read as follows:

23 **Section 1.** NRS 555.235 is hereby amended to read as follows:

24 555.235 As used in NRS 555.235 to 555.249, inclusive:

25 1. ~~["Agent" means any person who:~~

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

28 ~~—(b) Solicits for the sale of nursery stock.~~

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

31 ~~3.]~~ "Inspecting officer" means a person authorized by the
32 department to inspect nursery stock.

33 ~~[4.]~~ 2. "Licensee" means any person licensed under the
34 provisions of NRS 555.235 to 555.249, inclusive.

35 ~~[5.]~~ 3. "Nursery" means any ~~[ground or place where]~~ *location:*

36 (a) *Where* nursery stock is grown, *propagated*, stored ~~[, packed,~~
37 ~~treated, fumigated or offered for sale.~~

38 ~~—6.] or sold; or~~

39 (b) *From which nursery stock is distributed directly to a*
40 *customer.*

41 4. "Nursery stock" means any plant for planting, propagation or
42 ornamentation, and includes parts of plants, trees, shrubs, vines,

1 vegetables, bulbs, stolons, tubers, corms, pips, rhizomes, scions,
2 buds and grafts.

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

8 ~~—8.]~~ 5. “Pest” means ~~†~~:

9 ~~—(a) Any~~ *any* form of animal *or vegetable* life detrimental to the
10 nursery industry of ~~†the state.~~

11 ~~—(b) Any form of vegetable life detrimental to the nursery industry~~
12 ~~of the state.~~

13 ~~—9. “Pest disease” means any infectious, transmissible or~~
14 ~~contagious disease of plants, or any disorder of plants which~~
15 ~~manifests symptoms or behavior which the director, after~~
16 ~~investigation, determines to be characteristic of an infectious,~~
17 ~~transmissible or contagious disease.~~

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

24 ~~—11.]~~ *this state, including, without limitation, any insect, snail,*
25 *nematode, fungus, virus, bacterium, microorganism,*
26 *mycoplasmal organism, weed, parasitic plant or any other plant*
27 *that is normally considered to be a pest of cultivated plants,*
28 *uncultivated plants, agricultural commodities, horticultural*
29 *products or nursery stock, or that the director declares to be a*
30 *pest.*

31 6. “Sell” means exchange, offer for sale, expose for sale, have
32 in possession for sale or solicit for sale.

33 **Sec. 393.** Section 2 of Assembly Bill No. 135 of this session is hereby
34 amended to read as follows:

35 **Sec. 2.** NRS 555.236 is hereby amended to read as follows:

36 555.236 1. Every person who engages in the commercial
37 production, holding, distribution, collection or selling of nursery
38 stock shall obtain a license from the director, except:

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

41 (b) A person who is not engaged in the nursery business and
42 raises nursery stock as a hobby in this state, from which he makes
43 occasional sales, if the person reports to the director his intention to

1 make those sales and does not advertise or solicit for the sale of that
2 nursery stock.

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

5 (d) That the director may, to relieve hardships imposed by the
6 licensing requirements of NRS 555.235 to 555.249, inclusive, upon
7 persons residing in sparsely settled areas of ~~the~~ *this* state where no
8 licensed nurseries exist, waive the requirements for the licensing of
9 nurseries for any established business ~~concern~~ to permit
10 occasional sales of nursery stock ~~for customer accommodation.~~ *to*
11 *accommodate the customers of the business.*

12 (e) At the discretion of the director, persons selling vegetable
13 bulbs or flower bulbs, including , *without limitation*, onion sets,
14 tulip bulbs and similar bulbs.

15 *(f) A nursery licensed by another state that sells nursery stock*
16 *directly to:*

17 *(1) A licensed retail nursery in this state; or*

18 *(2) The public by catalog.*

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

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

24 (b) Shall register annually, on or before July 1, with the
25 department, the location, size and type of nursery stock being
26 produced.

27 **Sec. 394.** Section 6 of Assembly Bill No. 135 of this session is hereby
28 amended to read as follows:

29 **Sec. 6.** NRS 555.248 is hereby amended to read as follows:

30 555.248 Any nursery stock brought into this state which the
31 director or inspecting officer finds or has reasonable cause to
32 believe to be infested or infected with any pest must be destroyed
33 immediately, at the expense of the owner or bailee, under the
34 supervision of the director or the inspecting officer, unless:

35 1. The nature of the pest is such that no detriment can be
36 caused to the *public, the* nursery , *agricultural, forestry or*
37 *horticultural* industry ~~for related industries~~ in this state *or the*
38 *general environmental quality of this state* by shipping the nursery
39 stock out of ~~the~~ *this* state. In that case the director or inspecting
40 officer:

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

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

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

3 (d) Shall destroy the nursery stock at the expiration of 48 hours
4 if the owner or bailee has not shipped the nursery stock out of ~~the~~
5 *this* state.

6 2. The director determines that the pest can be exterminated by
7 *a* treatment prescribed by the director with the result that no
8 detriment will be caused to the *public, the* nursery, *agricultural,*
9 *forestry or horticultural* industry ~~for related industries~~ in this state
10 ~~or the general environmental quality of this state.~~ In that case,
11 nursery stock will be released if the nursery stock is:

12 (a) Treated in the manner prescribed by the director;

13 (b) Treated within the time specified by the director or
14 inspecting officer;

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

16 (d) Found to be free from pests.

17 **Sec. 395.** The title of Assembly Bill No. 135 of this session is hereby
18 amended to read as follows:

19 AN ACT relating to agriculture; revising the definition of “nursery”
20 to include a location where nursery stock is propagated
21 ~~and~~ *or* from which nursery stock is distributed directly to a
22 customer; exempting certain nurseries that are licensed by
23 another state from the requirement of obtaining a license
24 from the ~~administrator~~ *director* of the ~~division~~ *state*
25 *department* of agriculture ; ~~of the department of business~~
26 ~~and industry;~~ revising the definition of “peddler” to exclude
27 certain nurserymen licensed by another state; requiring
28 nursery stock shipped intrastate or interstate to a point
29 within this state to be accompanied by an inspection
30 certificate or a phytosanitary certificate; and providing other
31 matters properly relating thereto.

32 **Sec. 396.** NRS 552.08505, 552.08585, 576.011, 586.035, 587.016,
33 587.027, 587.465, 587.710, 588.015 and 588.074 are hereby repealed.

34 **Sec. 397.** This act becomes effective:

35 1. Upon passage and approval for the purpose of the adoption of
36 regulations by the commission on mineral resources that are necessary to
37 carry out the provisions of this act; and

38 2. On July 1, 1999, for all other purposes.

39 **Sec. 398.** The legislative counsel shall:

40 1. In preparing the reprint and supplements to the Nevada Revised
41 Statutes, with respect to any section that is not amended by this act or is
42 further amended by another act, appropriately change any reference to:

43 (a) “Division of agriculture” to “state department of agriculture”; and

- 1 (b) Any other agency or any officer whose name is changed or whose
2 responsibilities have been transferred pursuant to the provisions of this act
3 to refer to the appropriate agency or officer.
4 2. In preparing supplements to the Nevada Administrative Code,
5 appropriately change any reference to:
6 (a) “Division of agriculture” to “state department of agriculture”; and
7 (b) Any other agency or any officer whose name is changed or whose
8 responsibilities have been transferred pursuant to the provisions of this act
9 to refer to the appropriate agency or officer.

LEADLINES OF REPEALED SECTIONS

552.08505 “Administrator” defined.
552.08585 “Division” defined.
576.011 “Administrator” defined.
586.035 “Administrator” defined.
587.016 “Administrator” defined.
587.027 “Division” defined.
587.465 “Administrator” defined.
587.710 “Administrator” defined.
588.015 “Administrator” defined.
588.074 “Division” defined.

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