

ASSEMBLY BILL NO. 693—COMMITTEE ON WAYS AND MEANS

MAY 24, 1999

Referred to Committee on Ways and Means

SUMMARY—Revises provisions governing certain fees imposed by state board of agriculture and division of agriculture of department of business and industry. (BDR 50-1748)

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

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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 fees; revising the provisions governing certain fees imposed by the state board of agriculture and the division of agriculture of the department of business and industry; 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 573.040 is hereby amended to read as follows:
- 2 573.040 The ***state board of agriculture shall establish by regulation***
- 3 ***the*** fee for a license to operate a public livestock auction . ~~It shall be \$100~~
- 4 ~~per year.~~
- 5 **Sec. 2.** NRS 576.042 is hereby amended to read as follows:
- 6 576.042 1. Any:
- 7 (a) Producer of livestock or farm products or his agent or consignee;
- 8 (b) Licensed broker, dealer or commission merchant; or
- 9 (c) ~~Organization~~ ***Nonprofit organization*** or association ~~which is~~
- 10 ~~entirely nonprofit in character, such as~~ , ***including*** the Nevada Fair of
- 11 Mineral Industries, 4-H clubs, the Nevada junior livestock show, the
- 12 Nevada state livestock show ~~or~~ ***and*** the Nevada Hereford Association,
- 13 who is injured by any violation of the provisions of this chapter, or by any
- 14 misrepresentations or fraud on the part of any licensed dealer, broker or
- 15 commission merchant, may maintain a civil action against the dealer,
- 16 broker or commission merchant. If the dealer, broker or commission
- 17 merchant is licensed, he may also maintain an action against the surety on
- 18 any bonds, or the money or securities deposited in lieu of a bond. In such

1 an action against an unlicensed dealer, broker or commission merchant, the
2 injured person is entitled to treble damages.

3 2. Any person having a claim pursuant to subsection 1 against any
4 licensed dealer, broker or commission merchant must begin legal action on
5 any bond, or money or securities deposited in lieu of a bond, for recovery
6 of the amount claimed to be due within 1 year after the claim has accrued.

7 3. Pursuant to subsection 4 of NRS 576.030, process may be served by
8 delivering to the administrator duplicate copies of the process and paying a
9 fee ~~{of \$2.}~~ *established by regulation of the state board of agriculture.*

10 The service upon the administrator shall be deemed service upon the
11 dealer, broker or commission merchant. The administrator shall forward
12 one copy of the process by registered mail prepaid to the defendant dealer,
13 broker or commission merchant, ~~{giving}~~ *specifying* the day and hour of
14 service. The ~~{defendant's}~~ return receipt *of the defendant* is prima facie
15 evidence of the completion of service. If service of summons is made upon
16 the administrator in accordance with the provisions of this subsection, the
17 ~~{time}~~ *period* within which the defendant ~~{is required to}~~ *must* 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. 3.** NRS 576.050 is hereby amended to read as follows:

22 576.050 ~~{1.}~~ Each applicant for a license as a broker, dealer,
23 commission merchant, ~~{or}~~ cash buyer *or agent* shall pay to the division an
24 annual license fee ~~{of \$40.}~~

25 ~~—2.— Each applicant for a license as an agent shall pay to the division an~~
26 ~~annual license fee of \$10.}~~ *established by regulation of the state board of*
27 *agriculture.*

28 **Sec. 4.** NRS 555.238 is hereby amended to read as follows:

29 555.238 1. The *state board of agriculture may establish by*
30 *regulation a minimum annual fee for each* nursery license, ~~{fee is \$50 per~~
31 ~~fiscal year,}~~ to which must be added ~~{~~

32 ~~—(a) Twenty dollars for each additional}~~ *an amount established by*
33 *regulation of the board for each:*

34 (a) *Additional* nursery of a licensee who has ~~{already}~~ paid the
35 minimum nursery license fee.

36 (b) ~~{Two dollars for each acre}~~ *Acre* of nursery stock in production or
37 portion thereof after the first acre. ~~{up to a maximum fee of \$15.}~~

38 ~~—(c) Five dollars for each agent}~~

39 (c) *Agent* acting on behalf of a licensed nursery established in this state
40 and operating outside of the county in which the nursery is located.

41 (d) ~~{Fifty dollars for each peddler.}~~ *Peddler.*

42 2. As used in this section:

43 (a) "Agent" means any person who:

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

3 (2) Solicits for the sale of nursery stock.

4 (b) "Peddler" means any person who sells, solicits or offers for sale
5 nursery stock to ~~the ultimate~~ a customer and who does not have a nursery
6 in this state. The term does not include nurserymen licensed by another
7 state who wholesale nursery stock to retail nurserymen in this state or sell
8 nursery stock directly to the public by catalog.

9 **Sec. 5.** NRS 555.310 is hereby amended to read as follows:

10 555.310 1. The administrator shall collect from each person applying
11 for the examination or reexamination a testing fee ~~of \$10 for each field of~~
12 ~~pest control in which the applicant wishes to be examined, subject,~~
13 ~~however, to a maximum charge of \$35 and a minimum charge of \$15 for~~
14 ~~any one application.~~ *established by regulation of the state board of*
15 *agriculture.*

16 2. Upon the successful completion of the testing, the administrator
17 shall *, before the licensed is issued,* collect from each person applying for a
18 license for pest control ~~the sum of \$50 before the license is issued.~~ *an*
19 *annual fee established by regulation of the state board of agriculture.*
20 Any company or person employing operators, pilots or agents shall pay to
21 the administrator ~~\$15~~ *a fee established by regulation of the board* for
22 each operator, pilot or agent licensed.

23 **Sec. 6.** NRS 555.355 is hereby amended to read as follows:

24 555.355 1. The administrator may require the applicant to show,
25 upon examination, that he possesses adequate knowledge concerning the
26 proper use and application of restricted-use pesticides and the dangers
27 involved and precautions to be taken in connection with ~~their application,~~
28 *the application of those pesticides,* including , but not limited to , the
29 following ~~subject~~ areas:

- 30 (a) Label and labeling comprehension.
31 (b) Environmental consequences of pesticide use and misuse.
32 (c) Pests.
33 (d) Pesticides.
34 (e) Equipment.
35 (f) Application techniques.
36 (g) Laws and regulations.
37 (h) Safety.

38 2. In addition, the administrator may require the applicant to meet
39 special qualifications of competency to meet the special needs of a given
40 locality regarding the use or application of a specific restricted-use
41 pesticide.

42 3. The administrator shall collect from each person applying for an
43 examination or reexamination, in connection with the issuance of a

1 certificate, a testing fee ~~[not to exceed \$10]~~ *established by regulation of*
2 *the state board of agriculture* for any one examination period.

3 **Sec. 7.** NRS 582.040 is hereby amended to read as follows:

4 582.040 If satisfied with the ~~[applicant's qualifications,]~~ *qualifications*
5 *of the applicant*, the state sealer of weights and measures shall issue a
6 certificate of appointment as a public weighmaster, for which certificate he
7 shall charge a fee ~~[of \$60.]~~ *established by regulation of the state board of*
8 *agriculture*. The certificate of appointment ~~[is]~~ :

9 1. *Is* valid for the calendar year in which it is issued. ~~[Renewal of the~~
10 ~~certificate of appointment may be obtained]~~

11 2. *May be renewed* each year upon application to the state sealer of
12 weights and measures ~~[, accompanied by a fee of \$50,]~~ on or before the last
13 day of January. *The application must be accompanied by a fee established*
14 *by regulation of the state board of agriculture.*

15 **Sec. 8.** NRS 586.270 is hereby amended to read as follows:

16 586.270 1. A registrant shall pay an annual registration fee in an
17 amount ~~[fixed]~~ *established* by *regulation of* the administrator ~~[not to~~
18 ~~exceed \$50]~~ for each pesticide registered.

19 2. The administrator shall , *for each annual registration fee he*
20 *collects*, deposit in a separate account ~~[not more than \$25 of each annual~~
21 ~~registration fee he collects.]~~ *the amount established for that purpose by*
22 *regulation of the administrator*. The money deposited in the account must
23 be used only for the disposal of pesticides. ~~[The administrator shall fix, by~~
24 ~~regulation, the amount of each registration fee which must be deposited in~~
25 ~~the account.]~~

26 3. A registrant who offers a pesticide for sale before ~~[registration of]~~
27 *registering* the pesticide shall pay an amount equal to twice the registration
28 fee for ~~[registration of]~~ *registering* the pesticide.

29 **Sec. 9.** NRS 586.406 is hereby amended to read as follows:

30 586.406 1. It is unlawful for any person to sell or offer to sell at the
31 retail level or distribute or deliver for transportation for delivery to the
32 consumer or user a pesticide classified for restricted use pursuant to NRS
33 586.401 or the Federal Environmental Pesticide Control Act , ~~[§ 7 U.S.C.~~
34 ~~§§ 136 et seq.]~~ *without first being* , *unless he is* registered with the
35 administrator.

36 2. Each person applying for registration must provide a statement
37 including:

38 (a) The name and address of the person registering; and

39 (b) The name and address of any person who, on behalf of the person
40 registering, sells, offers to sell, distributes or delivers for transportation a
41 restricted-use pesticide.

42 3. All registrations expire on December 31 and are renewable annually.

43 4. Each person registering shall pay:

1 (a) An annual registration fee ~~{of \$10;}~~ *established by regulation of the*
2 *state board of agriculture;* and

3 (b) A penalty fee of \$5 if his previous registration has expired by the
4 failure to reregister on or before February 1, unless his registration is
5 accompanied by a signed statement that no person named on the
6 registration statement has sold or distributed any restricted-use pesticides
7 during the period of the year during which the registration was not in effect.

8 5. ~~{All persons}~~ *Each person who is* registered shall maintain ~~{and~~
9 ~~keep for a period of}~~ *for* 2 years a record of all sales of restricted-use
10 pesticides showing:

11 (a) The date of sale or delivery;

12 (b) The name and address of the person to whom sold or delivered;

13 (c) The brand name of the pesticide product;

14 (d) The amount of pesticide product sold or delivered;

15 (e) The certification number of the certified applicator who is applying
16 or supervising the application of the pesticide if the purchaser of the
17 pesticide is not certified to apply the pesticide; and

18 (f) Such other information as may be required by the administrator.

19 6. Each person registered pursuant to this section shall, on or before
20 the 15th day of each month, file a report with the administrator ~~{of}~~
21 *specifying the* restricted-use pesticides sold during the previous month. The
22 administrator shall provide the form for the report. The form must be filed
23 ~~{even if}~~ *regardless of whether* the person ~~{did not sell}~~ *sold* any pesticides
24 during the previous month.

25 **Sec. 10.** NRS 588.170 is hereby amended to read as follows:

26 588.170 1. Each brand and grade of commercial fertilizer or
27 agricultural mineral must be registered with the division before being
28 offered for sale, sold or distributed in this state.

29 2. An application for registration must be submitted in duplicate to the
30 administrator on a form furnished by him, and must be accompanied by a
31 registration fee in an amount to be fixed annually by the administrator ~~{, not~~
32 ~~to exceed \$25}~~ for each combined registration of brand and grade.

33 3. The applicant must ~~{also}~~ deposit with the division an airtight
34 container containing not less than 2 pounds of the fertilizer or agricultural
35 mineral, *together* with an affidavit *stating* that it is a fair sample of the
36 fertilizer or agricultural mineral to be sold or offered for sale.

37 4. Upon approval by the administrator, a copy of the registration must
38 be furnished to the applicant.

39 5. All registrations expire on June 30 of each year.

40 **Sec. 11.** NRS 588.210 is hereby amended to read as follows:

41 588.210 1. There must be paid to the division for all commercial
42 fertilizers offered for sale, sold or distributed in this state a fee ~~{at the rate~~
43 ~~of 25 cents per ton on every}~~ *established by regulation of the state board*

1 *of agriculture for each* ton sold, but sales to manufacturers or exchanges
2 between them are ~~exempted.~~ *exempt.*

3 2. There must be paid to the division for all agricultural minerals
4 offered for sale, sold or distributed in this state a fee ~~of 25 cents per ton on~~
5 ~~every ton if~~ *established by regulation of the state board of agriculture.*
6 *The regulations must specify the amount of the fee for each ton of*
7 *agricultural minerals that is* sold in packages ~~for 5 cents per ton if~~ *and*
8 *the amount of the fee for each ton of those minerals that is* sold in bulk,
9 but sales to manufacturers or exchanges between them are exempt.

10 3. The division shall prepare suitable forms for reporting sales and , on
11 request , shall furnish the forms without cost to all persons dealing in
12 registered brands of commercial fertilizers or agricultural minerals.

13 **Sec. 12.** NRS 590.380 is hereby amended to read as follows:

14 590.380 1. Before any antifreeze may be sold, displayed for sale or
15 held with intent to sell within this state, a sample thereof must be inspected
16 annually by the state sealer of weights and measures.

17 2. Upon application of the manufacturer, packer, seller or distributor
18 and the payment of a fee ~~of \$50~~ *established by regulation of the state*
19 *board of agriculture* for each brand of antifreeze submitted, the state sealer
20 of weights and measures shall inspect the antifreeze submitted. If the
21 antifreeze ~~is~~ :

22 (a) *Is* not adulterated or misbranded ~~if it meets~~ ;

23 (b) *Meets* the standards of the state sealer of weights and measures ~~if~~
24 ~~and if it is~~ ; and

25 (c) *Is* not in violation of NRS 590.340 to 590.450, inclusive,
26 the state sealer of weights and measures shall ~~give~~ *issue to* the applicant a
27 written permit authorizing its sale in this state for the fiscal year in which
28 the inspection fee is paid.

29 3. If the state sealer of weights and measures at a later date finds that
30 ~~the~~ :

31 (a) *The* product to be sold, displayed for sale or held with intent to sell
32 has been materially altered or adulterated ~~if it~~ ;

33 (b) *A* change has been made in the name, brand or trade-mark under
34 which the antifreeze is sold ~~if it~~ ; or

35 (c) *The antifreeze* violates the provisions of NRS 590.340 to 590.450,
36 inclusive,

37 he shall notify the applicant and the permit must be canceled forthwith.

38 **Sec. 13.** This act becomes effective upon passage and approval for the
39 purpose of adopting regulations by the state board of agriculture to
40 establish the fees specified in sections 1 to 12, inclusive, of this act and on
41 January 1, 2000, for all other purposes.