
ASSEMBLY BILL NO. 77—COMMITTEE ON NATURAL
RESOURCES, AGRICULTURE, AND MINING

(ON BEHALF OF THE STATE DEPARTMENT OF AGRICULTURE)

PREFILED DECEMBER 20, 2014

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Makes various changes relating to the regulation of
agriculture. (BDR 49-346)

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

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

AN ACT relating to state governmental administration; revising certain provisions governing district boards of agriculture, agricultural associations and the operation of a state fair or regional fair in this State; making various changes to provisions governing noxious weeds; increasing the maximum rate of certain taxes on sheep; revising certain provisions governing public sales of livestock and licenses for the operation of public livestock auctions; authorizing the issuance of a free-sale certificate for an agricultural product under certain circumstances; requiring a person to register as a produce vendor under certain circumstances; requiring the State Sealer of Consumer Equitability to take certain actions concerning cash registers and to establish fees for any tests of point-of-sale systems and cash registers; revising certain provisions governing the inspection of meat and poultry, pesticides and the sale of antifreeze; repealing and reenacting, without substantive change, provisions relating to the cleanup of discharged petroleum and provisions relating to dangerous caustic or corrosive acids, alkalis and other substances; authorizing the imposition of a civil penalty for certain violations relating to apiaries, quarantines, noxious weeds and meat, fish, produce, poultry and eggs; providing penalties; and providing other matters properly relating thereto.



Legislative Counsel's Digest:

1 Existing law regulates the formation and powers of district boards of
2 agriculture. (Chapter 547 of NRS) Existing law provides that the eight members of
3 the district boards must be divided into different classes to provide for staggered
4 terms. (NRS 547.040) **Sections 1 and 3** of this bill deletes those provisions.
5 Existing law requires the district boards of agriculture to organize annual fairs or
6 exhibitions of the industries in their districts, and that counties may appropriate not
7 more than \$1,500 from their general funds to aid in this effort. (NRS 547.110,
8 547.120, 547.140) **Sections 4-6** of this bill make these fairs optional and increase
9 the allowable county appropriation to not more than \$150,000 in any 1 year.
10 Existing law requires that an annual mineral industries exhibition be held in Ely,
11 Nevada. (NRS 551.010) **Section 9** of this bill renames this exhibition, makes it
12 optional and removes the requirement that it be held in Ely. **Section 8** of this bill
13 authorizes the State Department of Agriculture to hold a state fair once a year.
14 **Sections 10-12** of this bill place the control of the apiary industry under the
15 Director of the Department. **Sections 13-21** of this bill revise punitive provisions
16 relating to quarantines of agricultural products, increasing penalties and providing
17 for civil penalties. **Sections 22 and 40** of this bill revise the definitions of "pest"
18 and "pesticide" as those definitions relate to the control of pests and weeds. **Section**
19 **23** of this bill authorizes the Director to adopt a program certifying certain
20 agricultural products as being free of noxious weeds. **Sections 30-35** of this bill
21 replace references to the eradication, removal or destruction of weeds with the term
22 "control." **Sections 36, 39 and 43** of this bill replace criminal penalties relating to
23 the control of weeds with civil penalties. **Section 102** of this bill increases the
24 maximum amount of the tax on sheep from 18 cents per head to \$1.50 per head.
25 **Sections 103-105** of this bill place the proceeds of those taxes solely under the
26 control of the State Controller and adjust the amount of the proceeds that may be
27 spent on advancing the interests of the sheep industry. **Sections 108-113** of this bill
28 revise provisions for the licensing of persons operating public livestock auctions to
29 increase the amounts of surety bonds and available credit, provide for financial
30 audits and increase fines for violations. **Section 125** of this bill requires sellers of
31 certain farm products to register as produce vendors. **Sections 127 and 128** of this
32 bill remove requirements for agricultural brokers, dealers, commission merchants
33 and agents to disclose arrests and civil suits during the application process and to
34 show good character. Existing law authorizes the State Sealer of Consumer
35 Equitability to test and license commercial weighing and measuring devices. (NRS
36 581.075) **Sections 136 and 137** of this bill add point-of-sale systems and cash
37 registers to the devices which may be regulated. Existing law prohibits the sale of
38 spoiled or diseased meat, fish, produce and poultry in any city or town. (NRS
39 583.010, 583.060, 583. 070) **Sections 142, 149 and 150** of this bill expand this
40 prohibition to include any location in the State. **Sections 143, 145, 151, 157, 159,**
41 **165 and 166** of this bill replace references to the Department of Health and Human
42 Services with the State Department of Agriculture. **Sections 144, 147, 151, 152,**
43 **161, 163 and 164** of this bill revise the punitive provisions governing the regulation
44 of meat, fish, produce, poultry and eggs. **Sections 191 and 193** of this bill replace
45 the criminal provisions governing pesticides with civil penalties. **Sections 68-94** of
46 this bill reenact in chapter 445C of NRS, without substantive change, provisions
47 currently in chapter 590 of NRS which relate to the cleanup of discharged
48 petroleum and which are repealed by **section 210** of this bill. **Sections 168-174** of
49 this bill reenact in chapter 585 of NRS, without substantive change, provisions
50 currently in chapter 586 of NRS which relate to dangerous caustic or corrosive
51 acids, alkalis and other substances and which are repealed by **section 210** of this
52 bill. The purpose of repealing and reenacting these two groups of provisions is to
53 move the provisions, without substantive change, from one chapter in NRS to
54 another chapter in NRS. **Section 210** of this bill also repeals provisions dealing



55 with mineral content in fertilizer. **Section 194** of this bill authorizes the Director to
56 adopt certain national standards concerning fertilizer. **Section 198** of this bill
57 revises punitive provisions governing fertilizer. Existing law requires used and
58 recycled oil to be clearly labelled on the package. (NRS 590.060) **Section 201** of
59 this bill requires bulk deliveries of used or recycled oil to be clearly identified on
60 the receipt. **Section 202** of this bill revises the testing procedures for motor oil
61 viscosity. **Section 204** of this bill removes the requirement for the State Sealer of
62 Consumer Equitability to inspect antifreeze before the antifreeze is sold, but
63 requires the State Sealer of Consumer Equitability to issue a license authorizing its
64 sale if it is in compliance with certain standards.

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

1 **Section 1.** NRS 547.040 is hereby amended to read as follows:
2 547.040 1. Not later than 10 days after an agricultural
3 association is formed within an agricultural district listed in NRS
4 547.010 pursuant to the provisions of this chapter:
5 (a) The Governor, if the agricultural district is composed of
6 more than one county, shall appoint eight persons who are residents
7 of the agricultural district and who are members of the agricultural
8 association to be members of the district board of agriculture for the
9 agricultural district; or
10 (b) The board of county commissioners, if the agricultural
11 district constitutes a single-county agricultural district, shall appoint
12 eight persons who are residents of the agricultural district to be
13 members of the district board of agriculture for the agricultural
14 district.
15 2. Within 10 days after their appointment, the persons so
16 appointed shall meet at a place within the agricultural district and
17 organize by the election of:
18 (a) One of their number as president of the district board of
19 agriculture and the agricultural association, who shall hold the office
20 of president for 1 year and until his or her successor is elected.
21 (b) A secretary and a treasurer.
22 ~~[3.—At the same meeting the members of the district board of~~
23 ~~agriculture shall, by lot or otherwise, classify themselves into four~~
24 ~~classes of two members each. The terms of office of:~~
25 ~~—(a) The first class expire:~~
26 ~~—(1) At the end of the first fiscal year if the member was~~
27 ~~appointed to a district board of agriculture for an agricultural district~~
28 ~~whose population is 100,000 or more as determined by the~~
29 ~~population of the county or counties that compose the district; or~~
30 ~~—(2) On December 31 of the first fiscal year if the member~~
31 ~~was appointed to a district board of agriculture for an agricultural~~



1 ~~district whose population is less than 100,000 as determined by the~~
2 ~~population of the county or counties that compose the district.~~

3 ~~—(b) The second class expire:~~

4 ~~—(1) At the end of the second fiscal year if the member was~~
5 ~~appointed to a district board of agriculture for an agricultural district~~
6 ~~whose population is 100,000 or more as determined by the~~
7 ~~population of the county or counties that compose the district; or~~

8 ~~—(2) On December 31 of the second fiscal year if the member~~
9 ~~was appointed to a district board of agriculture for an agricultural~~
10 ~~district whose population is less than 100,000 as determined by the~~
11 ~~population of the county or counties that compose the district.~~

12 ~~—(c) The third class expire:~~

13 ~~—(1) At the end of the third fiscal year if the member was~~
14 ~~appointed to a district board of agriculture for an agricultural district~~
15 ~~whose population is 100,000 or more as determined by the~~
16 ~~population of the county or counties that compose the district; or~~

17 ~~—(2) On December 31 of the third fiscal year if the member~~
18 ~~was appointed to a district board of agriculture for an agricultural~~
19 ~~district whose population is less than 100,000 as determined by the~~
20 ~~population of the county or counties that compose the district.~~

21 ~~—(d) The fourth class expire:~~

22 ~~—(1) At the end of the fourth fiscal year if the member was~~
23 ~~appointed to a district board of agriculture for an agricultural district~~
24 ~~whose population is 100,000 or more as determined by the~~
25 ~~population of the county or counties that compose the district; or~~

26 ~~—(2) On December 31 of the fourth fiscal year if the member~~
27 ~~was appointed to a district board of agriculture for an agricultural~~
28 ~~district whose population is less than 100,000 as determined by the~~
29 ~~population of the county or counties that compose the district.]~~

30 **Sec. 2.** NRS 547.050 is hereby amended to read as follows:

31 547.050 When any district board of agriculture is ~~[classified~~
32 ~~and]~~ organized as provided in NRS 547.040, the secretary of the
33 board shall report such ~~[classification and]~~ organization to:

- 34 1. The State Department of Agriculture; and
- 35 2. Its appointing authority.

36 **Sec. 3.** NRS 547.060 is hereby amended to read as follows:

37 547.060 1. ~~[Except as otherwise provided in subsection 3 of~~
38 ~~NRS 547.040, each]~~ **Each** member of a district board of agriculture
39 must be appointed for a term of 4 years. ~~[The term begins on:~~

40 ~~—(a) July 1, if the member was appointed to a district board of~~
41 ~~agriculture for an agricultural district whose population is 100,000~~
42 ~~or more as determined by the population of the county or counties~~
43 ~~that compose the district; or~~

44 ~~—(b) January 1, if the member was appointed to a district board of~~
45 ~~agriculture for an agricultural district whose population is less than~~



1 ~~100,000 as determined by the population of the county or counties~~
2 ~~that compose the district.]~~

3 2. The secretary shall report any vacancy which may occur in
4 the district board of agriculture to its appointing authority as
5 specified in NRS 547.040, and the vacancy must be filled by
6 appointment for the unexpired term.

7 3. The incumbent members of the district board of agriculture
8 may submit to the appointing authority for consideration a list of
9 nominees for appointment to fill any vacancy on the board.

10 **Sec. 4.** NRS 547.110 is hereby amended to read as follows:

11 547.110 The district board of agriculture ~~{shall}~~ *may* provide
12 for ~~{an annual}~~ a fair or exhibition by the agricultural association of
13 ~~{all}~~ the industries and industrial products in the agricultural district,
14 at such time and place as the board may deem advisable, but:

15 1. No district fair shall be held in any of the districts at the
16 same time as the state fair; and

17 2. The State shall in no event be liable for any premium
18 offered, or award, or for any debt contracted by any district board of
19 agriculture or agricultural association.

20 **Sec. 5.** NRS 547.120 is hereby amended to read as follows:

21 547.120 For the purpose of aiding each and any agricultural
22 association formed under the provisions of this chapter within any
23 county or counties in successfully carrying out the purposes for
24 which it has been organized, which association ~~{shall annually}~~ *may*
25 hold, within any county or counties comprising the agricultural
26 district, a fair or exhibition, the boards of county commissioners of
27 the several counties are authorized to appropriate any money or
28 moneys out of the general fund of their respective counties to aid
29 any such agricultural association composing any agricultural district
30 of which the county or counties may be a part.

31 **Sec. 6.** NRS 547.140 is hereby amended to read as follows:

32 547.140 1. Except as otherwise provided in subsection 2, if
33 two or more counties are included in and comprise an agricultural
34 district, the boards of county commissioners of such counties are
35 authorized to appropriate, out of the general fund of such counties,
36 such money for the encouragement of such agricultural associations
37 as the boards may, in their judgment, deem just and proper.

38 2. In no case may an appropriation described in subsection 1
39 exceed the sum of ~~{\$1,500}~~ *\$150,000* in any 1 year, unless the
40 money so appropriated was obtained from the proceeds of a tax
41 imposed pursuant to chapter 377A of NRS.

42 **Sec. 7.** NRS 547.160 is hereby amended to read as follows:

43 547.160 1. When the boards of county commissioners of the
44 counties constituting and comprising the agricultural district shall
45 determine and allow the amount to be appropriated ~~{annually}~~ for



1 the purposes mentioned in NRS 547.130, the same shall be paid as
2 other bills against the county are paid.

3 2. All warrants drawn pursuant to the provisions of this section
4 shall be made payable to the order of the president of the district
5 board of agriculture of such agricultural association, or in the case
6 of the president's absence or inability to serve, such warrants shall
7 be made payable to the order of a member of the district board of
8 agriculture as such board shall, by a majority vote thereof,
9 determine and direct.

10 **Sec. 8.** Chapter 551 of NRS is hereby amended by adding
11 thereto a new section to read as follows:

12 *1. Except as otherwise provided in NRS 547.110, the State*
13 *Department of Agriculture may operate or authorize the operation*
14 *of any state fair or regional fair in this State.*

15 *2. The Director of the Department must determine the venue*
16 *and frequency of any state fair or regional fair, except that a state*
17 *fair or regional fair may not be held more frequently than once*
18 *each calendar year.*

19 *3. The Department may charge and collect fees for vendor*
20 *spaces and accept any contributions and sponsorships to offset*
21 *any expenses associated with operating a state fair or regional*
22 *fair.*

23 **Sec. 9.** NRS 551.010 is hereby amended to read as follows:

24 551.010 1. A statewide mining, petroleum and industrial
25 exhibition, to be known as the Nevada ~~[Fair of]~~ Mineral ~~[Industries,~~
26 ~~shall be held at Ely, Nevada, annually,]~~ *Exhibition, may be held*
27 under the administration of ~~[the District Board of Agriculture of~~
28 ~~Agricultural District No. 13,]~~ *a district board of agriculture* and
29 may, at the discretion of the ~~[Board,]~~ *board,* be held in connection
30 with an agricultural district exhibition to include other fields of
31 endeavor.

32 ~~[In addition to its other responsibilities, the Agricultural~~
33 ~~District shall use all suitable means to]~~ *An agricultural district may*
34 collect and disseminate ~~[, throughout the State,]~~ information
35 ~~[calculated to educate and benefit]~~ *regarding* the mineral industries
36 within the State of Nevada, including the petroleum industry.

37 **Sec. 10.** Chapter 552 of NRS is hereby amended by adding
38 thereto a new section to read as follows:

39 *1. The Department has control of all matters pertaining to the*
40 *apiary industry in this State.*

41 *2. The Director may adopt regulations to carry out the*
42 *provisions of this chapter.*

43 *3. The Director may, after notice and an opportunity for a*
44 *hearing, impose a civil penalty of not more than \$500 for each*
45 *violation of this chapter.*



1 **4. Any money collected from the imposition of a civil penalty**
2 **pursuant to subsection 3 must be accounted for separately and:**

3 **(a) Fifty percent of the money must be used to fund a program**
4 **selected by the Director that provides loans to persons who are**
5 **engaged in agriculture and who are 21 years of age or younger;**
6 **and**

7 **(b) The remaining 50 percent of the money must be deposited**
8 **in the Account for the Control of Weeds established by**
9 **NRS 555.035.**

10 **Sec. 11.** NRS 552.170 is hereby amended to read as follows:

11 552.170 If the owner or person in possession of an apiary
12 neglects or refuses to comply with an order issued under NRS
13 552.160, the Department may ~~refer the facts to the appropriate~~
14 ~~district attorney for prosecution under NRS 552.300, and may]~~
15 authorize the inspector or other agent to abate the nuisance by the
16 method prescribed in the order.

17 **Sec. 12.** NRS 552.280 is hereby amended to read as follows:

18 552.280 It shall be unlawful for the owner, owners, lessee,
19 lessees, agent or caretaker of any apiary, including appliances,
20 structures, buildings and honey, wherein disease exists, to move or
21 distribute any diseased bees, whether they are queens or workers,
22 colonies, honeycombs, appliances or structures beyond the already
23 established boundaries of such apiary wherein disease exists without
24 written permission from the ~~[Chief Inspector or the Chief~~
25 ~~Inspector's deputies so to do.] Director or his or her designee.~~

26 **Sec. 13.** Chapter 554 of NRS is hereby amended by adding
27 thereto a new section to read as follows:

28 **1. In addition to any criminal penalty imposed pursuant to**
29 **this chapter, any person violating any provision of this chapter or**
30 **any regulation adopted pursuant thereto is subject to a civil**
31 **penalty not to exceed:**

32 **(a) For the first violation, \$1,500;**

33 **(b) For a second violation, \$3,000; and**

34 **(c) For each subsequent violation, \$5,000.**

35 **2. If a defendant is convicted of violating any provision of**
36 **this chapter or any regulation adopted pursuant thereto, the court**
37 **shall order the defendant to pay a civil penalty pursuant to**
38 **subsection 1. The court shall fix the manner and time of payment.**

39 **3. Any money collected from the imposition of a civil penalty**
40 **pursuant to this section must be accounted for separately and:**

41 **(a) Fifty percent of the money must be used to fund a program**
42 **selected by the Director of the State Department of Agriculture**
43 **that provides loans to persons who are engaged in agriculture and**
44 **who are 21 years of age or younger; and**



1 ***(b) The remaining 50 percent of the money must be deposited***
2 ***in the Account for the Control of Weeds established by***
3 ***NRS 555.035.***

4 **Sec. 14.** NRS 554.020 is hereby amended to read as follows:

5 554.020 1. The State Quarantine Officer may proclaim and
6 enforce a quarantine against any state, territory or district, or any
7 portion of any state, territory or district, relating to the importation
8 into or transportation through this State of any agricultural
9 commodity, burlap, container or other packing material that:

10 (a) Is infected with, or which may have been exposed to
11 infection with, any contagious or destructive disease, or infested
12 with or exposed to infestation with a parasite, noxious weed, weed
13 seed, propagating part of a plant, or vertebrate or invertebrate pest,
14 or the eggs or larvae thereof; and

15 (b) Is dangerous to:

16 (1) The public health or quality of any water in this State; or

17 (2) Any wildlife, beneficial use of land in or industry of this

18 State.

19 2. A quarantine must not be issued pursuant to the provisions
20 of NRS 554.020 to ~~554.090,~~ **554.080**, inclusive, if the issuance of
21 the quarantine will conflict with the provisions of the Constitution
22 of the United States or any act of the Congress of the United States.

23 3. The quarantine remains effective until vacated by an order of
24 the State Quarantine Officer.

25 **Sec. 15.** NRS 554.030 is hereby amended to read as follows:

26 554.030 1. Any quarantine issued under the provisions of
27 NRS 554.020 to ~~554.090,~~ **554.080**, inclusive, may:

28 (a) Consist of a complete embargo against the importation into
29 or transportation through the State of any agricultural commodity so
30 quarantined against; or

31 (b) Provide for the importation into or transportation through the
32 State of such agricultural commodity under such rules and
33 regulations as may be set forth and prescribed in the quarantine at
34 the time the same is issued.

35 2. Any quarantine issued under the provisions of NRS 554.020
36 to ~~554.090,~~ **554.080**, inclusive, shall remain fully in force and
37 effect until dissolved or modified by the State Quarantine Officer,
38 provided:

39 (a) That the State Quarantine Officer may amend from time to
40 time any quarantine so issued; and

41 (b) That any such amendments shall be general in their
42 application and shall not apply to any individual shipment or
43 importation.



1 **Sec. 16.** NRS 554.040 is hereby amended to read as follows:

2 554.040 When a quarantine is declared as provided in NRS
3 554.020 to ~~554.090,~~ **554.080**, inclusive, against the importation
4 into or transportation through this State of any agricultural
5 commodity from any other state, territory or district, or any portion
6 or portions thereof, a certified copy of such quarantine shall be
7 personally delivered by the State Quarantine Officer or the State
8 Quarantine Officer's representative, or mailed by certified or
9 registered mail, to each of the following:

10 1. The governor or the proper quarantine official of such state,
11 territory or district.

12 2. The United States quarantine official having jurisdiction
13 over the same character of quarantine.

14 3. The state agent or other qualified official of any interstate
15 railroad, express company or other common carrier doing business
16 within this State.

17 **Sec. 17.** NRS 554.050 is hereby amended to read as follows:

18 554.050 1. The State Quarantine Officer is designated the
19 authority to administer NRS 554.020 to ~~554.090,~~ **554.080**,
20 inclusive.

21 2. Insofar as practicable, the State Quarantine Officer, in
22 carrying out the provisions of NRS 554.020 to ~~554.090,~~ **554.080**,
23 inclusive, shall cooperate with the federal authorities and the
24 quarantine officials of the several states, territories and districts.

25 **Sec. 18.** NRS 554.060 is hereby amended to read as follows:

26 554.060 1. Any agricultural commodity imported into or
27 being transported through this State in violation of any quarantine
28 issued pursuant to the provisions of NRS 554.020 to ~~554.090,~~
29 **554.080**, inclusive, must be immediately seized by the State
30 Quarantine Officer or the State Quarantine Officer's authorized
31 representative and treated in a manner approved by the State
32 Quarantine Officer, or destroyed or sent out of the State within 48
33 hours, at the option and expense of the owner thereof.

34 2. If an agricultural commodity is seized by the State
35 Quarantine Officer pursuant to the provisions of subsection 1 and
36 the movement of the agricultural commodity to a point outside of
37 the State would further endanger:

38 (a) The public health or quality of any water in this State; or

39 (b) Any wildlife, beneficial use of land in or industry of this
40 State,

41 ↳ the agricultural commodity seized by the State Quarantine
42 Officer must be destroyed as provided in subsection 1.

43 **Sec. 19.** NRS 554.070 is hereby amended to read as follows:

44 554.070 It shall be unlawful for any railroad, express company
45 or other common carrier, or any person or persons, to import into or



1 transport through the State of Nevada any agricultural commodity in
2 violation of the provisions of NRS 554.020 to ~~554.090,~~ **554.080**,
3 inclusive, or to make delivery of any such commodity to any person
4 or persons within the limits of this State.

5 **Sec. 20.** NRS 554.080 is hereby amended to read as follows:

6 554.080 In any criminal proceeding arising under NRS
7 554.020 to ~~554.090,~~ **554.080**, inclusive, proof that any commodity,
8 prohibited by proclamation of quarantine from importation into or
9 transportation through this State, was imported into or transported
10 through this State in violation of such quarantine shall be deemed
11 proof within the meaning of NRS 554.020 to ~~554.090,~~ **554.080**,
12 inclusive, that the same was diseased, exposed to disease or infested,
13 or exposed to infestation.

14 **Sec. 21.** NRS 554.240 is hereby amended to read as follows:

15 554.240 ~~Any~~ **Except as otherwise provided in NRS 554.140**
16 **and 554.190, any person** ~~[-, or any officer, agent or employee of any~~
17 ~~corporation, who shall export, or who shall assist in exporting, as a~~
18 ~~principal or accessory, any agricultural commodity forbidden to be~~
19 ~~exported by any proclamation of quarantine shall be]~~ **who violates**
20 **any provision of this chapter is** guilty of a **gross** misdemeanor ~~[-]~~
21 **and shall be punished by imprisonment in the county jail for not**
22 **more than 364 days, or by a fine of not more than \$5,000, or by**
23 **both fine and imprisonment. The prosecuting attorney and the**
24 **State Department of Agriculture may recover the costs of the**
25 **proceeding, including investigative costs, against a person**
26 **convicted of a gross misdemeanor pursuant to this section.**

27 **Sec. 22.** NRS 555.005 is hereby amended to read as follows:

28 555.005 As used in this chapter, unless the context requires
29 otherwise:

- 30 1. "Department" means the State Department of Agriculture.
- 31 2. "Director" means the Director of the Department.
- 32 3. "Noxious weed" means any species of plant which is, or is
33 likely to be, **a public nuisance**, detrimental or destructive and
34 difficult to control. ~~[-or eradicate.]~~
- 35 4. "**Pest**" **means any form of animal or vegetable life**
36 **detrimental to the crops, horticulture, livestock, public health,**
37 **wildlife, quality of water and beneficial uses of land in this State,**
38 **including, without limitation, any insect, snail, nematode, fungus,**
39 **virus, bacterium, microorganism, mycoplasma, weed, parasitic**
40 **plant or any other plant that is normally considered to be a pest of**
41 **cultivated plants, uncultivated plants, agricultural commodities,**
42 **horticultural products or nursery stock, or that the Director**
43 **declares to be a pest.**

44 5. "Vertebrate pest" means any animal of the subphylum
45 Vertebrata, except predatory animals, which is normally considered



1 to be a pest, including a gopher, ground squirrel, rat, mouse,
2 starling, blackbird and any other animal which the Director may
3 declare to be a pest.

4 **Sec. 23.** NRS 555.010 is hereby amended to read as follows:

5 555.010 Within the limits of any appropriation made by law ~~to~~
6 ~~the~~:

7 **1. The** Director may:

8 ~~1.1~~ (a) Investigate the prevalence of; and

9 ~~1.2~~ (b) Take the necessary action to control,

10 ↪ vertebrate and invertebrate pests of plants and animals, plant
11 diseases, physiological plant disorders and noxious weeds for the
12 protection of the crops, livestock, public health, wildlife, water
13 quality and beneficial uses of land in the State of Nevada.

14 **2. The Director may, by regulation, establish and administer**
15 **a program to certify agricultural products as being free from**
16 **noxious weeds to support the control and prevention of the spread**
17 **of noxious weeds in this State and to allow businesses in this State**
18 **to market those products in compliance with any applicable**
19 **federal law or regulation or any other requirement specified by the**
20 **Director.**

21 **Sec. 24.** NRS 555.100 is hereby amended to read as follows:

22 555.100 1. The Department shall, if necessary or if a
23 complaint is made to the Department, cause an inspection to be
24 conducted of any premises, land, means of conveyance or article of
25 any person in this State ~~and~~ if *it is* found *to be* infested with any
26 pest, *noxious weed* or plant disease that is injurious to:

27 (a) The public health or quality of any water in this State; or

28 (b) Any wildlife, beneficial use of land or agriculture in this
29 State. ~~to~~

30 ~~to the~~

31 **2. The** Department may provide a written notice of its findings
32 to the owner or occupant of the premises, land, means of
33 conveyance or article and require the owner or occupant to control ~~to~~
34 ~~treat or eradicate~~ the pest, *noxious weed* or plant disease in the
35 manner and within the period specified in the notice.

36 ~~2.1~~ **3.** A notice issued pursuant to the provisions of subsection
37 ~~1.1~~ **2:**

38 (a) May be served upon the owner or occupant by an officer or
39 employee of the Department; and

40 (b) Must be served in writing, by certified mail or personally,
41 with receipt given therefor.

42 **Sec. 25.** NRS 555.110 is hereby amended to read as follows:

43 555.110 1. Any premises found to be infested with any pest,
44 *noxious weed* or plant disease is hereby adjudged and declared to be
45 a public nuisance. If such a nuisance exists at any place within the



1 jurisdiction of the Department and the owner or occupant of the
2 premises, after notification, refuses or neglects to abate the nuisance
3 within the period specified, the Department shall cause the nuisance
4 to be abated at once by ~~eradicating or~~ controlling pests, *noxious*
5 *weeds* or plant diseases in a manner to be determined by the
6 Department.

7 2. The expense thereof must be paid from any money made
8 available to the Department by direct legislative appropriation or
9 otherwise.

10 **Sec. 26.** NRS 555.120 is hereby amended to read as follows:

11 555.120 1. All sums paid by the Department constitute a lien
12 on the property and premises from which the nuisance has been
13 removed or abated pursuant to NRS 555.100 and 555.110, and may
14 be recovered by an action against that property and premises.

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

19 3. An action to foreclose a lien may be commenced at any time
20 within 1 year after the filing and recording of the notice of lien,
21 which action must be brought in the proper court by the district
22 attorney of the county in the name and for the benefit of the
23 Department.

24 4. If the property is sold, enough of the proceeds must be paid
25 to the Department to satisfy the lien and costs, and the ~~overplus,~~
26 *balance remaining*, if any, must be paid to the owner of the
27 property if the owner is known, and if not, into the Court for the
28 owner's use when ascertained. All sales under the provisions of this
29 section and NRS 555.100 and 555.110 must be made in the same
30 manner and upon the same notice as sales of real property under
31 execution from a Justice Court.

32 **Sec. 27.** NRS 555.125 is hereby amended to read as follows:

33 555.125 1. If it appears that an area has or is likely to become
34 infested with a pest which cannot be practically ~~eradicated or~~
35 controlled except by the means provided in this section, the
36 Department shall hold a public hearing to determine the necessity of
37 declaring a time during which or an area in which plants capable of
38 acting as hosts for the pest may not be planted, grown, cultivated,
39 maintained or allowed to exist.

40 2. Notice of the hearing must be given to all growers of the
41 host plants within the area and must specify:

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



1 3. If, after the hearing, the Department determines that the pest
2 cannot otherwise be practically ~~eradicated or~~ controlled, the
3 Department shall issue an order prescribing a time during which or
4 an area in which the host plants may not be planted, grown,
5 cultivated, maintained or allowed to exist, and requiring owners or
6 occupiers of property upon which the host plants exist to ~~eradicate~~
7 *control* the plants.

8 4. If the owner or occupant neglects or refuses to ~~eradicate~~
9 *control* the plants, the Department may do so in the manner
10 prescribed by NRS 555.110.

11 5. Any person violating such an order is ~~guilty of a~~
12 ~~misdemeanor.~~ *subject to a civil penalty pursuant to NRS 555.201.*

13 **Sec. 28.** NRS 555.130 is hereby amended to read as follows:

14 555.130 ~~The~~

15 *1. Except as otherwise provided in subsection 2, the* State
16 Quarantine Officer may declare by regulation the weeds of the state
17 that are noxious weeds, but a weed must not be designated as
18 noxious which is already introduced and established in the State to
19 such an extent as to make its control ~~for eradication~~ impracticable
20 in the judgment of the State Quarantine Officer.

21 *2. The State Quarantine Officer may temporarily designate a*
22 *weed as a noxious weed if he or she determines that immediate*
23 *control of the weed is necessary. A temporary designation expires*
24 *18 months after the State Quarantine Officer makes the*
25 *designation.*

26 **Sec. 29.** NRS 555.140 is hereby amended to read as follows:

27 555.140 1. The State Quarantine Officer shall carry out and
28 enforce the provisions of NRS 555.130 to 555.220, inclusive.

29 2. To secure information better to carry out the provisions of
30 NRS 555.130 to 555.220, inclusive, the State Quarantine Officer
31 may conduct reasonably limited trials of various methods of
32 controlling ~~for eradicating~~ noxious or potentially noxious weeds
33 under practical Nevada conditions.

34 3. The State Quarantine Officer may provide supervision and
35 technical advice in connection with any project approved by him or
36 her for the control ~~for eradication~~ of any noxious weed or weeds in
37 this State.

38 4. All funds appropriated for, or received incident to, the
39 control ~~for eradication~~ of any noxious weeds must be available for
40 carrying out the provisions of NRS 555.130 to 555.220, inclusive.

41 **Sec. 30.** NRS 555.150 is hereby amended to read as follows:

42 555.150 Every railroad, canal, ditch or water company, and
43 every person owning, controlling or occupying lands in this State,
44 and every county, incorporated city or district having the
45 supervision and control over streets, alleys, lanes, rights-of-way, or



1 other lands, shall ~~cut, destroy or eradicate~~ *control* all weeds
2 declared and designated as noxious as provided in NRS 555.130 ~~;~~
3 ~~before such weeds propagate and spread,~~ *in any manner specified*
4 *by* and whenever required by the State Quarantine Officer.

5 **Sec. 31.** NRS 555.160 is hereby amended to read as follows:

6 555.160 1. The State Quarantine Officer shall make or cause
7 to be made a careful examination and investigation of the spread,
8 development and growth of noxious weeds in this State. Upon the
9 discovery of those weeds, the State Quarantine Officer shall
10 ascertain the name of the owner or occupant of the land and the
11 description of the land where the weeds are found. The State
12 Quarantine Officer may serve notice in writing upon the owner or
13 occupant of the land to ~~cut, eradicate or destroy~~ *control* the weeds
14 within such time and in such manner as designated and described in
15 the notice. One such notice shall be deemed sufficient for the entire
16 season of weed growth during that year.

17 2. Notices may be served upon the owner or occupant by an
18 officer or employee of the Department, and must be served in
19 writing, personally or by certified mail, with receipt given therefor.

20 **Sec. 32.** NRS 555.170 is hereby amended to read as follows:

21 555.170 1. If any owner or occupant of the lands described in
22 the notice served, as provided in NRS 555.160, shall fail, neglect or
23 refuse to ~~cut, destroy or eradicate~~ *control* the weeds designated,
24 upon the land described, in accordance with the requirements of the
25 notice, the State Quarantine Officer may notify the board of county
26 commissioners of the county or counties in which the land is located
27 of such failure, neglect or refusal.

28 2. Upon notice as provided in subsection 1, the board of county
29 commissioners concerned shall proceed to ~~have cut, destroyed or~~
30 ~~eradicated~~ *control* the weeds in question in accordance with the
31 requirements of the notice served upon the owner or occupant of the
32 land in question, paying for such ~~cutting, destruction or eradication~~
33 *control* out of county funds.

34 3. Upon the completion of ~~such work of cutting, destruction or~~
35 ~~eradication of such~~ *the work of controlling the* weeds, the board of
36 county commissioners shall prepare in triplicate itemized statements of
37 all expenses incurred in ~~the cutting, destruction or eradication of~~
38 *controlling* the weeds involved, and shall deliver the three copies of
39 the statements to the county treasurer within 10 days of the date of
40 the completion of the work involved.

41 **Sec. 33.** NRS 555.180 is hereby amended to read as follows:

42 555.180 1. Upon receipt of the itemized statements of the
43 cost of ~~cutting, destroying or eradication of such~~ *controlling the*
44 weeds ~~;~~ *pursuant to NRS 555.170,* the county treasurer shall
45 forthwith mail one copy to the owner or occupant of the land on



1 which the weeds were ~~cut, destroyed or eradicated,~~ *controlled*,
2 together with a statement that objections may be made to the whole
3 or any part of the statement so filed to the board of county
4 commissioners within 30 days. A hearing may be had upon any
5 objections made.

6 2. If any objections to any statement are filed with the board of
7 county commissioners, the board shall set a date for a hearing,
8 giving due notice thereof, and upon the hearing fix and determine
9 the actual cost of ~~cutting, destroying or eradicating~~ *controlling* the
10 weeds and report its findings to the county treasurer.

11 3. If no objections to the items of the accounts so filed are
12 made within 30 days ~~of~~ *after* the date of mailing the itemized
13 statement, the county treasurer shall enter the amount of such
14 statement upon his or her tax roll in a column prepared for that
15 purpose; and within 10 days ~~from~~ *after* the date of the action of the
16 board of county commissioners upon objections filed, the county
17 treasurer shall enter the amount found by the board of county
18 commissioners as the actual cost of ~~cutting, destroying or~~
19 ~~eradicating~~ *controlling* the weeds in the prepared column upon the
20 tax roll.

21 4. If current tax notices have been mailed, the costs may be
22 carried over on the rolls to the year following. The costs incurred
23 shall be a lien upon the land from which the weeds were ~~cut,~~
24 ~~destroyed or eradicated,~~ *controlled*, and shall be collected as
25 provided by law for the collection of other liens.

26 **Sec. 34.** NRS 555.190 is hereby amended to read as follows:

27 555.190 Any expense incurred by any county in ~~the cutting,~~
28 ~~destroying or eradicating of~~ *controlling* noxious weeds from any
29 street, lane, alley or other property owned or controlled by an
30 incorporated city in that city, in accordance with the provisions of
31 NRS 555.170, must be repaid to the county from the general fund of
32 the incorporated city, upon presentation to the governing body of the
33 incorporated city of an itemized statement of the expense so
34 incurred.

35 **Sec. 35.** NRS 555.200 is hereby amended to read as follows:

36 555.200 1. Whenever a noxious weed is found growing upon
37 the public domain or any other lands in this State owned by the
38 Federal Government, the State Quarantine Officer may serve notice,
39 as provided in NRS 555.160, upon the person within the county or
40 this State who is in charge of the activities of the federal agency
41 having control or jurisdiction of the land.

42 2. If the agency described in the notice fails or refuses to
43 comply with the notice, the State Quarantine Officer may provide
44 for the ~~cutting, destruction or eradication~~ *control* of the weeds in
45 any manner permitted by federal law. The State Quarantine Officer



1 or the political subdivision shall seek reimbursement from the
2 Federal Government for any expense incurred by the State or the
3 political subdivision pursuant to this section.

4 **Sec. 36.** NRS 555.201 is hereby amended to read as follows:

5 555.201 Any person violating any of the provisions of NRS
6 555.130 to 555.200, inclusive, or failing, refusing or neglecting to
7 perform or observe any conditions or regulations prescribed by the
8 State Quarantine Officer, in accordance with the provisions of NRS
9 555.130 to 555.200, inclusive, is ~~guilty of a misdemeanor.~~ *subject*
10 *to a civil penalty not to exceed:*

11 1. *For the first violation, \$250.*

12 2. *For a second violation, \$500.*

13 3. *For each subsequent violation, \$1,000.*

14 **Sec. 37.** NRS 555.203 is hereby amended to read as follows:

15 555.203 1. The board of county commissioners of any county
16 may, in accordance with chapter 308 of NRS, create one or more
17 weed control districts in that portion of the county which lies outside
18 any incorporated city. Creation of such a district may be initiated by
19 the board of county commissioners or by a petition which:

20 (a) Designates the area to be included in the weed control
21 district, either as the entire unincorporated area of the county or by
22 sections or parts of sections with appropriate township and range
23 references; and

24 (b) Is signed by an owner of land within the proposed weed
25 control district.

26 2. Lands proposed for inclusion in a weed control district need
27 not be contiguous.

28 3. Before creating a weed control district, the board of county
29 commissioners shall:

30 (a) Hold at least one public hearing pursuant to NRS 308.070.
31 At this hearing, the board of county commissioners shall entertain
32 applications for the exclusion of lands, designated by sections or
33 parts of sections as prescribed in subsection 1, from the proposed
34 district, if any such application is made. The board of county
35 commissioners shall exclude any such lands as to which it is shown
36 to their satisfaction that any weeds which exist on that land do not
37 render substantially more difficult the control of weeds on other
38 lands in the proposed district.

39 (b) Provide for the hearing of protests against the establishment
40 of the district in the manner set forth in NRS 318.065 and 318.070.

41 4. The board of trustees of a general improvement district may,
42 in accordance with NRS 318.077, add to the basic powers of the
43 district the control ~~and eradication~~ of noxious weeds.



1 **Sec. 38.** NRS 555.208 is hereby amended to read as follows:

2 555.208 1. The board of directors of a weed control district
3 or the board of county commissioners of any county having lands
4 situated in a weed control district or proposed for inclusion in such a
5 district may request that the State Board of Agriculture review any
6 action taken by the board of county commissioners of a county, or
7 the board of directors of the district, in connection with the creation
8 of the district or a change in the boundaries of the district.

9 2. Upon receiving such a request the State Board of
10 Agriculture shall, after notice and opportunity for a hearing, affirm
11 or reverse the action. The decision of the State Board of Agriculture
12 is a final decision for purposes of judicial review.

13 3. This section does not limit the right of any landowner to
14 seek judicial review of actions taken by a board of directors or a
15 board of county commissioners in connection with the creation of a
16 district or a change in the boundaries of a district.

17 4. *A landowner may seek the removal of a member of the*
18 *board of directors of that district for cause. A decision of the State*
19 *Board of Agriculture made pursuant to this subsection is a final*
20 *decision for the purpose of judicial review.*

21 **Sec. 39.** NRS 555.220 is hereby amended to read as follows:

22 555.220 Any person violating any of the provisions of NRS
23 555.202 to 555.210, inclusive, or failing, refusing or neglecting to
24 perform or observe any conditions or regulations prescribed by the
25 State Quarantine Officer, in accordance with the provisions of NRS
26 555.202 to 555.210, inclusive, is ~~guilty of a misdemeanor.~~ *subject*
27 *to a civil penalty not to exceed:*

28 1. *For the first violation, \$250.*

29 2. *For a second violation, \$500.*

30 3. *For each subsequent violation, \$1,000.*

31 **Sec. 40.** NRS 555.267 is hereby amended to read as follows:

32 555.267 “Pesticide” ~~means:~~ *includes, without limitation:*

33 1. Any substance or mixture of substances, including any
34 living organisms or any product derived therefrom or any fungicide,
35 herbicide, insecticide, nematocide or rodenticide, intended to
36 prevent, destroy, control, repel, attract or mitigate any insect, rodent,
37 nematode, snail, slug, fungus and weed and any other form of plant
38 or animal life or virus, except virus on or in a living human or other
39 animal, which is normally considered to be a pest or which the
40 Director declares to be a pest.

41 2. Any substance or mixture of substances intended to be used
42 as a plant regulator, defoliant or desiccant, and any other substances
43 intended for that use as are named by the Director by regulation.



1 **Sec. 41.** NRS 555.2695 is hereby amended to read as follows:
2 555.2695 “Wildlife” means all living things that are neither
3 human, domesticated ~~[,]~~ nor ~~[, as defined in NRS 555.2665,]~~ pests,
4 including but not limited to mammals, birds and aquatic life.

5 **Sec. 42.** NRS 555.310 is hereby amended to read as follows:
6 555.310 1. The Director shall collect from each person
7 applying for the examination or reexamination a testing fee
8 established by regulation of the ~~[State Board of Agriculture.]~~
9 *Director.*

10 2. ~~[Upon the successful completion of the testing, the]~~ *The*
11 Director shall, before the license is issued, collect from each person
12 applying for a license for pest control an annual fee established by
13 regulation of the ~~[State Board of Agriculture.]~~ *Director.* Any
14 ~~[company or]~~ person employing primary principals, principals,
15 operators or agents shall pay to the Director a fee established by
16 regulation of the ~~[Board]~~ *Director* for each primary principal,
17 principal, operator or agent licensed.

18 **Sec. 43.** NRS 555.570 is hereby amended to read as follows:
19 555.570 1. Any person violating any of the provisions of
20 NRS 555.500 to 555.560, inclusive, or failing, refusing or
21 neglecting to perform or observe any conditions or regulation
22 prescribed by the State Board of Agriculture, in accordance with the
23 provisions of NRS 555.500 to 555.540, inclusive, is ~~[guilty of a~~
24 ~~misdemeanor.]~~ *subject to a civil penalty not to exceed:*

- 25 (a) *For the first violation, \$250.*
- 26 (b) *For a second violation, \$500.*
- 27 (c) *For each subsequent violation, \$1,000.*

28 2. *Any money collected from the imposition of a civil penalty*
29 *pursuant to subsection 1 must be accounted for separately and:*

30 (a) *Fifty percent of the money must be used to fund a program*
31 *selected by the Director that provides loans to persons who are*
32 *engaged in agriculture and who are 21 years of age or younger;*
33 *and*

34 (b) *The remaining 50 percent of the money must be deposited*
35 *in the Account for the Control of Weeds established by*
36 *NRS 555.035.*

37 **Sec. 44.** NRS 556.110 is hereby amended to read as follows:
38 556.110 1. A person who violates any of the provisions of
39 this chapter is ~~[guilty of a misdemeanor.]~~ *subject to a civil penalty*
40 *not to exceed:*

- 41 (a) *For the first violation, \$250.*
- 42 (b) *For a second violation, \$500.*
- 43 (c) *For each subsequent violation, \$1,000.*

44 2. *Any money collected from the imposition of a civil penalty*
45 *pursuant to subsection 1 must be accounted for separately and:*



1 (a) *Fifty percent of the money must be used to fund a program*
2 *selected by the Director that provides loans to persons who are*
3 *engaged in agriculture and who are 21 years of age or younger;*
4 *and*

5 (b) *The remaining 50 percent of the money must be deposited*
6 *in the Account for the Control of Weeds established by*
7 *NRS 555.035.*

8 **Sec. 45.** NRS 233B.039 is hereby amended to read as follows:

9 233B.039 1. The following agencies are entirely exempted
10 from the requirements of this chapter:

11 (a) The Governor.

12 (b) Except as otherwise provided in NRS 209.221, the
13 Department of Corrections.

14 (c) The Nevada System of Higher Education.

15 (d) The Office of the Military.

16 (e) The State Gaming Control Board.

17 (f) Except as otherwise provided in NRS 368A.140 and 463.765,
18 the Nevada Gaming Commission.

19 (g) The Division of Welfare and Supportive Services of the
20 Department of Health and Human Services.

21 (h) Except as otherwise provided in NRS 422.390, the Division
22 of Health Care Financing and Policy of the Department of Health
23 and Human Services.

24 (i) The State Board of Examiners acting pursuant to chapter 217
25 of NRS.

26 (j) Except as otherwise provided in NRS 533.365, the Office of
27 the State Engineer.

28 (k) The Division of Industrial Relations of the Department of
29 Business and Industry acting to enforce the provisions of
30 NRS 618.375.

31 (l) The Administrator of the Division of Industrial Relations of
32 the Department of Business and Industry in establishing and
33 adjusting the schedule of fees and charges for accident benefits
34 pursuant to subsection 2 of NRS 616C.260.

35 (m) The Board to Review Claims in adopting resolutions to
36 carry out its duties pursuant to ~~NRS 590.830.~~ *section 84 of this*
37 *act.*

38 (n) The Silver State Health Insurance Exchange.

39 2. Except as otherwise provided in subsection 5 and NRS
40 391.323, the Department of Education, the Board of the Public
41 Employees' Benefits Program and the Commission on Professional
42 Standards in Education are subject to the provisions of this chapter
43 for the purpose of adopting regulations but not with respect to any
44 contested case.

45 3. The special provisions of:



1 (a) Chapter 612 of NRS for the distribution of regulations by
2 and the judicial review of decisions of the Employment Security
3 Division of the Department of Employment, Training and
4 Rehabilitation;

5 (b) Chapters 616A to 617, inclusive, of NRS for the
6 determination of contested claims;

7 (c) Chapter 91 of NRS for the judicial review of decisions of the
8 Administrator of the Securities Division of the Office of the
9 Secretary of State; and

10 (d) NRS 90.800 for the use of summary orders in contested
11 cases,

12 ▶ prevail over the general provisions of this chapter.

13 4. The provisions of NRS 233B.122, 233B.124, 233B.125 and
14 233B.126 do not apply to the Department of Health and Human
15 Services in the adjudication of contested cases involving the
16 issuance of letters of approval for health facilities and agencies.

17 5. The provisions of this chapter do not apply to:

18 (a) Any order for immediate action, including, but not limited to,
19 quarantine and the treatment or cleansing of infected or infested
20 animals, objects or premises, made under the authority of the State
21 Board of Agriculture, the State Board of Health, or any other agency
22 of this State in the discharge of a responsibility for the preservation
23 of human or animal health or for insect or pest control;

24 (b) An extraordinary regulation of the State Board of Pharmacy
25 adopted pursuant to NRS 453.2184;

26 (c) A regulation adopted by the State Board of Education
27 pursuant to NRS 392.644 or 394.1694; or

28 (d) The judicial review of decisions of the Public Utilities
29 Commission of Nevada.

30 6. The State Board of Parole Commissioners is subject to the
31 provisions of this chapter for the purpose of adopting regulations but
32 not with respect to any contested case.

33 **Sec. 46.** NRS 318.116 is hereby amended to read as follows:

34 318.116 Any one, all or any combination of the following basic
35 powers may be granted to a district in proceedings for its
36 organization, or its reorganization pursuant to NRS 318.077 and all
37 provisions in this chapter supplemental thereto, or as may be
38 otherwise provided by statute:

39 1. Furnishing electric light and power, as provided in
40 NRS 318.117;

41 2. Extermination and abatement of mosquitoes, flies, other
42 insects, rats, and liver fluke or Fasciola hepatica, as provided in
43 NRS 318.118;

44 3. Furnishing facilities or services for public cemeteries, as
45 provided in NRS 318.119;



- 1 4. Furnishing facilities for swimming pools, as provided in
2 NRS 318.1191;
 - 3 5. Furnishing facilities for television, as provided in
4 NRS 318.1192;
 - 5 6. Furnishing facilities for FM radio, as provided in
6 NRS 318.1187;
 - 7 7. Furnishing streets and alleys, as provided in NRS 318.120;
 - 8 8. Furnishing curbs, gutters and sidewalks, as provided in
9 NRS 318.125;
 - 10 9. Furnishing sidewalks, as provided in NRS 318.130;
 - 11 10. Furnishing facilities for storm drainage or flood control, as
12 provided in NRS 318.135;
 - 13 11. Furnishing sanitary facilities for sewerage, as provided in
14 NRS 318.140;
 - 15 12. Furnishing facilities for lighting streets, as provided in
16 NRS 318.141;
 - 17 13. Furnishing facilities for the collection and disposal of
18 garbage and refuse, as provided in NRS 318.142;
 - 19 14. Furnishing recreational facilities, as provided in
20 NRS 318.143;
 - 21 15. Furnishing facilities for water, as provided in
22 NRS 318.144;
 - 23 16. Furnishing fencing, as provided in NRS 318.1195;
 - 24 17. Furnishing facilities for protection from fire, as provided in
25 NRS 318.1181;
 - 26 18. Furnishing energy for space heating, as provided in
27 NRS 318.1175;
 - 28 19. Furnishing emergency medical services, as provided in
29 NRS 318.1185;
 - 30 20. Control ~~and eradication~~ of noxious weeds, as provided in
31 chapter 555 of NRS; and
 - 32 21. Establishing, controlling, managing and operating an area
33 or zone for the preservation of one or more species or subspecies of
34 wildlife that has been declared endangered or threatened pursuant to
35 the federal Endangered Species Act of 1973, 16 U.S.C. §§ 1531 et
36 seq., as provided in NRS 318.1177.
- 37 **Sec. 47.** NRS 360A.020 is hereby amended to read as follows:
38 360A.020 The Department shall adopt:
- 39 1. Such regulations as are necessary to carry out the provisions
40 of this chapter.
 - 41 2. Regulations providing for:
 - 42 (a) The electronic submission of returns to the Department; and
 - 43 (b) The payment to the Department of any amount required to be
44 paid pursuant to this chapter or chapter 365, 366 or 373 of NRS, or



1 NRS 590.120 or ~~[590.840]~~ *section 86 of this act* through the use of
2 credit cards, debit cards and electronic transfers of money.

3 **Sec. 48.** NRS 360A.040 is hereby amended to read as follows:

4 360A.040 1. If a check or other method of payment
5 submitted to the Department for payment of any tax or fee required
6 by chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~[590.840]~~
7 *section 86 of this act* is returned to the Department or otherwise
8 dishonored upon presentation for payment, the Department:

9 (a) Shall charge an additional fee in the amount established by
10 the State Controller pursuant to NRS 353C.115 for handling the
11 check or other method of payment; and

12 (b) Except as otherwise provided in NRS 353.1467, may require
13 that any future payments be made by cashier's check, traveler's
14 check, money order or cash.

15 2. If a check or other method of payment is submitted to the
16 Department for payment of a tax or fee required by chapter 365, 366
17 or 373 of NRS or NRS 590.120 or ~~[590.840]~~ *section 86 of this act*
18 on or before the date the tax or fee is due, but is afterward returned
19 to the Department or otherwise dishonored upon presentation for
20 payment, the submission of the check or other method of payment
21 shall be deemed not to constitute timely payment of the tax or fee.

22 **Sec. 49.** NRS 360A.050 is hereby amended to read as follows:

23 360A.050 If the Department grants an extension of time for
24 paying any amount required to be paid pursuant to chapter 365, 366
25 or 373 of NRS or NRS 590.120 or ~~[590.840,]~~ *section 86 of this act,*
26 a person who pays the amount within the period for which the
27 extension is granted shall pay, in addition to the amount owing,
28 interest at the rate of 1 percent per month from the date the amount
29 would have been due without the extension until the date of
30 payment.

31 **Sec. 50.** NRS 360A.060 is hereby amended to read as follows:

32 360A.060 Unless a different penalty or rate of interest is
33 specifically provided by statute, any person who fails to pay any tax
34 or fee required by chapter 365, 366 or 373 of NRS or NRS 590.120
35 or ~~[590.840]~~ *section 86 of this act* to this State or a county within
36 the time required, shall pay a penalty of not more than 10 percent of
37 the amount of the tax or fee that is owed, as determined by the
38 Department, in addition to the tax or fee, plus interest at the rate of 1
39 percent per month, or fraction of a month, from the last day of the
40 month following the period for which the amount or any portion of
41 the amount should have been reported until the date of payment.

42 **Sec. 51.** NRS 360A.070 is hereby amended to read as follows:

43 360A.070 1. If the Director of the Department or a hearing
44 officer designated by the Director finds that the failure of a person
45 to make a timely return or payment of a tax or fee required by



1 chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~590.840~~
2 *section 86 of this act* is the result of circumstances beyond the
3 control of the person and occurred despite the exercise of ordinary
4 care and without willful neglect, the Department may relieve the
5 person of all or part of any interest or penalty, or both.

6 2. A person requesting relief must file with the Department a
7 statement signed, under penalty of perjury, that sets forth the facts
8 upon which the person bases his or her claim for relief.

9 3. The Department shall disclose, upon the request of any
10 person:

11 (a) The name of the person to whom relief was granted; and

12 (b) The amount of the relief.

13 **Sec. 52.** NRS 360A.080 is hereby amended to read as follows:

14 360A.080 The Department may:

15 1. Enter into a written agreement with a person who is required
16 to pay the taxes or fees required by chapter 365, 366 or 373 of NRS
17 or NRS 590.120 or ~~590.840~~ *section 86 of this act* for the payment
18 of delinquent taxes or fees, interest or penalties imposed pursuant to
19 those provisions.

20 2. Adopt regulations providing for:

21 (a) The payment of delinquent taxes or fees, interest or penalties
22 upon the execution of a written agreement between the Department
23 and such a person; and

24 (b) The cancellation of such an agreement if the person becomes
25 delinquent in his or her payment of the delinquent taxes or fees,
26 interest or penalties owed to the Department pursuant to the
27 provisions of chapter 365, 366 or 373 of NRS or NRS 590.120 or
28 ~~590.840~~ *section 86 of this act*.

29 **Sec. 53.** NRS 360A.090 is hereby amended to read as follows:

30 360A.090 1. The amounts, including interest and penalties,
31 required to be paid by a person pursuant to chapter 365, 366 or 373
32 of NRS or NRS 590.120 or ~~590.840~~ *section 86 of this act* must be
33 satisfied first if:

34 (a) The person is insolvent;

35 (b) The person makes a voluntary assignment of his or her
36 assets;

37 (c) The estate of the person in the hands of executors,
38 administrators or heirs, before distribution, is insufficient to pay all
39 the debts due from the deceased; or

40 (d) The estate and effects of an absconding, concealed or absent
41 person required to pay any amount by force of such a revenue act
42 are levied upon by process of law.

43 2. This section does not give the State of Nevada a preference
44 over:



1 (a) Any recorded lien that attached before the date when the
2 amounts required to be paid became a lien; or

3 (b) Any costs of administration, funeral expenses, expenses of
4 personal illness, family allowances or debts preferred pursuant to
5 federal law or wages as provided in NRS 147.195.

6 **Sec. 54.** NRS 360A.100 is hereby amended to read as follows:

7 360A.100 Except as otherwise provided in NRS 366.395:

8 1. If a person fails to file a return or the Department is not
9 satisfied with the return of any tax or fee required to be paid to the
10 Department pursuant to chapter 365, 366 or 373 of NRS or NRS
11 590.120 or ~~590.840,~~ *section 86 of this act*, the Department may
12 determine the amount required to be paid upon the basis of:

13 (a) The facts contained in the return;

14 (b) Any information that is in the possession of the Department
15 or may come into its possession; or

16 (c) Reasonable estimates of the amount.

17 2. One or more deficiency determinations may be made with
18 respect to the amount due for one or more periods.

19 3. In making its determination of the amount required to be
20 paid, the Department shall impose a penalty and interest on the
21 amount of tax or fee determined to be due, calculated at the rate and
22 in the manner set forth in NRS 360A.060.

23 4. If a business is discontinued, a determination may be made
24 at any time thereafter within the period prescribed in NRS 360A.150
25 concerning liability arising out of that business, irrespective of
26 whether the determination is issued before the due date of the
27 liability.

28 **Sec. 55.** NRS 360A.120 is hereby amended to read as follows:

29 360A.120 If any part of the deficiency for which a deficiency
30 determination is made is because of negligence or intentional
31 disregard of any applicable provision of chapter 365, 366 or 373 of
32 NRS or NRS 590.120 or ~~590.840,~~ *section 86 of this act*, or the
33 regulations of the Department adopted pursuant thereto, a penalty of
34 10 percent of the amount of the determination must be added
35 thereto.

36 **Sec. 56.** NRS 360A.130 is hereby amended to read as follows:

37 360A.130 If any part of the deficiency for which a deficiency
38 determination is made is because of fraud or an intent to evade the
39 payment of a tax or fee required by chapter 365, 366 or 373 of NRS
40 or NRS 590.120 or ~~590.840,~~ *section 86 of this act*, or the
41 regulations of the Department adopted pursuant thereto, a penalty of
42 25 percent of the amount of the determination must be added
43 thereto.



1 **Sec. 57.** NRS 360A.150 is hereby amended to read as follows:
2 360A.150 1. Except as otherwise provided in subsections 2, 3
3 and 5, each notice of a deficiency determination issued by the
4 Department must be personally served, mailed or, pursuant to
5 subsection 4, sent by electronic mail within 4 years after the last day
6 of the month following the period for which the amount is proposed
7 to be determined or within 4 years after the return is filed,
8 whichever period expires later.

9 2. In the case of a failure to make a return or a claim for an
10 additional amount, each notice of determination must be mailed,
11 personally served or, pursuant to subsection 4, sent by electronic
12 mail within 8 years after the last day of the month following the
13 period for which the amount is proposed to be determined.

14 3. If, before the expiration of the time prescribed in this section
15 for the service of a notice of determination, the taxpayer has signed
16 a waiver consenting to the service of the notice after that time, the
17 notice may be mailed, personally served or, pursuant to subsection
18 4, sent by electronic mail at any time before the expiration of the
19 period agreed upon. The period so agreed upon may be extended by
20 subsequent agreements in writing if each agreement is made before
21 the expiration of the period previously agreed upon.

22 4. The provision by a person to the Department of an electronic
23 mail address shall be deemed an agreement for the purposes of NRS
24 719.220 to receive notice pursuant to this section by electronic mail.
25 If served by electronic mail, the notice must be sent to the person at
26 his or her electronic mail address as it appears in the records of the
27 Department and service is complete at the time the electronic mail is
28 sent.

29 5. This section does not apply to cases of fraud or the
30 intentional evasion of a provision of chapter 365, 366 or 373 of
31 NRS or NRS 590.120 or ~~{590.840}~~ *section 86 of this act*, or any
32 regulation of the Department adopted pursuant thereto.

33 **Sec. 58.** NRS 360A.230 is hereby amended to read as follows:

34 360A.230 If the Department believes that the collection of any
35 amount of taxes or fees due pursuant to chapter 365, 366 or 373 of
36 NRS or NRS 590.120 or ~~{590.840}~~ *section 86 of this act* will be
37 jeopardized by delay, the Department shall make a determination of
38 the amount required to be collected and serve notice of the
39 determination upon the person against whom it is made.

40 **Sec. 59.** NRS 360A.260 is hereby amended to read as follows:

41 360A.260 1. If a person who is delinquent in the payment of
42 any tax or fee required by chapter 365, 366 or 373 of NRS or NRS
43 590.120 or ~~{590.840}~~ *section 86 of this act* has not paid the amount
44 of a deficiency determination, the Department may bring an action
45 in a court of this State, a court of any other state or a court of the



1 United States to collect the delinquent or deficient amount, penalties
2 and interest. The action must be brought not later than 3 years after
3 the payment became delinquent or the determination became final or
4 within 5 years after the last recording of an abstract of judgment or
5 of a certificate constituting a lien for the tax or fee owed.

6 2. The Attorney General shall prosecute the action. The
7 provisions of NRS and the Nevada Rules of Civil Procedure and
8 Nevada Rules of Appellate Procedure relating to service of
9 summons, pleadings, proofs, trials and appeals are applicable to the
10 proceedings. In the action, a writ of attachment may issue. A bond
11 or affidavit is not required before an attachment may be issued.

12 3. In the action, a certificate by the Department showing the
13 delinquency is prima facie evidence of:

14 (a) The determination of the tax or fee or the amount of the tax
15 or fee;

16 (b) The delinquency of the amounts; and

17 (c) The compliance by the Department with the procedures
18 required by law related to the computation and determination of the
19 amounts.

20 **Sec. 60.** NRS 360A.270 is hereby amended to read as follows:

21 360A.270 1. If, with respect to any tax or fee required by
22 chapter 365, 366 or 373 of NRS or NRS 590.120 or ~~590.840,~~
23 *section 86 of this act*, a person:

24 (a) Fails to pay the tax or fee when due according to his or her
25 return filed with the Department;

26 (b) Fails to pay a deficiency determination when due; or

27 (c) Defaults on a payment pursuant to a written agreement with
28 the Department,

29 ➔ the Department may, within 3 years after the amount is due, file
30 in the office of the clerk of any court of competent jurisdiction an
31 application for the entry of a summary judgment for the amount due.

32 2. The application must be accompanied by a certificate that
33 specifies:

34 (a) The amount required to be paid, including any interest and
35 penalties due;

36 (b) The name and address of the person liable for the payment,
37 as they appear on the records of the Department;

38 (c) The basis for the determination of the Department of the
39 amount due; and

40 (d) That the Department has complied with the applicable
41 provisions of law relating to the determination of the amount
42 required to be paid.

43 3. The application must include a request that judgment be
44 entered against the person in the amount required to be paid,



1 including any interest and penalties due, as set forth in the
2 certificate.

3 **Sec. 61.** NRS 360A.330 is hereby amended to read as follows:

4 360A.330 1. If any tax or fee required by chapter 365, 366 or
5 373 of NRS or NRS 590.120 or ~~[590.840]~~ *section 86 of this act*, is
6 not paid when due, the Department may, within 3 years after the
7 date that the tax or fee became due, file for record a certificate in the
8 office of any county recorder which states:

9 (a) The amount of the tax or fee and any interest or penalties
10 due;

11 (b) The name and address of the person who is liable for the
12 amount due as they appear on the records of the Department; and

13 (c) That the Department has complied with the procedures
14 required by law for determining the amount due.

15 2. From the time of the filing of the certificate, the amount due,
16 including interest and penalties, constitutes a lien upon all real and
17 personal property in the county owned by the person or acquired by
18 the person afterwards and before the lien expires. The lien has the
19 effect and priority of a judgment lien and continues for 5 years after
20 the time of the filing of the certificate unless sooner released or
21 otherwise discharged.

22 3. Within 5 years after the date of the filing of the certificate or
23 within 5 years after the date of the last extension of the lien pursuant
24 to this subsection, the lien may be extended by filing for record a
25 new certificate in the office of the county recorder of any county.
26 From the time of filing, the lien is extended to all real and personal
27 property in the county owned by the person or acquired by the
28 person afterwards for 5 years, unless sooner released or otherwise
29 discharged.

30 **Sec. 62.** NRS 360A.350 is hereby amended to read as follows:

31 360A.350 1. The Department or its authorized representative
32 may issue a warrant for the enforcement of a lien and for the
33 collection of any delinquent taxes or fees required by chapter 365,
34 366 or 373 of NRS or NRS 590.120 or ~~[590.840:]~~ *section 86 of this*
35 *act*:

36 (a) Within 3 years after the person is delinquent in the payment
37 of the tax or fee; or

38 (b) Within 5 years after the last recording of an abstract of
39 judgment or of a certificate constituting a lien for the tax or fee.

40 2. The warrant must be directed to a sheriff or constable and
41 has the same effect as a writ of execution.

42 3. The warrant must be levied and sale made pursuant to the
43 warrant in the same manner and with the same effect as a levy of
44 and a sale pursuant to a writ of execution.



1 **Sec. 63.** NRS 360A.370 is hereby amended to read as follows:

2 360A.370 1. If a person is delinquent in the payment of any
3 tax or fee required by chapter 365, 366 or 373 of NRS or NRS
4 590.120 or ~~[590.840,]~~ *section 86 of this act*, or if a determination
5 has been made against the person that remains unpaid, the
6 Department may:

7 (a) Not later than 3 years after the payment became delinquent
8 or the determination became final; or

9 (b) Not later than 5 years after the last recording of an abstract
10 of judgment or of a certificate constituting a lien for the tax or fee
11 owed,

12 ➔ give a notice of the delinquency and a demand to transmit
13 personally or by registered or certified mail to any person,
14 including, without limitation, any officer or department of this State
15 or any political subdivision or agency of this State, who has in his or
16 her possession or under his or her control any credits or other
17 personal property belonging to the delinquent taxpayer, or owing
18 any debts to the delinquent taxpayer or person against whom a
19 determination has been made which remains unpaid, or owing any
20 debts to the delinquent taxpayer or that person. In the case of any
21 state officer, department or agency, the notice must be given to the
22 officer, department or agency before it presents the claim of the
23 delinquent taxpayer to the State Controller.

24 2. A state officer, department or agency which receives such a
25 notice may satisfy any debt owed to it by that person before it
26 honors the notice of the Department.

27 3. After receiving the demand to transmit, the persons so
28 notified may not transfer or otherwise dispose of the credits, other
29 personal property, or debts in their possession or under their control
30 at the time they received the notice until the Department consents to
31 a transfer or other disposition.

32 4. Each person so notified shall, within 10 days after receipt of
33 the demand to transmit, inform the Department of, and transmit to
34 the Department all such credits, other personal property, or debts in
35 his or her possession, under his or her control or owing by that
36 person within the time and in the manner requested by the
37 Department. Except as otherwise provided in subsection 5, no
38 further notice is required to be served upon that person.

39 5. If the property of the delinquent taxpayer consists of a series
40 of payments owed to him or her, the person who owes or controls
41 the payments shall transmit the payments to the Department until
42 otherwise notified by the Department. If the debt of the delinquent
43 taxpayer is not paid within 1 year after the Department issued the
44 original demand to transmit, the Department shall issue another
45 demand to transmit to the person responsible for making the



1 payments informing that person to continue to transmit payments to
2 the Department or that his or her duty to transmit the payments to
3 the Department has ceased.

4 6. If the notice of the delinquency seeks to prevent the transfer
5 or other disposition of a deposit in a bank or other credits or
6 personal property in the possession or under the control of a bank or
7 other depository institution, the notice must be delivered or mailed
8 to the branch or office of the bank or other depository institution at
9 which the deposit is carried or at which the credits or personal
10 property is held.

11 7. If any person so notified makes any transfer or other
12 disposition of the property or debts required to be withheld or
13 transmitted, to the extent of the value of the property or the amount
14 of the debts thus transferred or paid, he or she is liable to this State
15 for any indebtedness due pursuant to chapter 365, 366 or 373 of
16 NRS or NRS 590.120 or ~~[590.840]~~ *section 86 of this act* from the
17 person with respect to whose obligation the notice was given if
18 solely by reason of the transfer or other disposition, this State is
19 unable to recover the indebtedness of the person with respect to
20 whose obligation the notice was given.

21 **Sec. 64.** NRS 360A.390 is hereby amended to read as follows:

22 360A.390 1. If a person who is liable for any tax or fee
23 required by chapter 365, 366 or 373 of NRS or NRS 590.120 or
24 ~~[590.840]~~ *section 86 of this act* sells any portion of his or her
25 business or stock of goods not in the ordinary course of business or
26 quits the business, the successors or assignees of that person shall:

27 (a) If the business or stock of goods was purchased for money,
28 withhold from the purchase price the amount due; or

29 (b) If the business or stock of goods was not purchased for
30 money, withhold a sufficient portion of the assets of the business or
31 stock of goods which, if sold, would equal the amount due,

32 ↪ until the former owner provides the successors or assignees with
33 a receipt or certificate from the Department indicating that he or she
34 paid the amount due.

35 2. A successor or assignee who fails to withhold the amount
36 required pursuant to subsection 1 becomes personally liable for the
37 payment of the amount required to be withheld by him or her to the
38 extent of the consideration paid for the business or stock of goods,
39 valued in money.

40 3. The Department shall issue a certificate of the amount due to
41 the successor or assignee:

42 (a) Not later than 60 days after receiving a written request from
43 the successor or assignee for such a certificate; or

44 (b) Not later than 60 days after the date the records of the former
45 owner are made available for audit,



1 ↪ whichever period expires later, but not later than 90 days after
2 receiving the request.

3 4. If the Department fails to mail the certificate, the successor
4 or assignee is released from any further obligation to withhold any
5 portion of the purchase price, business or stock of goods.

6 5. The time within which the obligation of the successor or
7 assignee may be enforced begins when the person who is liable for
8 the tax or fee sells or assigns all or any portion of his or her business
9 or stock of goods or when the determination against the person
10 becomes final, whichever occurs later.

11 **Sec. 65.** NRS 360A.400 is hereby amended to read as follows:

12 360A.400 1. At any time within 3 years after a person has
13 become delinquent in the payment of any amount of taxes or fees
14 due pursuant to chapter 365, 366 or 373 of NRS or NRS 590.120 or
15 ~~590.840;~~ *section 86 of this act*, the Department may seize any
16 property, real or personal, of the person and sell the property, or a
17 sufficient part of it, at public auction to pay the amount due,
18 together with any interest or penalties imposed for the delinquency
19 and any costs incurred on account of the seizure and sale.

20 2. Any seizure made to collect a tax or fee due may be only of
21 the property of the person not exempt from execution under the
22 provisions of law.

23 **Sec. 66.** NRS 408.242 is hereby amended to read as follows:

24 408.242 1. The Department shall establish an account in the
25 State Highway Fund to be administered by the Director. The interest
26 and income on the money in the account, after deducting any
27 applicable charges, must be credited to the account. Any money
28 remaining in the account at the end of each fiscal year does not
29 revert to the State Highway Fund but must be carried over into the
30 next fiscal year. The money in the account must be used exclusively
31 for the construction, reconstruction, improvement and maintenance
32 of public roads.

33 2. The account consists of:

34 (a) The money transferred to the account pursuant to ~~NRS~~
35 ~~590.860;~~ *section 88 of this act*;

36 (b) All income and interest earned on the money in the account;
37 and

38 (c) All other money received by the account from any source.

39 3. On July 1 and December 31 of each year, the Director shall
40 allocate:

41 (a) Seventy percent of the money in the account to a regional
42 transportation commission in a county whose population is 700,000
43 or more;



1 (b) Twenty percent of the money in the account to a regional
2 transportation commission in a county whose population is 100,000
3 or more but less than 700,000; and

4 (c) Ten percent of the money in the account to the Department
5 for use in counties that have a population of less than 100,000.

6 **Sec. 67.** Chapter 445C of NRS is hereby amended by adding
7 thereto the provisions set forth as sections 68 to 94, inclusive of this
8 act.

9 **Sec. 68.** *As used in sections 68 to 94, inclusive of this act,*
10 *unless the context otherwise requires, the words and terms defined*
11 *in sections 68 to 81, inclusive, of this act have the meanings*
12 *ascribed to them in those sections.*

13 **Sec. 69.** *“Board” means the Board to Review Claims.*

14 **Sec. 70.** *“Department” means the Department of Motor*
15 *Vehicles.*

16 **Sec. 71.** *“Diesel fuel of grade number 1” means a distillate*
17 *from fuel oil which is of high volatility and used in high-speed*
18 *diesel engines generally operated under variations in speed and*
19 *load. The term includes diesel fuel of the type “C-B,” generally*
20 *used in buses and similar operations.*

21 **Sec. 72.** *“Diesel fuel of grade number 2” means a distillate*
22 *from gas oil which is of low volatility and used in high-speed*
23 *diesel engines generally operated under uniform speed and load.*
24 *The term includes diesel fuel of the type “R-R,” generally used in*
25 *railroad locomotives, and type “T-T,” generally used in trucks*
26 *with diesel engines.*

27 **Sec. 73.** *“Discharge” means any release, leaking or spilling*
28 *from a storage tank into water or soil, unless the discharge is*
29 *authorized by state or federal law.*

30 **Sec. 74.** *“Division” means the Division of Environmental*
31 *Protection of the State Department of Conservation and Natural*
32 *Resources.*

33 **Sec. 75.** *“Fund” means the Fund for Cleaning Up*
34 *Discharges of Petroleum.*

35 **Sec. 76.** *“Heating oil” means diesel fuel of grade number 1*
36 *or 2 or any other form of petroleum used in an oil-fired furnace or*
37 *boiler for space heating.*

38 **Sec. 77.** *“Motor vehicle fuel” has the meaning ascribed to it*
39 *in NRS 365.060.*

40 **Sec. 78.** *“Operator” means a person who owns, controls or is*
41 *responsible for the operation of a storage tank.*

42 **Sec. 79.** *“Person” includes the United States, this State, and*
43 *any agency or political subdivision of this State.*



1 **Sec. 80.** *“Petroleum” means crude oil or any fraction thereof*
2 *which is liquid at a temperature of 60 degrees Fahrenheit and a*
3 *pressure of 14.7 pounds per square inch absolute.*

4 **Sec. 81.** *“Storage tank” means any tank used to store*
5 *petroleum, except petroleum for use in a chemical process.*

6 **Sec. 82.** *The Legislature finds that:*

7 1. *Protection of this State’s environment, particularly its*
8 *supplies of water, requires the prompt cleaning up of any*
9 *discharge of petroleum from a storage tank.*

10 2. *Federal law and regulations require each operator of a*
11 *storage tank to show financial responsibility for this purpose, but*
12 *the capital of smaller operators is too little to meet these*
13 *requirements and insurance to cover this liability is prohibitively*
14 *costly for these smaller operators.*

15 3. *Free competitive access to the business of distributing*
16 *petroleum therefore requires a system of funding this liability in*
17 *which all engaged in the business must participate equitably.*

18 4. *The fee imposed by section 86 of this act is not an excise*
19 *tax but a fee for engaging in the refining or importation of motor*
20 *vehicle fuel, diesel fuel of grade number 1, diesel fuel of grade*
21 *number 2 and heating oil.*

22 **Sec. 83.** 1. *The Board to Review Claims is hereby created*
23 *in the Division. The Board consists of:*

24 (a) *The Administrator of the Division;*

25 (b) *The Director of the Department;*

26 (c) *The State Fire Marshal;*

27 (d) *A representative of refiners of petroleum;*

28 (e) *A representative of independent dealers in petroleum;*

29 (f) *A representative of independent retailers of petroleum; and*

30 (g) *A representative of the general public.*

31 2. *An officer designated as a member of the Board may*
32 *designate a substitute. The Governor shall appoint the respective*
33 *representatives designated as members of the Board. Each*
34 *representative of a field of enterprise must be appointed from a list*
35 *of three persons nominated by persons engaged in that field in this*
36 *State, through their trade association if one exists.*

37 3. *The Board shall select its Chair. The Administrator of the*
38 *Division shall provide administrative assistance to the Board as*
39 *required.*

40 4. *Each member who is appointed by the Governor is entitled*
41 *to receive a salary of not more than \$80, as fixed by the Board, for*
42 *each day’s attendance at a meeting of the Board.*

43 5. *While engaged in the business of the Board, each member*
44 *of the Board is entitled to receive the per diem allowance and*



1 *travel expenses provided for state officers and employees*
2 *generally.*

3 **Sec. 84.** 1. *The Fund for Cleaning Up Discharges of*
4 *Petroleum is hereby created as a special revenue fund in the State*
5 *Treasury. The Division shall administer the Fund for the purposes*
6 *prescribed in sections 68 to 94, inclusive, of this act, and the*
7 *Board shall adopt appropriate regulations for the investigation*
8 *and payment of claims against the Fund. The Board shall review*
9 *each claim presented and authorize payment to the extent*
10 *warranted by the facts of the case.*

11 2. *The expenses incurred by the Division in performing its*
12 *duties pursuant to sections 68 to 94, inclusive, of this act are a*
13 *charge against the Fund. The interest earned on money in the*
14 *Fund must be credited to the Fund.*

15 3. *The Board shall transmit a copy of any resolution that the*
16 *Board has adopted in carrying out its duties pursuant to this*
17 *section to the Legislative Counsel within 5 working days after the*
18 *adoption of the resolution for inclusion in the register of*
19 *administrative regulations published pursuant to NRS 233B.0653.*

20 **Sec. 85.** *Notwithstanding any provision of sections 68 to 94,*
21 *inclusive, of this act to the contrary, and except as otherwise*
22 *provided in this section:*

23 1. *The Division may expend not more than \$250,000 from the*
24 *Fund per year as reimbursement for necessary costs incurred by*
25 *the Division in the response to and cleanup of any discharge*
26 *involving petroleum, including discharges from a storage tank and*
27 *discharges from a mobile tank that occur during the*
28 *transportation of petroleum on roads and highways. If the*
29 *discharge involving petroleum also involves the discharge of*
30 *another hazardous material, the Division may expend money*
31 *pursuant to this section in the cleanup of the discharge of*
32 *petroleum and the other hazardous material. The Division shall*
33 *not expend money from the Fund pursuant to this section to clean*
34 *up discharges involving petroleum from pipelines.*

35 2. *Except as otherwise provided in this subsection, money*
36 *from the Fund expended by the Division pursuant to this section*
37 *must be used to augment, and must not be used to replace or*
38 *supplant, any money available from other sources for the cleanup*
39 *of discharges of petroleum, including, without limitation,*
40 *reimbursements by operators required to be made to the Division*
41 *pursuant to sections 87 and 89 of this act. If no money is available*
42 *from those other sources, the Division may expend money from*
43 *the Fund pursuant to this section to reimburse the Division for*
44 *any costs specified in subsection 1.*



1 3. *If the Division expends money pursuant to this section to*
2 *clean up a discharge involving petroleum, the operator of the tank*
3 *shall reimburse the Division for the operator's share of the costs*
4 *for cleaning up the discharge. The Division shall, upon being*
5 *reimbursed by the operator of the tank pursuant to this subsection,*
6 *deposit that money in the Fund.*

7 4. *As used in this section:*

8 (a) *"Discharge" means any release, leaking or spilling from a*
9 *tank into water or soil, unless the discharge is authorized by state*
10 *or federal law.*

11 (b) *"Operator" means a person who owns, controls or is*
12 *responsible for the operation of a tank.*

13 (c) *"Tank" means a storage tank or a mobile tank used to*
14 *transport petroleum received for sale or use in this State.*

15 **Sec. 86. 1.** *Except as otherwise provided in subsection 2,*
16 *the Department shall collect for deposit in the Fund a fee of 0.75*
17 *cent for each gallon of motor vehicle fuel, diesel fuel of grade*
18 *number 1, diesel fuel of grade number 2 and heating oil imported*
19 *into this State in one of those forms or refined in this State. The*
20 *fee imposed by this section is in addition to the taxes imposed by*
21 *chapters 365 and 366 of NRS.*

22 2. *The fee imposed by subsection 1 does not apply to motor*
23 *vehicle fuel, diesel fuel of grade number 1, diesel fuel of grade*
24 *number 2 or heating oil that is:*

25 (a) *Imported or refined by the United States, its*
26 *unincorporated agencies and instrumentalities, or any*
27 *incorporated agency or instrumentality of the United States wholly*
28 *owned by the United States or by a corporation wholly owned by*
29 *the United States;*

30 (b) *Exported from this State;*

31 (c) *Imported or refined by railroad companies for use in*
32 *locomotive engines;*

33 (d) *Being transported through this State in interstate*
34 *commerce; or*

35 (e) *Used as fuel for jet or turbine-powered aircraft.*

36 3. *The fee is payable on or before the last day of each*
37 *calendar month for those products subject to the fee that are*
38 *handled during the preceding calendar month. The Department*
39 *shall prescribe by regulation the manner of payment of the fee and*
40 *for this purpose may reasonably classify the persons liable for*
41 *payment. The Department may, in collecting the fee, employ any*
42 *administrative power conferred upon it by chapter 360A or 365 of*
43 *NRS.*



1 4. *The expenses incurred by the Department in performing its*
2 *duties under sections 68 to 94, inclusive, of this act are a charge*
3 *against the Fund.*

4 **Sec. 87.** *1. Except as otherwise provided in subsection 2,*
5 *the Division shall collect for deposit in the Fund an annual fee not*
6 *to exceed \$100, set by the Board, for the registration of each*
7 *storage tank.*

8 2. *No fee is to be collected, and no registration is required,*
9 *with respect to a storage tank used to store heating oil for*
10 *consumption on the same premises where the oil is stored, or a*
11 *storage tank operated by a person not required to pay the fee for*
12 *petroleum produced in or imported into this State.*

13 3. *The operator of a storage tank required to be registered*
14 *pursuant to this section who fails to register that tank or to pay the*
15 *annual fee when required shall reimburse the Division for any*
16 *expense incurred by the Division in cleaning up a discharge from*
17 *that storage tank and for any discharge of liability to a third*
18 *person. If, in cleaning up the discharge from that storage tank, the*
19 *Division expends money from the Fund in accordance with*
20 *section 85 of this act, the Division shall, upon being reimbursed by*
21 *the operator of the storage tank pursuant to this subsection,*
22 *deposit that money in the Fund.*

23 **Sec. 88.** *If the balance in the Fund for Cleaning Up*
24 *Discharges of Petroleum at the end of any fiscal year is estimated*
25 *at \$7,500,000 or more, the Department shall transfer to the*
26 *account created pursuant to NRS 408.242 the balance in the Fund*
27 *for Cleaning Up Discharges of Petroleum which exceeds*
28 *\$7,500,000.*

29 **Sec. 89.** *1. The operator of every storage tank, and every*
30 *person who for compensation puts petroleum into a storage tank,*
31 *shall report to the Division every discharge from that tank of*
32 *which the operator or other person is aware or has reason to*
33 *believe has occurred. The Division shall undertake or contract for*
34 *cleaning up the discharge unless the operator or another person is*
35 *already acting properly to clean it up. If the Division cleans up*
36 *the discharge, the operator shall reimburse the Division for the*
37 *operator's share of the costs. If, in cleaning up the discharge, the*
38 *Division expends money from the Fund in accordance with*
39 *section 85 of this act, the Division shall, upon being reimbursed by*
40 *the operator of the storage tank pursuant to this subsection,*
41 *deposit that money in the Fund.*

42 2. *Each operator who is required or who chooses to register a*
43 *tank must, unless the tank has been tested for tightness under the*
44 *federal standards embodied in 40 C.F.R. § 280.43c since July 1,*



1 1988, test the tank pursuant to those standards before it is eligible
2 for the coverage provided by sections 90 and 91 of this act.

3 **Sec. 90.** *The costs resulting from a discharge from a storage*
4 *tank which has a capacity of 1,100 gallons or less and is used to*
5 *store heating oil for consumption on the same premises where the*
6 *oil is stored must be paid as follows, to the extent applicable:*

7 1. *The first \$250 for cleaning up and the first \$250 of liability*
8 *for damages to a person other than this State or the operator of*
9 *the tank, or both amounts, by the operator.*

10 2. *If necessary to protect the environment or the public health*
11 *and safety, the next \$250,000 for cleaning up and the next*
12 *\$250,000 for damages to a person other than this State or the*
13 *operator of the tank, or both amounts, from the Fund. These limits*
14 *apply to any one discharge and to the total for discharges from*
15 *storage tanks controlled by any one operator in any fiscal year.*
16 *For the purpose of this limitation, a group of operators more than*
17 *50 percent of whose net worth is beneficially owned by the same*
18 *person or persons constitutes one operator.*

19 3. *Any further cost for cleaning up or for damages, by the*
20 *operator.*

21 **Sec. 91.** *If the costs resulting from a discharge from any*
22 *other storage tank exceed \$5,000, the costs must be paid as*
23 *follows, to the extent applicable:*

24 1. *By an operator which is an agency, department, division or*
25 *political subdivision of the State, 10 percent or \$10,000, whichever*
26 *is less, of the first \$1,000,000 for cleaning up each tank and of the*
27 *first \$1,000,000 of liability for damages from each tank to any*
28 *person other than this State or the operator of the tank, or both*
29 *amounts. The balance of the first \$1,000,000 for cleaning up each*
30 *tank or for damages from each tank must be paid from the Fund,*
31 *but the total amount paid from the Fund pursuant to this*
32 *subsection in any one fiscal year for discharges from two or more*
33 *storage tanks under the control of any one operator must not*
34 *exceed \$1,980,000 for cleaning up and \$1,980,000 for damages.*

35 2. *By an operator which is a small business, 10 percent of the*
36 *first \$1,000,000 for cleaning up each tank and of the first*
37 *\$1,000,000 of liability for damages from each tank to a person*
38 *other than this State or the operator of the tank, or both amounts.*
39 *The total amount paid by an operator pursuant to this subsection*
40 *must not exceed \$50,000 for cleaning up and \$50,000 for damages*
41 *regardless of the number of storage tanks involved. The balance of*
42 *the first \$1,000,000 for cleaning up each tank or for damages*
43 *from each tank must be paid from the Fund, but the total amount*
44 *paid from the Fund pursuant to this subsection in any one fiscal*
45 *year for discharges from two or more storage tanks under the*



1 control of any one operator must not exceed \$1,900,000 for
2 cleaning up and \$1,900,000 for damages. For the purpose of this
3 limitation, a group of operators more than 50 percent of whose net
4 worth is beneficially owned by the same person or persons
5 constitutes one operator.

6 3. By all other operators:

7 (a) Ten percent of the first \$1,000,000 for cleaning up each
8 tank and of the first \$1,000,000 of liability for damages from each
9 tank to a person other than this State or the operator of the tank,
10 or both amounts.

11 (b) Ninety percent of the first \$1,000,000 for cleaning up each
12 tank or for damages from each tank must be paid from the Fund.

13 ↪ The total amount paid from the Fund pursuant to paragraph
14 (b) in any one fiscal year for discharges from two or more storage
15 tanks under the control of any one operator must not exceed
16 \$1,800,000 for cleaning up and \$1,800,000 for damages. For the
17 purpose of this limitation, a group of operators more than 50
18 percent of whose net worth is beneficially owned by the same
19 person or persons constitutes one operator.

20 4. Any further cost for cleaning up or for damages which is
21 in excess of the amounts paid pursuant to subsections 1, 2 and 3
22 must be paid by the operator.

23 5. A political subdivision of the State that receives money
24 from the Fund pursuant to subsection 1 to pay for the costs of
25 cleaning up shall hold one public hearing upon initiation of the
26 cleanup and one public hearing every 3 months thereafter until
27 the cleanup is completed to ensure that the cleanup complies with
28 any requirements of the Division concerning the cost-effectiveness
29 of cleaning up. The costs incurred by the political subdivision for
30 the hearing must not be attributed to the political subdivision as
31 part of the costs paid by the political subdivision pursuant to
32 subsection 1.

33 6. For the purposes of this section, a small business is a
34 business which receives less than \$500,000 in gross annual
35 receipts from the site where the tank is located.

36 **Sec. 92.** 1. Any person who, through willful or wanton
37 misconduct, through gross negligence or through violation of any
38 applicable statute or regulation, including specifically any state or
39 federal standard pertaining to the preparation or maintenance of
40 sites for storage tanks, proximately causes a discharge is liable to
41 the Division for any cost in cleaning up the discharge or paying
42 for it to be cleaned up.

43 2. If a discharge occurs, the site of the tank and any other
44 premises affected by the discharge must be brought into



1 *compliance with any applicable standard as described in*
2 *subsection 1.*

3 **Sec. 93.** *If the balance in the Fund is insufficient to pay in*
4 *full all amounts payable from it under sections 68 to 94, inclusive,*
5 *of this act, these amounts must be reduced pro rata and the*
6 *amounts so withheld must be paid pro rata as additional money*
7 *becomes available in the Fund.*

8 **Sec. 94.** *1. Except as otherwise specifically provided in*
9 *section 85 of this act, the provisions of sections 87 to 93, inclusive,*
10 *of this act do not apply to any tank which:*

11 *(a) Contains petroleum being transported through this State in*
12 *interstate commerce, but do apply to a tank being used to store*
13 *petroleum received for sale or use in this State;*

14 *(b) Contains fuel for jet or turbine-powered aircraft, or is*
15 *above ground and has a capacity of 30,000 gallons or less, unless*
16 *in either case the operator complies with subsection 2; or*

17 *(c) Is above ground and has a capacity of more than 30,000*
18 *gallons.*

19 *2. The operator of a tank exempted by paragraph (b) of*
20 *subsection 1 may obtain the coverage provided by sections 90 and*
21 *91 of this act by applying to the Board, paying the fee set pursuant*
22 *to section 87 of this act for its registration, and, if the tank is used*
23 *to store fuel for jet or turbine-powered aircraft, reporting monthly*
24 *the number of gallons of fuel put into the tank and paying the fee*
25 *required by section 86 of this act. Coverage pursuant to this*
26 *subsection begins 6 months after the tank is registered and the*
27 *required fee first paid.*

28 **Sec. 95.** NRS 445C.010 is hereby amended to read as follows:

29 445C.010 As used in ~~[this—chapter,]~~ *NRS 445C.010 to*
30 *445C.120, inclusive,* unless the context otherwise requires, the
31 words and terms defined in NRS 445C.020 to 445C.060, inclusive,
32 have the meanings ascribed to them in those sections.

33 **Sec. 96.** NRS 445C.110 is hereby amended to read as follows:

34 445C.110 1. Except as otherwise provided in this section, an
35 environmental audit conducted pursuant to the provisions of ~~[this~~
36 ~~chapter]~~ *NRS 445C.010 to 445C.120, inclusive,* shall be deemed
37 privileged and is not admissible in an administrative proceeding or
38 civil action against the regulated person who conducted the audit or
39 the regulated facility which is owned or operated by the regulated
40 person.

41 2. The privilege provided by subsection 1 does not apply if:

42 (a) A regulatory agency requests the admission of the results of
43 an environmental audit at an administrative proceeding or civil
44 action commenced by the regulatory agency;

45 (b) The regulated person expressly waives the privilege; or



1 (c) A court or administrative hearing officer determines in
2 camera that the presumption against administrative or civil liability
3 is rebutted pursuant to NRS 445C.090.

4 3. For the purposes of paragraph (b) of subsection 2, a
5 regulated person does not waive the privilege if he or she voluntarily
6 discloses, pursuant to NRS 445C.010 to 445C.120, inclusive, the
7 results of an environmental audit or a violation of an environmental
8 requirement discovered as a result of an environmental audit to a
9 regulatory agency.

10 4. This section does not prohibit a person or entity from:

11 (a) Obtaining information concerning a violation of an
12 environmental requirement from a source independent of an
13 environmental audit.

14 (b) Commencing an administrative proceeding or civil or
15 criminal action against a regulated person or a regulated facility
16 which is owned or operated by a regulated person based upon
17 information that was obtained from a source independent of an
18 environmental audit.

19 (c) Intervening in a proceeding or action filed against a
20 regulated person or regulated facility if the intervention is
21 specifically authorized by statute or regulation.

22 **Sec. 97.** NRS 561.301 is hereby amended to read as follows:

23 561.301 Aquatic agriculture, which includes the propagation,
24 cultivation and harvesting of plants *or animals* indigenous to water
25 in a *man-made*, controlled or selected aquatic environment for the
26 commercial production of food, is one of the agricultural enterprises
27 conducted in this state. The Department shall promote, protect and
28 regulate aquatic agriculture to the extent that the Department is
29 authorized to regulate other forms of agriculture and other
30 agricultural products. The Department shall confer with the
31 Department of Wildlife regarding aquatic agriculture to prevent any
32 adverse effects on existing aquatic animals.

33 **Sec. 98.** NRS 561.305 is hereby amended to read as follows:

34 561.305 The Department shall establish and maintain a
35 laboratory for the following purposes:

36 1. The diagnosis of infectious, contagious and parasitic
37 diseases of animals, as may be necessary under the provisions of
38 chapter 571 of NRS.

39 2. The diagnosis of infectious, contagious and parasitic
40 diseases of bees, as may be necessary under the provisions of
41 chapter 552 of NRS.

42 3. The diagnosis of infectious, contagious and destructive
43 diseases of agricultural commodities, and infestations thereof by
44 pests, as may be necessary under the provisions of chapter 554 of
45 NRS.



1 4. The survey and identification of insect pests, plant diseases
2 and noxious weeds, and the maintenance of a herbarium, as may be
3 necessary under the provisions of NRS 555.005 to 555.249,
4 inclusive.

5 5. The testing of pesticides, as may be necessary under the
6 provisions of NRS 555.2605 to 555.460, inclusive, and ~~586.010 to~~
7 ~~586.450, inclusive.~~ *chapter 586 of NRS.*

8 6. The safekeeping and maintenance of official standards of
9 weights and measures, as may be necessary under the provisions of
10 chapter 581 of NRS.

11 7. The testing and grading of agricultural products and the
12 testing of the purity and germinating power of agricultural seeds and
13 the testing of the spray residue contained in produce, as may be
14 necessary under the provisions of chapter 587 of NRS.

15 8. The analysis and testing of commercial fertilizers and
16 agricultural minerals, as may be necessary under the provisions of
17 chapter 588 of NRS.

18 9. The analysis and testing of petroleum products or motor
19 vehicle fuel, as may be necessary under the provisions of NRS
20 590.010 to 590.150, inclusive.

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

23 11. Any laboratory examinations, diagnoses, analyses or
24 testing as may be deemed necessary by the Director and which can
25 be made with equipment available in any such laboratory. Any
26 resident of this State may submit samples to the Department for
27 examination, diagnosis, analysis or testing, subject to such rules and
28 regulations as may be adopted by the Director.

29 **Sec. 99.** NRS 561.315 is hereby amended to read as follows:

30 561.315 The Director may fix the maximum number of *field*
31 *inspections that may be conducted or laboratory* samples that may
32 be examined, diagnosed, analyzed or tested ~~in the Department's~~
33 ~~laboratory~~ free of charge for any one *public agency*, natural person,
34 group or corporation in any one period, and may fix reasonable fees for
35 ~~samples submitted~~ *any services provided* in excess of those
36 ~~tested~~ *provided* free of charge.

37 **Sec. 100.** NRS 561.355 is hereby amended to read as follows:

38 561.355 1. The Plant Industry Program is hereby established.

39 2. The following fees and money must be used in the Plant
40 Industry Program:

41 (a) ~~Fees~~ *Except as otherwise provided in NRS 555.570 and*
42 *section 10 of this act, fees* and money collected pursuant to the
43 provisions of chapters 552, 555 and 587 of NRS.

44 (b) Laboratory fees collected for the diagnosis of infectious,
45 contagious and parasitic diseases of bees, as authorized by



1 NRS 561.305, and as are necessary pursuant to the provisions of
2 chapter 552 of NRS.

3 (c) Laboratory fees collected for the diagnosis of infectious,
4 contagious and destructive diseases of agricultural commodities, and
5 infestations thereof by pests, as authorized by NRS 561.305, and as
6 may be necessary pursuant to the provisions of chapter 554 of NRS.

7 (d) Laboratory fees collected for the survey and identification of
8 insect pests, plant diseases and noxious weeds, as authorized by
9 NRS 561.305, and as may be necessary pursuant to the provisions of
10 NRS 555.005 to 555.249, inclusive.

11 (e) Laboratory fees collected for the testing of the purity and
12 germinating power of agricultural seeds, as authorized by NRS
13 561.305, and as may be necessary pursuant to the provisions of NRS
14 587.015 to 587.123, inclusive.

15 (f) Money received from a tax on the transfer of real property
16 imposed pursuant to NRS 375.026.

17 3. Expenditures for the Plant Industry Program must be made
18 only for the purposes of carrying out the provisions of this chapter
19 and chapters 552, 554, 555 and 587 of NRS.

20 4. The money credited to the Program pursuant to NRS
21 375.026 must be allocated for disbursement to each county in
22 proportion to the amount of money collected in that county and must
23 only be used:

24 (a) By the Department for programs on the exclusion, detection
25 and control of:

26 (1) Invasive species; and

27 (2) Endemic pests and weeds designated by the Director; and

28 (b) For grants to local governments and nonprofit organizations
29 for the control or management of such species, pests and weeds.

30 5. As used in this section:

31 (a) "Invasive species" means any living organism not native to
32 this State that may present a threat to the economy, environment or
33 public health of this State.

34 (b) "Local government" has the meaning ascribed to it in
35 NRS 237.050.

36 **Sec. 101.** NRS 561.385 is hereby amended to read as follows:

37 561.385 1. The Agriculture Registration and Enforcement
38 Account is hereby created in the State General Fund for the use of
39 the Department.

40 2. The following fees must be deposited in the Agriculture
41 Registration and Enforcement Account:

42 (a) Except as otherwise provided in NRS 586.270 ~~and~~ and
43 **586.450**, fees collected pursuant to the provisions of **chapter 586 of**
44 **NRS . [586.010 to 586.450, inclusive.]**



1 (b) Fees collected pursuant to the provisions of chapter 588 of
2 NRS.

3 (c) Fees collected pursuant to the provisions of NRS 590.340 to
4 590.450, inclusive.

5 (d) Laboratory fees collected for the testing of pesticides as
6 authorized by NRS 561.305, and as are necessary pursuant to the
7 provisions of NRS 555.2605 to 555.460, inclusive, and ~~586.010 to~~
8 ~~586.450, inclusive.~~, *except as otherwise provided in NRS 586.270*
9 *and 586.450, chapter 586 of NRS.*

10 (e) Laboratory fees collected for the analysis and testing of
11 commercial fertilizers and agricultural minerals, as authorized by
12 NRS 561.305, and as are necessary pursuant to the provisions of
13 chapter 588 of NRS.

14 (f) Laboratory fees collected for the analysis and testing of
15 petroleum products or motor vehicle fuel, as authorized by NRS
16 561.305, and as are necessary pursuant to the provisions of NRS
17 590.010 to 590.150, inclusive.

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

21 3. Expenditures from the Agriculture Registration and
22 Enforcement Account may be made to carry out the provisions of
23 this chapter, NRS 555.2605 to 555.460, inclusive, or chapters 586,
24 588 and 590 of NRS or for any other purpose authorized by the
25 Legislature.

26 **Sec. 102.** NRS 562.170 is hereby amended to read as follows:

27 562.170 1. Except as otherwise provided in this section, the
28 rate of tax fixed by the Board, as provided for in NRS 562.160, must
29 not exceed the equivalent of ~~18 cents~~ **\$1.50** per head on all sheep.
30 The minimum tax that must be paid annually by an owner of sheep
31 is ~~5~~ **\$5.00**.

32 2. The tax paid by an owner of sheep must be deposited in the
33 ~~state or county treasury in which~~ **State Treasury for credit to** the
34 State Sheep Inspection ~~Account is located for credit to that~~
35 Account. The money in the State Sheep Inspection Account must be
36 made available and disbursed by the ~~proper state or county~~
37 ~~officials~~ **State Controller** upon request of the Board for the
38 purposes provided for in this chapter.

39 **Sec. 103.** NRS 562.200 is hereby amended to read as follows:

40 562.200 All contributions of money which the Board is
41 authorized to accept and which are made by any organization
42 interested in the welfare of the sheep industry must be deposited by
43 the Board with the ~~state or county treasurer who has custody of~~
44 **State Treasury for credit to** the State Sheep Inspection ~~Account for~~
45 ~~credit to that~~ Account. The money in the Account must be



1 disbursed by the ~~[proper state or county officials]~~ *State Controller*
2 when ordered by the Board in accordance with the purposes for
3 which each contribution was made.

4 **Sec. 104.** NRS 562.210 is hereby amended to read as follows:

5 562.210 1. The Board may encourage, promote, advance and
6 protect the sheep interests of the State and may, directly or
7 indirectly, by expenditure or by payment or otherwise to any
8 association formed for any such purposes or objects, pay annually,
9 out of the State Sheep Inspection Account, for any enumerated
10 purposes, not to exceed the equivalent of ~~[10 cents]~~ *50 percent* of
11 the levy assessed pursuant to NRS 562.170.

12 2. The Board is the sole and exclusive judge of the
13 expenditures of all sums directly or by the payment to any
14 association, club or other organization pursuant to this section.

15 **Sec. 105.** NRS 562.230 is hereby amended to read as follows:

16 562.230 ~~[Whenever any inspector files in the office of the]~~ *The*
17 *State Controller* ~~[for county treasurer who has custody of the State~~
18 ~~Sheep Inspection Account]~~ *shall draw a warrant or check payable*
19 *out of the State Sheep Inspection Account to any inspector who*
20 *files* proper vouchers or claims, duly approved by the Board, setting
21 forth:

- 22 1. The name of the inspector;
- 23 2. The kind and nature of service rendered;
- 24 3. The particular locality where the work was done;
- 25 4. The length of time employed;
- 26 5. The number of sheep inspected and the name of the owner or
27 person in charge of the sheep;
- 28 6. The disease or diseases treated, and the length of time of the
29 treatment; and
- 30 7. The amount claimed for the services. ~~;~~

31 ~~→ the State Controller or county treasurer shall draw a warrant or~~
32 ~~check in favor of the inspector, payable out of the money in the~~
33 ~~State Sheep Inspection Account.]~~

34 **Sec. 106.** NRS 571.190 is hereby amended to read as follows:

35 571.190 1. The State Quarantine Officer may order and have
36 destroyed any animal infected with or exposed to any infectious,
37 contagious or parasitic disease.

38 2. ~~[The Department shall compensate the owners of any animal~~
39 ~~so destroyed separately or jointly with any county or municipality of~~
40 ~~the State or any agency of the Federal Government, the amount of~~
41 ~~the compensation to be determined by appraisal before the affected~~
42 ~~animal is destroyed.~~

43 ~~—3— The appraisal must be made by the State Quarantine Officer~~
44 ~~or a qualified agent designated by the State Quarantine Officer and~~
45 ~~the owners or their authorized representative. In the event of their~~



1 ~~failure to reach an agreement, the two so selected shall designate a~~
2 ~~disinterested person, who by reason of experience in such matters is~~
3 ~~a qualified judge of values of animals, to act with them. The~~
4 ~~judgment of any two such appraisers is binding and final upon all~~
5 ~~persons.~~

6 ~~—4.— The total amount received by the owners of any animal so~~
7 ~~destroyed, including compensation paid by the Department, any~~
8 ~~county or municipality or any agency of the Federal Government or~~
9 ~~any company that insures animals, and the salvage received from the~~
10 ~~sale of hides or carcasses or any other source, combined, must not~~
11 ~~exceed the actual appraised value of the destroyed animal.~~

12 ~~—5.] Any natural person or corporation purchasing any animal~~
13 ~~which was at the time of purchase under quarantine by any state,~~
14 ~~county or municipal authorities or any agency of the Federal~~
15 ~~Government authorized to lay such quarantine, or who purchases~~
16 ~~any animal which due diligence and caution would have shown to~~
17 ~~be diseased or which was shipped or transported in violation of the~~
18 ~~rules and regulations of any agency of the Federal Government or~~
19 ~~the State of Nevada, is not entitled to receive compensation, and the~~
20 ~~Department may order the destruction of the animal without making~~
21 ~~any compensation to the owner.~~

22 ~~[6.— No payment may be made hereunder as compensation for or~~
23 ~~on account of any such animal destroyed if, at the time of inspection~~
24 ~~or test of the animal or at the time of the ordered destruction thereof,~~
25 ~~the animal belongs to or is upon the premises of any person, firm or~~
26 ~~corporation to which the animal has been sold, shipped or delivered~~
27 ~~for slaughter.~~

28 ~~—7.— In no case may any payment by the Department pursuant to~~
29 ~~the provisions of this section be made unless the owner has~~
30 ~~complied with all quarantine rules and regulations of the~~
31 ~~Department.]~~

32 **Sec. 107.** NRS 571.250 is hereby amended to read as follows:

33 571.250 **1.** Any person violating the provisions of NRS
34 571.120 to 571.240, inclusive, or failing, refusing or neglecting to
35 perform or observe any conditions, orders, rules or regulations
36 prescribed by the State Quarantine Officer in accordance with the
37 provisions of NRS 571.120 to 571.240, inclusive, is ~~[guilty of a~~
38 ~~misdemeanor and, in addition to any criminal penalty, shall pay to~~
39 ~~the Department an administrative fine of not more than \$1,000 per~~
40 ~~violation. If an administrative fine is imposed pursuant to this~~
41 ~~section, the costs of the proceeding, including investigative costs~~
42 ~~and attorney's fees, may be recovered by the Department.] **subject**~~
43 ~~to a civil penalty not to exceed:~~

44 (a) **For the first violation, \$250.**

45 (b) **For a second violation, \$500.**



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

2 2. Any money collected from the imposition of a civil penalty
3 pursuant to subsection 1 must be accounted for separately and:

4 (a) Fifty percent of the money must be used to fund a program
5 selected by the Director that provides loans to persons who are
6 engaged in agriculture and who are 21 years of age or younger;
7 and

8 (b) The remaining 50 percent of the money must be deposited
9 in the Account for the Control of Weeds established by
10 NRS 555.035.

11 **Sec. 108.** NRS 573.020 is hereby amended to read as follows:

12 573.020 1. A person shall not hold, operate, conduct or carry
13 on a public livestock auction in this state without first securing a
14 license therefor from the Department.

15 2. The application for a license must be on a form prescribed
16 and furnished by the Department and set forth:

17 (a) The name of the operator of the public livestock auction.

18 (b) The location of the establishment or premises where the
19 public livestock auction will be conducted.

20 (c) The type or kinds of livestock to be handled, sold or
21 exchanged.

22 (d) A description of the facilities that will be used to conduct the
23 public livestock auction.

24 (e) The weekly or monthly sales day or days on which the
25 applicant proposes to operate the applicant's public livestock
26 auction.

27 (f) The name and address of the bank or credit union where the
28 custodial account for consignors' proceeds will be established and
29 maintained by the operator of the public livestock auction in
30 compliance with the provisions of NRS 573.104.

31 (g) Such other information as the Department reasonably may
32 require, including, without limitation, proof that at the time of
33 application the applicant has a line of credit established at a bank or
34 credit union in the State of Nevada in ~~[an] the~~ amount ~~[at least equal~~
35 ~~to the estimated average weekly gross sales receipts of the public~~
36 ~~livestock auction that will be conducted by the applicant.] of~~
37 ~~\$400,000 or more.~~

38 3. The application must be accompanied by a bond or deposit
39 receipt and the required fee as provided in this chapter.

40 **Sec. 109.** NRS 573.033 is hereby amended to read as follows:

41 573.033 1. If an applicant delivers a surety bond to the
42 Director pursuant to the provisions of subsection 1 of NRS 573.030,
43 the surety bond must be:

44 (a) In the ~~[sum provided for in subsection 2.]~~ amount of
45 ~~\$200,000 or more but less than \$1,000,000.~~



1 (b) Executed by the applicant as principal and by a surety
2 company qualified and authorized to do business in this state as
3 surety.

4 (c) A standard form and approved by the Director as to terms
5 and conditions.

6 (d) Conditioned that the principal will not commit any
7 fraudulent act and will comply with the provisions of this chapter
8 and the rules and regulations adopted by the Department.

9 (e) To the State of Nevada in favor of every consignor creditor
10 whose livestock was handled or sold through or at the licensee's
11 public livestock auction.

12 2. ~~If the application for a license to operate a public livestock~~
13 ~~auction is submitted by a person who:~~

14 ~~—(a) Has not operated in the past 12 month period, the Director~~
15 ~~shall determine the sum of the initial bond that the applicant must~~
16 ~~execute in favor of the State, which sum must be equal to an amount~~
17 ~~estimated to be 50 percent of the average monthly gross sales~~
18 ~~proceeds of the public livestock auction in the first 6 months of~~
19 ~~operation, but the sum must not be less than \$10,000 or more than~~
20 ~~\$100,000. At any time within the first 12 months of licensed~~
21 ~~operation, the Director may, upon written notice to the licensee,~~
22 ~~review the licensee's operations and determine whether, because of~~
23 ~~increased or decreased sales, the amount of the bond should be~~
24 ~~altered.~~

25 ~~—(b) Has operated in the past 12 month period, the Director shall~~
26 ~~determine the sum of the bond that the applicant must execute in~~
27 ~~favor of the State, which sum must be equal to an amount equal to~~
28 ~~50 percent of the average monthly gross sales proceeds received by~~
29 ~~the public livestock auction during the 6 successive months of the~~
30 ~~last 12 month period which produced the highest dollar volume, but~~
31 ~~the sum must not be less than \$10,000 or more than \$100,000.~~

32 ~~—3.]~~ The total and aggregate liability of the surety for all claims
33 upon the bond must be limited to the face amount of the bond.

34 **Sec. 110.** NRS 573.050 is hereby amended to read as follows:

35 573.050 Upon receipt of an application for a license under this
36 chapter, accompanied by the required bond and license fee, the
37 Department shall examine the application, and if it finds the
38 application to be in proper form and that the applicant has otherwise
39 complied with this chapter, the ~~[Department]~~ *Director or his or her*
40 *designee* shall grant *and sign* the license as applied for, subject to
41 the provisions of this chapter.

42 **Sec. 111.** NRS 573.080 is hereby amended to read as follows:

43 573.080 Licenses ~~[shall]~~ *must* be renewed annually upon like
44 application and procedure as in the case of original licenses. *An*
45 *application for renewal must be accompanied by:*



1 1. *A full audit completed not more than 2 months before the*
2 *date of the application which must be signed and certified as*
3 *correct by a holder of a live permit issued pursuant to chapter 628*
4 *of NRS.*

5 2. *The name and address of the bank or credit union where*
6 *the custodial account for consignors' proceeds will be established*
7 *and maintained by the operator of the public livestock auction in*
8 *compliance with the provisions of NRS 573.104.*

9 **Sec. 112.** NRS 573.103 is hereby amended to read as follows:

10 573.103 ~~[1.—Except as otherwise provided in subsection 2,~~
11 ~~every operator of a public livestock auction shall cause his or her~~
12 ~~accounts to be audited at least annually by a holder of a live permit~~
13 ~~under chapter 628 of NRS, and shall file with the Director a copy of~~
14 ~~the audit, signed and certified as correct by the auditor. The Director~~
15 ~~may prescribe by regulation the content and times for filing of the~~
16 ~~audits.~~

17 ~~—2.]~~ Every operator *of a public livestock auction* whose
18 accounts are audited under the provisions of the Packers and
19 Stockyards Act, 7 U.S.C. § 204, as amended, shall file a copy of
20 each such audit with the Director.

21 **Sec. 113.** NRS 573.105 is hereby amended to read as follows:

22 573.105 ~~[The Director shall ascertain, at least quarterly, the~~
23 ~~continued existence and]~~ *An operator of a public livestock auction*
24 *shall notify the Department within 30 days after any change in the*
25 amount of the line of credit shown pursuant to paragraph (g) of
26 subsection 2 of NRS 573.020, or its replacement by a line of credit
27 at another bank or credit union in the State of Nevada and the
28 amount of the replacement. If the line of credit is replaced, the
29 custodial account must be transferred to the bank or credit union
30 issuing the new line of credit. If a line of credit in the amount
31 required is not maintained, the Director shall suspend the operator's
32 license.

33 **Sec. 114.** NRS 573.140 is hereby amended to read as follows:

34 573.140 1. The yards, pens and premises where livestock is
35 held or handled ~~[shall]~~ *must* be ~~[regularly]~~ cleaned and ~~[disinfected]~~
36 *maintained* for the purpose of preventing infectious, contagious or
37 parasitic livestock diseases.

38 2. If livestock is held on the premises for more than 10 hours,
39 then facilities for feeding and watering the livestock so held ~~[shall]~~
40 *must* be provided.

41 **Sec. 115.** NRS 573.180 is hereby amended to read as follows:

42 573.180 None of the provisions of this chapter shall be deemed
43 to apply to the Nevada ~~[Fair-of]~~ Mineral ~~[Industries.]~~ *Exhibition,*
44 4-H clubs, *the Future Farmers of America,* the Nevada Junior
45 Livestock Show, the Nevada State Livestock Show, the Nevada



1 Hereford Association, and any other organization or association
2 which is entirely nonprofit in character.

3 **Sec. 116.** NRS 573.190 is hereby amended to read as follows:

4 573.190 1. Any person who operates a public livestock
5 auction without a license required by this chapter, or who violates
6 any of the provisions of this chapter or of any rules or regulations
7 adopted pursuant thereto, is guilty of a misdemeanor and, in
8 addition to any criminal penalty, shall pay to the Department an
9 administrative fine of not ~~more~~ *less* than \$1,000 *and not more*
10 *than \$5,000* per violation. If an administrative fine is imposed
11 pursuant to this section, the costs of the proceeding, including
12 investigative costs and attorney's fees, may be recovered by the
13 Department.

14 2. Each day's operation in which livestock is sold or
15 exchanged at any unlicensed public livestock auction constitutes a
16 separate offense.

17 3. *Any money collected from the imposition of an*
18 *administrative fine pursuant to subsection 1 must be accounted for*
19 *separately and:*

20 (a) *Fifty percent of the money must be used to fund a program*
21 *selected by the Director that provides loans to persons who are*
22 *engaged in agriculture and who are 21 years of age or younger;*
23 *and*

24 (b) *The remaining 50 percent of the money must be deposited*
25 *in the Account for the Control of Weeds established by*
26 *NRS 555.035.*

27 **Sec. 117.** NRS 575.120 is hereby amended to read as follows:

28 575.120 The Department shall ~~prepare~~ *provide* a ~~form for~~
29 declaration of livestock and sheep on which an owner of livestock or
30 sheep shall declare the average number, kind and classification of all
31 livestock and sheep in the State owned by him or her during the year
32 immediately preceding the date the declaration is made.

33 **Sec. 118.** NRS 575.130 is hereby amended to read as follows:

34 575.130 1. The Department shall ~~mail~~ *provide* the ~~form~~
35 ~~for~~ declaration to each owner of livestock or sheep listed in its most
36 current report of such owners. ~~[The Department may include the~~
37 ~~form with any other mailing sent to that owner.]~~

38 2. An owner of livestock or sheep who fails to complete ~~and~~
39 ~~return the form for~~ *a* declaration within 30 days after the date it was
40 ~~mailed~~ *provided* to him or her is subject to a penalty of \$5 assessed
41 by the Department.

42 **Sec. 119.** NRS 575.150 is hereby amended to read as follows:

43 575.150 1. Upon receipt of the ~~forms for~~ declaration of
44 livestock and sheep and the report of owners of livestock and sheep,
45 the Department shall:



1 (a) Make an estimate of the number, kind and classification of
2 all livestock and sheep owned by any person failing to return the
3 ~~form for~~ declaration of livestock and sheep and include that
4 information on the report; and

5 (b) Examine each completed ~~form for~~ declaration of livestock
6 and sheep and the report to determine its accuracy, and if there is
7 any evidence that any information is inaccurate or incomplete, may
8 change and correct any listing as to number, kind, classification,
9 ownership or location by adding thereto or deducting therefrom as
10 necessary to make the report complete and accurate.

11 2. The Department may verify the number of livestock or
12 sheep by any reasonable means, including actual count at any
13 reasonable time.

14 3. If the Department changes the listings on the report of
15 owners of livestock and sheep for any owner and the listing for that
16 owner does not conform to the listings on the ~~form for~~ declaration
17 completed by that owner, the Department shall notify the owner of
18 the change within 15 days after the change is made. The notification
19 must contain a statement explaining the owner's right to challenge
20 the accuracy of the report made by the Department.

21 **Sec. 120.** Chapter 576 of NRS is hereby amended by adding
22 thereto the provisions set forth as sections 121 to 125, inclusive, of
23 this act.

24 **Sec. 121.** *“Agricultural product” means a product of the soil,*
25 *a farm product and any product commonly used to enhance*
26 *agricultural production, including, without limitation, a product*
27 *produced by hydroponic or aquatic farming. The term does not*
28 *include a product inspected by a federal or other state agency.*

29 **Sec. 122.** *“Free-sale certificate” means a document which*
30 *certifies that an agricultural product which is proposed to be*
31 *exported is the same type of agricultural product freely marketed*
32 *and sold in this State.*

33 **Sec. 123.** *“Produce vendor” means any person engaged in*
34 *the sale of farm products other than any poultry, livestock or*
35 *livestock product.*

36 **Sec. 124.** *The Department may provide a free-sale certificate*
37 *for an agricultural product if:*

38 1. *An application is submitted in the manner prescribed by*
39 *the Director;*

40 2. *The applicant is located in this State;*

41 3. *The agricultural product is grown, produced or processed*
42 *in this State; and*

43 4. *The applicant pays a fee in an amount determined by the*
44 *Department.*



1 **Sec. 125. 1.** *Except as otherwise provided in subsection 3,*
2 *the Department shall adopt regulations pursuant to which a*
3 *person must register as a produce vendor.*

4 **2.** *The Department may impose fees for the registration of a*
5 *person as a produce vendor and any inspections necessary for that*
6 *registration.*

7 **3.** *A person who obtains certification pursuant to NRS*
8 *576.128 is not required to register as a produce vendor pursuant to*
9 *this section.*

10 **Sec. 126.** NRS 576.010 is hereby amended to read as follows:
11 576.010 As used in this chapter, unless the context otherwise
12 requires, the words and terms defined in NRS 576.0115 to 576.018,
13 inclusive, *and sections 121, 122 and 123 of this act* have the
14 meanings ascribed to them in those sections.

15 **Sec. 127.** NRS 576.030 is hereby amended to read as follows:

16 576.030 1. Every person, before acting as a broker, dealer,
17 commission merchant or agent, shall file an application with the
18 Department for a license to transact such business. Separate
19 applications must be filed for each class of business.

20 2. The application must be on a form prescribed and furnished
21 by the Department and must set forth:

22 (a) The full name of the person applying for the license. If the
23 applicant is a firm, exchange, association or corporation, the full
24 name of each member of the firm, or the names of the officers of the
25 exchange, association or corporation must be given in the
26 application.

27 (b) If the applicant is a natural person, the social security
28 number of the applicant.

29 (c) The principal business address of the applicant in this State
30 and elsewhere.

31 (d) The name of the person authorized to accept service of
32 summons and legal notice of all kinds for the applicant.

33 (e) The names and addresses of all persons by whom the
34 applicant has been employed for a period of 3 years immediately
35 preceding the making of the application.

36 (f) A complete statement of the applicant's business activity for
37 the 3 years immediately preceding the making of the application
38 which is not covered by paragraph (e).

39 (g) ~~[A statement of whether the applicant has ever been arrested~~
40 ~~for 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~~
42 ~~charged, the disposition of the charge, the title and address of the~~
43 ~~police officers having custody of the record of arrest, and the names~~
44 ~~and locations of all the courts before which any proceedings in~~
45 ~~connection with the arrest took place.~~



1 ~~—(h) A statement of whether the applicant has ever been a party in~~
2 ~~a civil suit and, if so, the nature of the suit, whether the applicant~~
3 ~~was the plaintiff or the defendant, the disposition of the suit, and, if~~
4 ~~the applicant was the defendant and lost, whether there is a~~
5 ~~judgment or any portion thereof which remains unpaid.~~

6 ~~—(i) The county or counties in which the applicant proposes to~~
7 ~~engage in business.~~

8 ~~[(j)] (h) The class or classes of farm products the applicant~~
9 ~~proposes to handle.~~

10 ~~[(k)] (i) Such other information as the Department may~~
11 ~~reasonably require.~~

12 3. In addition to the general requirements applicable to all
13 classes of applications as set forth in subsection 2, ~~[the following~~
14 ~~requirements apply to the class of applications specified in this~~
15 ~~subsection:~~

16 ~~—(a) Commission merchants. Each application must include a~~
17 ~~complete schedule of commissions and an itemized listing of all~~
18 ~~charges for all services. Any services rendered for which charges are~~
19 ~~made, if not listed in the schedule on the application, must be~~
20 ~~rendered on a strictly cost basis.~~

21 ~~—(b) Agents. Each] each application for a license as an agent~~
22 ~~must be in the same form as an application for a license as a broker,~~
23 ~~dealer or commission merchant, and must include the name and~~
24 ~~address of the broker, dealer or commission merchant represented and~~
25 ~~sought to be represented by the agent, and the written endorsement~~
26 ~~or nomination of the broker, dealer or commission merchant.~~

27 4. The application must be accompanied by an executed
28 instrument whereby the applicant:

29 (a) Appoints and constitutes the Director and the Director's
30 successor or successors in office the true and lawful attorney of the
31 applicant upon whom all lawful process in any action or legal
32 proceeding against the applicant arising in this State from a
33 transaction under the provisions of this chapter may be served; and

34 (b) Agrees that any lawful process against the applicant which
35 may be served upon the applicant's attorney as provided in this
36 subsection is of the same force and validity as if served upon the
37 applicant and that the authority thereof continues in force
38 irrevocably as long as any liability of the applicant in the State
39 remains outstanding.

40 **Sec. 128.** NRS 576.035 is hereby amended to read as follows:

41 576.035 1. ~~[(The Department shall require the applicant for a~~
42 ~~license as a broker, dealer, commission merchant or agent to make a~~
43 ~~showing of character, responsibility and good faith in seeking to~~
44 ~~carry on the business stated in the application, and may make~~



1 ~~investigations, hold hearings and make determinations regarding~~
2 ~~those matters.~~

3 ~~—2. If the applicant is a corporation or partnership, it shall satisfy~~
4 ~~the Department of the character, responsibility and good faith of all~~
5 ~~persons connected with it in a responsible or managing position,~~
6 ~~including the manager, superintendent, officer and director.~~

7 ~~—3. Failure of any person to satisfy the Department of the~~
8 ~~person's character, responsibility or good faith may be considered~~
9 ~~by the Department as adverse to a showing of such qualifications~~
10 ~~and is sufficient grounds for the denial of an application for a~~
11 ~~license or of the renewal thereof.]~~

12 A previous conviction of a felony,
13 previous bankruptcy, voluntary or involuntary, or previous violation
14 of this chapter may be considered by the Department as adverse to a
15 showing of ~~[such]~~ character, responsibility or good faith on the part
16 of ~~[the]~~ an applicant ~~[-~~

17 ~~—4.] for a license as a broker, dealer, commission merchant or~~
18 ~~agent.~~

19 2. Any person adjudged a bankrupt, or any person against
20 whose bondsman or bondsmen or deposit in lieu of bond a claim has
21 been collected by a court order, who has not made full settlement
22 with all producer-creditors, may not be licensed by the Department
23 for 3 years after the date of the adjudication or collection.

24 ~~[5.]~~ 3. The Department may refuse to accept a new application
25 for a license by an applicant rejected pursuant to this section for a
26 period not exceeding 3 years after the date of rejection of the first
27 application.

28 **Sec. 129.** NRS 576.042 is hereby amended to read as follows:
29 576.042 1. Any:

30 (a) Producer of livestock or farm products or the producer's
31 agent or consignee ~~[-]~~ *or produce vendor;*

32 (b) Licensed broker, dealer or commission merchant; or

33 (c) Nonprofit organization or association, including the Nevada
34 ~~[Fair of]~~ Mineral ~~[Industries,]~~ *Exhibition*, 4-H clubs, *the Future*
35 *Farmers of America*, the Nevada Junior Livestock Show, the
36 Nevada State Livestock Show and the Nevada Hereford
37 Association,

38 who is injured by any violation of the provisions of this chapter,
39 or by any misrepresentations or fraud on the part of any licensed
40 dealer, broker or commission merchant, may maintain a civil action
41 against the dealer, broker or commission merchant. If the dealer,
42 broker or commission merchant is licensed, he or she may also
43 maintain an action against the surety on any bonds, or the money or
44 securities deposited in lieu of a bond. In such an action against an
45 unlicensed dealer, broker or commission merchant, the injured
person is entitled to treble damages.



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

6 3. Pursuant to subsection 4 of NRS 576.030, process may be
7 served by delivering to the Director duplicate copies of the process
8 and paying a fee established by regulation of the State Board of
9 Agriculture. The service upon the Director shall be deemed service
10 upon the dealer, broker or commission merchant. The Director shall
11 forward one copy of the process by registered mail prepaid to the
12 defendant dealer, broker or commission merchant, specifying the
13 day and hour of service. The return receipt of the defendant is prima
14 facie evidence of the completion of service. If service of summons
15 is made upon the Director in accordance with the provisions of this
16 subsection, the period within which the defendant must appear is
17 extended 10 days. The provisions of this subsection are not
18 exclusive, but if a defendant dealer, broker or commission merchant
19 is found within the State of Nevada, he or she must be served with
20 process in the State of Nevada.

21 **Sec. 130.** NRS 576.048 is hereby amended to read as follows:

22 576.048 1. If the Department receives notice from a producer
23 of livestock or farm products or the producer's agent or consignee
24 *or produce vendor* of the default of a licensed dealer, broker or
25 commission merchant, the Department shall issue an order to the
26 licensee to show cause why his or her license should not be revoked.
27 The notice must be in writing and set forth a time and place for a
28 hearing to be held before the Director.

29 2. If a license is revoked pursuant to subsection 1, the Director
30 shall, by publication in a newspaper of general circulation in the
31 area, notify all known producers of livestock or farm products in the
32 area in which the licensee operated that the license has been
33 revoked.

34 **Sec. 131.** NRS 576.100 is hereby amended to read as follows:

35 576.100 1. An agent shall not act for any dealer, broker or
36 commission merchant unless:

37 (a) The dealer, broker or commission merchant is licensed and
38 has designated the agent to act in his or her behalf; and

39 (b) The Department has been notified in writing and has
40 approved the appointment of the agent.

41 2. The dealer, broker or commission merchant is accountable
42 and responsible for contracts made by his or her agents.

43 3. An agent must, before approval by the Department, file an
44 application with the Department pursuant to ~~paragraph (b) of~~
45 subsection 3 of NRS 576.030.



1 **Sec. 132.** NRS 576.120 is hereby amended to read as follows:

2 576.120 1. The Department may refuse to grant or renew a
3 license or ~~registration as provided in subsection 4 of NRS 576.140~~
4 ~~or~~ may suspend or revoke a license ~~[or registration as provided in~~
5 ~~subsection 4 of NRS 576.140]~~ if, after notice and a hearing, the
6 Department is satisfied of the existence of any of the following
7 facts, the existence of which is hereby declared to be a violation of
8 this chapter:

9 (a) That the applicant or licensee has intentionally made any
10 false or misleading statement concerning the conditions of the
11 market for any farm products.

12 (b) That the applicant or licensee has made fictitious sales or has
13 been guilty of collusion to defraud the producer.

14 (c) That the licensee was intentionally guilty of fraud or
15 deception in the procurement of the license.

16 (d) That the applicant or licensee has in the handling of any farm
17 products been guilty of fraud, deceit or willful negligence.

18 (e) That the licensee, without reasonable cause, has failed or
19 refused to execute or carry out a lawful contract with a producer.

20 (f) That the licensee, without reasonable cause, has issued
21 checks for the payment of farm products received without sufficient
22 money to cover them or has stopped payment on a check given in
23 payment for farm products received.

24 (g) That the licensee, without reasonable cause, has failed to
25 account or make payment for farm products as required by this
26 chapter.

27 (h) That the licensee has knowingly employed an agent without
28 causing the agent to comply with the licensing requirements of this
29 chapter applicable to agents.

30 (i) That the licensee has failed or refused to maintain and file
31 records as required by this chapter.

32 (j) That the licensee has failed or refused to maintain a bond or
33 other security as required by the provisions of NRS 576.040.

34 2. The Department may suspend, pending inquiry, for not
35 longer than 30 days, and after hearing or investigation may refuse to
36 grant, renew or revoke any license as the case may require, if it is
37 satisfied that the licensee has become bankrupt or insolvent, and is
38 thereby unable to pay producer-creditors of the licensee, or
39 producers with whom the licensee has executory or executed
40 contracts for the purchase of farm products, or for the handling of
41 farm products on consignment.

42 3. A license is suspended automatically, without action of the
43 Department, if the bond filed pursuant to subsection 1 of NRS
44 576.040 is cancelled, and remains suspended until the bond is
45 renewed.



1 4. In the case of any hearing held under the provisions of this
2 section, there must be filed in the office of the Department a
3 memorandum stating briefly the reasons of the Department for the
4 denial, suspension or revocation of the license, but formal findings
5 of fact need not be made or filed.

6 **Sec. 133.** NRS 576.128 is hereby amended to read as follows:

7 576.128 1. The Department shall adopt regulations pursuant
8 to which a person ~~[may obtain certification that the person]~~ *who* is
9 an actual producer of farm products other than any livestock,
10 livestock product or poultry ~~[]~~ *must obtain certification as an*
11 *actual producer of farm products.* The regulations may include
12 provisions for the certification by reciprocity of a person who holds
13 a similar certification from another jurisdiction where the
14 requirements for that certification are substantially equal to the
15 requirements in this state.

16 2. The Department may impose fees for the certification of a
17 person as an actual producer of farm products specified in
18 subsection 1 and any inspections necessary for that certification.
19 The fees must be set in an amount which approximates the cost to
20 the Department of performing those services and activities.

21 3. A person who obtains certification pursuant to this section is
22 exempt from any:

23 (a) Tax or other fee imposed pursuant to NRS 244.335, 266.355,
24 subsection 7 of NRS 266.600, NRS 268.095, 269.170 or 269.175,
25 relating to the issuance of any license to sell or offer to sell, in its
26 natural and unprocessed state directly to any consumer, restaurant or
27 grocery store, farm products specified in subsection 1 for which the
28 person has obtained certification pursuant to this section.

29 (b) Fee imposed for:

30 (1) The issuance of a permit pursuant to the provisions of
31 chapter 446 of NRS to sell or offer to sell, in its natural and
32 unprocessed state directly to any consumer, restaurant or grocery
33 store, farm products specified in subsection 1 for which the person
34 has obtained certification pursuant to this section; or

35 (2) Any inspection conducted pursuant to the provisions of
36 chapter 446 of NRS relating to such a sale or offer to sell.

37 **Sec. 134.** NRS 576.140 is hereby amended to read as follows:

38 576.140 Except as otherwise provided in NRS 576.042, the
39 provisions of this chapter do not apply to:

40 1. The Nevada ~~[Fair-of]~~ Mineral ~~[Industries,]~~ *Exhibition*, 4-H
41 clubs, *the Future Farmers of America*, the Nevada Junior
42 Livestock Show, the Nevada State Livestock Show, the Nevada
43 Hereford Association, or any other nonprofit organization or
44 association.

45 2. Any railroad transporting livestock interstate or intrastate.



1 3. Any farmer or rancher purchasing or receiving livestock for
2 grazing, pasturing or feeding on his or her premises within the State
3 of Nevada and not for immediate resale.

4 4. Operators of public livestock auctions as defined in NRS
5 573.010, and all buyers of livestock at those auctions at which the
6 public livestock auction licensee does not control title or ownership
7 to the livestock being sold or purchased at those auctions, and any
8 person buying for interstate shipments only and subject to and
9 operating under a bond required by the United States pursuant to the
10 provisions of the Packers and Stockyards Act, 7 U.S.C. § 204, and
11 the regulations adopted pursuant to those provisions. ~~Each person
12 exempted by the provisions of this subsection shall register annually
13 with the Department, giving the location of his or her place of
14 business, the number of his or her license and bond and the
15 expiration date thereof. Each such registrant shall pay an annual
16 registration fee of \$40 to the Department.]~~

17 5. Any farmer or rancher whose farm or ranch is located in the
18 State of Nevada, who buys or receives farm products or livestock
19 from another farmer or rancher not for immediate resale.

20 6. Any retail merchant having a fixed and established place of
21 business in this state and who conducts a retail business exclusively.

22 **Sec. 135.** NRS 576.150 is hereby amended to read as follows:

23 576.150 1. Except as otherwise provided by a specific
24 statute, a person who acts as a dealer, broker, commission merchant
25 or agent without a license therefor as required by the provisions of
26 this chapter, or who violates any other provision of this chapter, or
27 any of the regulations lawfully adopted pursuant to provisions of
28 this chapter, is guilty of a misdemeanor. If the violation relates to
29 the failure to make payment for farm products, an intent to defraud
30 must be proven before a misdemeanor or other penalty may be
31 imposed.

32 2. Any prosecution brought pursuant to this chapter may be
33 brought in any county of this State in which the defendant or any
34 one of the defendants resides, or in which the unlawful act was
35 committed, or in which the defendant or any one of the defendants
36 has his or her principal place of business.

37 3. In addition to any criminal penalty imposed pursuant to, or
38 any remedy provided by, this chapter, the Director, after notice and
39 a hearing in an administrative proceeding, may issue an order
40 against any person who has violated any provision of this chapter or
41 any regulation adopted pursuant to this chapter imposing a civil
42 penalty of not more than \$5,000 for each violation. ~~Any civil
43 penalty collected pursuant to this subsection must be deposited in
44 the State General Fund.]~~



1 **4. Any money collected from the imposition of a civil penalty**
2 **pursuant to subsection 3 must be accounted for separately and:**

3 **(a) Fifty percent of the money must be used to fund a program**
4 **selected by the Director that provides loans to persons who are**
5 **engaged in agriculture and who are 21 years of age or younger;**
6 **and**

7 **(b) The remaining 50 percent of the money must be deposited**
8 **in the Account for the Control of Weeds established by**
9 **NRS 555.035.**

10 **Sec. 136.** NRS 581.067 is hereby amended to read as follows:
11 581.067 The State Sealer of Consumer Equitability shall:

12 1. Adopt regulations establishing such primary standards and
13 secondary standards for weights and measures for use in this State
14 as the State Sealer of Consumer Equitability determines appropriate.

15 2. Maintain traceability of the state standards to the national
16 standards of the National Institute of Standards and Technology.

17 3. Enforce the provisions of this chapter.

18 4. Adopt other reasonable regulations for the enforcement of
19 this chapter.

20 5. Establish requirements for:

21 (a) Labeling;

22 (b) The presentation of information relating to cost per unit;

23 (c) Standards of weight, measure or count, and reasonable
24 standards of fill, for any packaged commodity; and

25 (d) Information relating to open dating of packaged food.

26 6. Grant such exemptions from the provisions of this chapter or
27 any regulations adopted pursuant thereto as the State Sealer of
28 Consumer Equitability determines appropriate to the maintenance of
29 good commercial practices within this State.

30 7. Conduct investigations to ensure compliance with this
31 chapter.

32 8. Delegate to appropriate personnel any of the responsibilities
33 of the Division as needed for the proper administration of the
34 Division.

35 9. Adopt regulations establishing a schedule of civil penalties
36 for any violation of NRS 581.415.

37 10. Inspect and test commercial weights and measures that are
38 kept, offered or exposed for sale.

39 11. Inspect and test, to ascertain if they are correct, weights and
40 measures that are commercially used to:

41 (a) Determine the weight, measure or count of commodities or
42 things that are sold, or offered or exposed for sale, on the basis of
43 weight, measure or count; or

44 (b) Compute the basic charge or payment for services rendered
45 on the basis of weight, measure or count.



1 12. Test all weights and measures used in checking the receipt
2 or disbursement of supplies by entities funded by legislative
3 appropriations.

4 13. Approve for use such commercial weights and measures as
5 the State Sealer of Consumer Equitability determines are correct and
6 appropriate. The State Sealer of Consumer Equitability may mark
7 such commercial weights and measures. The State Sealer of
8 Consumer Equitability shall reject and order to be corrected,
9 replaced or removed any commercial weights and measures found to
10 be incorrect. Weights and measures that have been rejected may be
11 seized if they are not corrected within the time specified or if they
12 are used or disposed of in a manner not specifically authorized. The
13 State Sealer of Consumer Equitability shall remove from service and
14 may seize weights and measures found to be incorrect that are not
15 capable of being made correct.

16 14. Weigh, measure or inspect packaged commodities that are
17 kept, offered or exposed for sale, sold or in the process of delivery
18 to determine whether the packaged commodities contain the
19 amounts represented and whether they are kept, offered or exposed
20 for sale in accordance with this chapter or the regulations adopted
21 pursuant thereto. In carrying out the provisions of this subsection,
22 the State Sealer of Consumer Equitability shall employ recognized
23 sampling procedures, including, without limitation, sampling
24 procedures adopted by the National Conference on Weights and
25 Measures.

26 15. Adopt regulations prescribing the appropriate term or unit
27 of weight or measure to be used whenever the State Sealer of
28 Consumer Equitability determines that an existing practice of
29 declaring the quantity of a commodity, or of setting charges for a
30 service by weight, measure, numerical count or time, or any
31 combination thereof, does not facilitate value comparisons by
32 consumers or may confuse consumers.

33 16. Allow reasonable variations from the stated quantity of
34 contents that entered intrastate commerce, which must include those
35 variations caused by loss or gain of moisture during the course of
36 good distribution practices or by unavoidable deviations in good
37 manufacturing practices.

38 17. Provide for the training of persons employed by any
39 governmental entity within this State, including, without limitation,
40 state, county and municipal personnel, who enforce the provisions
41 of this chapter and chapter 582 of NRS, and any regulations adopted
42 pursuant thereto, relating to weights and measures. The State Sealer
43 of Consumer Equitability may establish by regulation minimum
44 training and performance requirements which must be met by all
45 such persons.



1 18. Verify advertised prices, price representations, ~~and~~ point-
2 of-sale systems ~~and~~ *and cash registers*, as necessary, to determine the
3 accuracy of prices and computations and the correct use of the
4 equipment, and, if such systems utilize scanning or coding means in
5 lieu of manual entry, the accuracy of prices printed or recalled from
6 a database. In carrying out the provisions of this subsection, the
7 State Sealer of Consumer Equitability shall:

8 (a) Employ recognized procedures for making such verifications
9 and determinations of accuracy, including, without limitation, any
10 appropriate procedures designated by the National Institute of
11 Standards and Technology;

12 (b) Adopt regulations and issue orders regarding standards for
13 the accuracy of advertised prices and automated systems for retail
14 price charging, ~~and~~ point-of-sale systems ~~and~~ *and cash registers*, and
15 for the enforcement of those standards; and

16 (c) Conduct investigations to ensure compliance with those
17 standards.

18 **Sec. 137.** NRS 581.075 is hereby amended to read as follows:

19 581.075 The State Sealer of Consumer Equitability may
20 establish:

21 1. A schedule of fees for any tests of weighing and measuring
22 devices, *point-of-sale systems and cash registers* that the State
23 Sealer of Consumer Equitability determines to be necessary.

24 2. An annual fee for the issuance of a certificate of registration
25 pursuant to NRS 581.103.

26 3. An annual license fee for all commercial weighing and
27 measuring equipment ~~and~~, *point-of-sale systems and cash registers*.

28 **Sec. 138.** NRS 581.417 is hereby amended to read as follows:

29 581.417 1. A person subject to a civil penalty may request an
30 administrative hearing within 10 days after receipt of the notice of
31 the civil penalty. The State Sealer of Consumer Equitability or a
32 designee shall conduct the hearing after giving appropriate notice to
33 the respondent. The decision of the State Sealer of Consumer
34 Equitability or the designee is subject to appropriate judicial review.

35 2. If the respondent has exhausted all administrative appeals
36 and the civil penalty has been upheld, the respondent shall pay the
37 civil penalty:

38 (a) If no petition for judicial review is filed pursuant to NRS
39 233B.130, within 40 days after the final decision of the State Sealer
40 of Consumer Equitability ~~and~~ *or designee*; or

41 (b) If a petition for judicial review is filed pursuant to NRS
42 233B.130 and the civil penalty is upheld, within 10 days after the
43 effective date of the final decision of the court.

44 3. If the respondent fails to pay the penalty, a civil action may
45 be brought by the State Sealer of Consumer Equitability in any court



1 of competent jurisdiction to recover the civil penalty. ~~[All civil~~
2 ~~penalties collected pursuant to this chapter must be deposited with~~
3 ~~the State Treasurer for credit to the State General Fund.]~~

4 *4. Any money collected from the recovery of a civil penalty*
5 *pursuant to subsection 3 must be accounted for separately and:*

6 *(a) Fifty percent of the money must be used to fund a program*
7 *selected by the Director of the State Department of Agriculture*
8 *that provides loans to persons who are engaged in agriculture and*
9 *who are 21 years of age or younger; and*

10 *(b) The remaining 50 percent of the money must be deposited*
11 *in the Account for the Control of Weeds established by*
12 *NRS 555.035.*

13 **Sec. 139.** Chapter 583 of NRS is hereby amended by adding
14 thereto the provisions set forth as sections 140 and 141 of this act.

15 **Sec. 140.** *As used in this chapter, unless the context*
16 *otherwise requires, "Department" means the State Department of*
17 *Agriculture.*

18 **Sec. 141.** *1. Any person violating any provision of this*
19 *chapter or any regulation adopted pursuant thereto is subject to a*
20 *civil penalty. In addition to any other penalties set forth in this*
21 *chapter, the Director of the Department may assess a civil penalty*
22 *not to exceed:*

23 *(a) For the first violation, \$250.*

24 *(b) For a second violation, \$500.*

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

26 *2. Any money collected from the imposition of a civil penalty*
27 *pursuant to subsection 1 must be accounted for separately and:*

28 *(a) Fifty percent of the money must be used to fund a program*
29 *selected by the Director of the Department that provides loans to*
30 *persons who are engaged in agriculture and who are 21 years of*
31 *age or younger; and*

32 *(b) The remaining 50 percent of the money must be deposited*
33 *in the Account for the Control of Weeds established by*
34 *NRS 555.035.*

35 **Sec. 142.** NRS 583.010 is hereby amended to read as follows:
36 583.010 1. No person shall bring, expose or offer for sale, or
37 sell ~~[in any city or town]~~ within this state, for human food, any ~~[-~~
38 ~~-(a) Blown, meager,] unsound~~, diseased or ~~[bad] unwholesome~~
39 ~~fish~~, meat or game. ~~[- or~~

40 ~~-(b) Unsound, diseased or unwholesome fish.]~~

41 2. No person shall bring, expose or offer for sale, or sell ~~[in any~~
42 ~~city or town]~~ within this state, the flesh of any animal which, when
43 killed, was sick or diseased, or that died a natural or accidental
44 death.



1 3. No person shall slaughter, expose for sale or sell, or bring or
2 cause to be brought into ~~{any city or town within}~~ this state, for
3 human food, any calf unless it is in good, healthy condition . ~~{and 4~~
4 ~~weeks of age.}~~

5 4. Any article or animal that shall be offered or exhibited for
6 sale, in any part of this state, in any market or elsewhere, as though
7 it were intended for sale, shall be deemed offered and exposed for
8 sale, within the intent and meaning of this section.

9 5. Any person who, in violation of the provisions of this
10 section, shall bring, slaughter, expose or offer for sale, or sell ~~{in~~
11 ~~any city or town}~~ within this state any article or animal which is
12 unfit or unsafe for human food shall forfeit the same to the
13 authorities.

14 6. Any sheriff, constable, police officer or other peace officer
15 or the ~~{Chief Medical}~~ *State Quarantine* Officer shall forthwith
16 remove any of the animals or articles named in this section, when
17 aware of the existence thereof, at the expense of the owner thereof,
18 in a manner that will ensure safety and protection to the public.

19 7. Any person violating any of the provisions of this section
20 ~~{shall be guilty of a misdemeanor.}~~ *is subject to a civil penalty*
21 *pursuant to section 141 of this act.*

22 **Sec. 143.** NRS 583.020 is hereby amended to read as follows:

23 583.020 Any person who shall knowingly sell any flesh of any
24 diseased animal or any container containing shellfish, if such
25 container does not have an approved stamp authorized by the
26 ~~{Division of Public and Behavioral Health of the Department of~~
27 ~~Health and Human Services,}~~ *Department*, is guilty of a gross
28 misdemeanor.

29 **Sec. 144.** NRS 583.030 is hereby amended to read as follows:

30 583.030 1. It shall be unlawful for any person, firm or
31 corporation to possess, with intent to sell:

32 (a) The carcass or part of any carcass of any animal which has
33 died from any cause other than being slaughtered in a sanitary
34 manner; *or*

35 (b) The carcass or part of any carcass of any animal that shows
36 evidence of any disease, or that came from a sick or diseased animal
37 . ~~{; or~~

38 ~~—(c) The carcass or part of the carcass of any calf that was killed~~
39 ~~before it had attained the age of 4 weeks.}~~

40 2. Any person, firm or corporation violating any of the
41 provisions of this section ~~{shall be guilty of a misdemeanor.}~~ *is*
42 *subject to a civil penalty pursuant to section 141 of this act.*

43 **Sec. 145.** NRS 583.040 is hereby amended to read as follows:

44 583.040 1. It shall be unlawful for any person, firm or
45 corporation to sell within this State, or to possess with the intent to



1 sell within this State, for human food, the carcass or parts of the
2 carcass of any animal which has been slaughtered, or is prepared,
3 handled or kept under insanitary conditions, or any primal cut of
4 meat which is not stamped with an approved stamp authorized by
5 the ~~[Division of Public and Behavioral Health of the Department of~~
6 ~~Health and Human Services.] Department.~~

7 2. Insanitary conditions shall be deemed to exist in any
8 slaughterhouse that does not comply with the provisions of chapter
9 446 of NRS.

10 3. Any person, firm or corporation violating any of the
11 provisions of this section ~~[shall be guilty of a misdemeanor.] is~~
12 ~~subject to a civil penalty pursuant to section 141 of this act.~~

13 **Sec. 146.** NRS 583.045 is hereby amended to read as follows:

14 583.045 1. No person or corporation may sell or offer for sale
15 to the consumer through a meat market, store or otherwise any
16 meats, either fresh or frozen, which are products of any country
17 foreign to the United States, without first indicating such fact by
18 labels or brands on each quarter, half or whole carcass of such meat,
19 and on each counter display containing any of the above-described
20 products, naming the country of its origin.

21 2. Any person violating any of the provisions of this section is
22 ~~[guilty of a misdemeanor.] subject to a civil penalty pursuant to~~
23 ~~section 141 of this act.~~

24 **Sec. 147.** NRS 583.050 is hereby amended to read as follows:

25 583.050 1. It shall be unlawful for any person to sell the meat
26 of any equine animal without informing the purchaser thereof, at the
27 time of such sale, that the meat is the meat of an equine animal.

28 2. It shall be unlawful for any person peddling the meat of any
29 equine animal, who is not the keeper of any shop or meat market, to
30 sell such meat without possessing then and there the hide of such
31 animal containing the brand and other marks thereon, and upon
32 request not to exhibit the hide of such animal containing the brand
33 and other marks thereon.

34 3. Any person violating any of the provisions of this section
35 ~~[shall be guilty of a misdemeanor.] is subject to a civil penalty~~
36 ~~pursuant to section 141 of this act.~~

37 **Sec. 148.** NRS 583.055 is hereby amended to read as follows:

38 583.055 1. The ~~[State]~~ Department ~~[of Agriculture shall]~~ *may*
39 establish a program for grading and certifying meats, prepared
40 meats and meat products in conformity with federal practice.

41 2. The Department may enter into cooperative agreements with
42 the Agricultural Marketing Service of the United States Department
43 of Agriculture and the College of Agriculture, *Biotechnology and*
44 *Natural Resources* of the University of Nevada, Reno, and adopt
45 appropriate regulations to carry out the program.



1 3. The Department may establish fees, to be collected from
2 slaughtering or other processing operations, for the purpose of
3 grading and certifying meats, prepared meats and meat products.

4 **Sec. 149.** NRS 583.060 is hereby amended to read as follows:

5 583.060 1. No person shall bring, expose or offer for sale, or
6 sell ~~{in any city or town}~~ within this state for human food any
7 unsound, diseased or unwholesome fruit, vegetables or other market
8 produce.

9 2. Any article that shall be offered or exhibited for sale, in any
10 part of this state, in any market or elsewhere, as though it were
11 intended for sale, shall be deemed offered and exposed for sale,
12 within the intent and meaning of this section.

13 3. Any person who, in violation of the provisions of this
14 section, shall bring, expose or offer for sale, or sell ~~{in any city or
15 town}~~ within this state any article which is unfit or unsafe for human
16 food shall forfeit the same to the authorities.

17 4. Any sheriff, constable, police officer or other peace officer
18 or the ~~{Chief Medical}~~ *State Quarantine* Officer shall forthwith
19 remove any of the articles named in this section, when aware of the
20 existence thereof, at the expense of the owner thereof, in a manner
21 that will ensure safety and protection to the public.

22 5. Any person violating any of the provisions of this section
23 ~~{shall be guilty of a misdemeanor.}~~ *is subject to a civil penalty*
24 *pursuant to section 141 of this act.*

25 **Sec. 150.** NRS 583.070 is hereby amended to read as follows:

26 583.070 1. No person shall bring, expose or offer for sale, or
27 sell ~~{in any city or town}~~ within this state for human food any
28 ~~{blown, meager,}~~ *unsound*, diseased or ~~{bad}~~ *unwholesome* poultry.

29 2. Any article that shall be offered or exhibited for sale, in any
30 part of this state, in any market or elsewhere, as though it were
31 intended for sale, shall be deemed offered and exposed for sale,
32 within the intent and meaning of this section.

33 3. Any person who, in violation of the provisions of this
34 section, shall bring, expose or offer for sale, or sell ~~{in any city or
35 town}~~ within this state any article which is unfit or unsafe for human
36 food shall forfeit the same to the authorities.

37 4. Any sheriff, constable, police officer or other peace officer
38 or the ~~{Chief Medical}~~ *State Quarantine* Officer shall forthwith
39 remove any of the articles named in this section, when aware of the
40 existence thereof, at the expense of the owner thereof, in a manner
41 that will ensure safety and protection to the public.

42 5. Any person violating any of the provisions of this section
43 ~~{shall be guilty of a misdemeanor.}~~ *is subject to a civil penalty*
44 *pursuant to section 141 of this act.*



1 **Sec. 151.** NRS 583.080 is hereby amended to read as follows:

2 583.080 1. It shall be unlawful for any person, firm or
3 corporation to possess, with intent to sell:

4 (a) The carcass or part of any carcass of any fowl which has died
5 from any cause other than being slaughtered in a sanitary manner;

6 (b) The carcass or part of any carcass of any fowl that shows
7 evidence of any disease, or that came from a sick or diseased fowl;
8 or

9 (c) The carcass or part of any carcass of any fowl not processed
10 in an establishment approved by the ~~[Division of Public and~~
11 ~~Behavioral Health of the Department of Health and Human~~
12 ~~Services]~~ **Department** or in accordance with poultry regulations
13 adopted by the ~~[Division.]~~ **Department**.

14 2. Any person, firm or corporation violating any of the
15 provisions of this section ~~[shall be guilty of a misdemeanor.]~~ **is**
16 **subject to a civil penalty pursuant to section 141 of this act.**

17 **Sec. 152.** NRS 583.210 is hereby amended to read as follows:

18 583.210 Any person who violates any of the provisions of NRS
19 583.110 to 583.200, inclusive, ~~[shall be guilty of a misdemeanor.]~~ **is**
20 **subject to a civil penalty pursuant to section 141 of this act.**

21 **Sec. 153.** NRS 583.255 is hereby amended to read as follows:

22 583.255 As used in NRS 583.255 to 583.555, inclusive, unless
23 the context otherwise requires, the words and terms defined in NRS
24 583.265 to 583.429, inclusive, have the meanings ascribed to them
25 in ~~[NRS 583.265 to 583.429, inclusive.]~~ **those sections.**

26 **Sec. 154.** NRS 583.295 is hereby amended to read as follows:

27 583.295 "Inspector" means:

28 1. A person who has entered into a contract pursuant to NRS
29 583.448; or

30 2. An employee or official of the ~~[Division of Public and~~
31 ~~Behavioral Health of the Department of Health and Human~~
32 ~~Services]~~ **Department** authorized by the Officer to inspect livestock,
33 poultry, game mammals or birds or carcasses or parts thereof.

34 **Sec. 155.** NRS 583.365 is hereby amended to read as follows:

35 583.365 "Officer" means the ~~[Chief—Medical]~~ **State**
36 **Quarantine** Officer.

37 **Sec. 156.** NRS 583.375 is hereby amended to read as follows:

38 583.375 "Official establishment" means any establishment in
39 this state, other than an establishment covered by subsection 1 of
40 NRS 583.545, which on a commercial basis slaughters ~~or~~
41 ~~processes]~~ for hire any meat animal, game mammal, poultry or
42 game bird for human consumption, and which has been inspected
43 and approved by the Officer.



1 **Sec. 157.** NRS 583.435 is hereby amended to read as follows:

2 583.435 1. Meat, meat food products, and poultry products
3 are an important source of the supply of human food in this State
4 and legislation to assure that such food supplies are unadulterated
5 and otherwise fit for human consumption, and properly labeled, is in
6 the public interest. Therefore, it is hereby declared to be the policy
7 of this State to provide for the inspection of slaughtered livestock,
8 poultry and other animals, and the carcasses and parts thereof which
9 are used for human food, at certain establishments to prevent the
10 distribution in intrastate commerce, for human consumption, of
11 animal carcasses and parts thereof which are adulterated or
12 otherwise unfit for human food.

13 2. The ~~{Division of Public and Behavioral Health of the~~
14 ~~Department of Health and Human Services}~~ *Department* is hereby
15 designated as the single state agency primarily responsible for the
16 administration of the program established by NRS 583.255 to
17 583.555, inclusive.

18 **Sec. 158.** NRS 583.445 is hereby amended to read as follows:

19 583.445 1. The Officer, an inspector or a person acting as an
20 inspector shall make an ante mortem inspection of livestock, poultry
21 and game mammals and birds in any official establishment where
22 livestock, poultry or game mammals or birds are slaughtered for
23 commercial purposes.

24 2. Whenever slaughtering ~~{for other processing}~~ operations are
25 being conducted, the Officer, an inspector or a person acting as an
26 inspector shall make postmortem inspection of the carcasses and
27 parts thereof of each animal and bird slaughtered in an official
28 establishment.

29 3. The Officer, inspector or person acting as an inspector shall
30 quarantine, segregate and reinspect livestock, poultry, game
31 mammals and birds, and carcasses and parts thereof in official
32 establishments as he or she deems necessary to effectuate the
33 purposes of NRS 583.255 to 583.555, inclusive.

34 4. Except as otherwise provided in this section, all carcasses of
35 livestock, poultry, other animals and parts thereof found by the
36 Officer, an inspector or person acting as an inspector to be
37 adulterated in any official establishment must be condemned by the
38 Officer or an inspector. If no appeal is taken from the determination
39 of condemnation, the carcasses must be destroyed for human food
40 purposes under the supervision of an inspector unless the carcasses
41 can, by ~~{reprocessing,}~~ *processing*, be made unadulterated. In such a
42 case they need not be so condemned and destroyed if ~~{reprocessed}~~
43 *processed* under the supervision of an inspector and thereafter found
44 to be unadulterated. If any appeal is taken from the determination of
45 condemnation, the carcasses must be appropriately marked and



1 segregated pending completion of an additional inspection. The
2 appeal is at the cost of the appellant if the Officer, after a hearing,
3 determines that the appeal is frivolous. If the determination of
4 condemnation is sustained, the carcasses must be destroyed for
5 human food purposes under the supervision of an inspector.

6 **Sec. 159.** NRS 583.453 is hereby amended to read as follows:

7 583.453 1. A person shall not operate an official
8 establishment unless the person receives a permit issued by the
9 Officer.

10 2. A person must apply for a permit ~~for a form provided by the~~
11 ~~Division of Public and Behavioral Health of the Department of~~
12 ~~Health and Human Services.] in the manner prescribed by the~~
13 *Department.* The application must include:

14 (a) The applicant's full name and address;

15 (b) A statement whether the applicant is a natural person, firm or
16 corporation, and if a partnership, the names and addresses of the
17 partners;

18 (c) A statement of the location and type of proposed
19 establishment; and

20 (d) The signature of the applicant.

21 3. Upon receipt of an application, an inspector shall make an
22 inspection of the establishment. If the inspection indicates that the
23 requirements of this chapter have been met, the Officer shall issue a
24 permit to the applicant.

25 4. A permit issued pursuant to this section is not transferable
26 and must be posted in the establishment.

27 **Sec. 160.** NRS 583.455 is hereby amended to read as follows:

28 583.455 1. Each official establishment at which livestock,
29 poultry or game mammals or birds are slaughtered ~~for carcasses or~~
30 ~~parts thereof are processed]~~ for intrastate commerce must be
31 operated in accordance with sanitary practices required by rules or
32 regulations prescribed by the Officer. Carcasses or parts of
33 livestock, poultry or game mammals or birds must not be admitted
34 into any official establishment unless they have been prepared in
35 accordance with procedures approved pursuant to NRS 583.255 to
36 583.555, inclusive, the Wholesome Poultry Products Act or the
37 Wholesome Meat Act, or unless their admission is permitted by
38 rules or regulations prescribed by the ~~[State Board of Health.]~~
39 *Department.*

40 2. The Officer may issue a permit for an establishment to
41 operate as an official establishment but shall not approve any
42 establishment whose premises, facilities or equipment, or the
43 operation thereof, fail to meet the requirements of this section.



1 3. A local government shall not issue a business license for
2 operation of any establishment unless it has been issued a permit as
3 an official establishment.

4 **Sec. 161.** NRS 583.472 is hereby amended to read as follows:

5 583.472 1. It is unlawful for the owner, proprietor or
6 manager of a retail meat market, personally or through another, to
7 advertise any prepackaged meat or meat food product with a United
8 States Department of Agriculture grade unless such meat or meat
9 food product is actually available to the public and bears the grade
10 awarded to it by the United States Department of Agriculture.

11 2. It is unlawful for the owner, proprietor or manager of a retail
12 meat market, personally or through another, to advertise carcass,
13 quarter or primal cuts of meat with a USDA grade unless the USDA
14 yield grade is included in the advertisement.

15 3. Any person who violates any provision of this section shall
16 be punished by a fine of not ~~more~~ less than \$500 ~~[-]~~ or more than
17 **\$2,000.**

18 **Sec. 162.** NRS 583.475 is hereby amended to read as follows:

19 583.475 It is unlawful for any person:

20 1. To process, sell or offer for sale, transport or deliver or
21 receive for transportation, in intrastate commerce, any livestock or
22 poultry carcass or part thereof unless such article has been inspected
23 and unless the article and its shipping container and immediate
24 container, if any, are marked in accordance with the requirements of
25 NRS 583.255 to 583.555, inclusive, or the Wholesome Meat Act or
26 the Wholesome Poultry Products Act.

27 2. To sell or otherwise dispose of, for human food, any
28 livestock or poultry carcass or part thereof which has been inspected
29 and declared to be adulterated in accordance with NRS 583.255 to
30 583.555, inclusive, or which is misbranded.

31 3. Falsely to make or issue, alter, forge, simulate or counterfeit
32 or use without proper authority any official inspection certificate,
33 memorandum, mark or other identification, or device for making
34 such mark or identification, used in connection with inspection in
35 accordance with NRS 583.255 to 583.555, inclusive, or cause,
36 procure, aid, assist in, or be a party to such false making, issuing,
37 altering, forging, simulating, counterfeiting or unauthorized use, or
38 knowingly to possess, without promptly notifying the Officer or the
39 Officer's representative, utter, publish or use as true, or cause to be
40 uttered, published or used as true, any such falsely made or issued,
41 altered, forged, simulated or counterfeited official inspection
42 certificate, memorandum, mark or other identification, or device for
43 making such mark or identification, or to represent that any article
44 has been officially inspected in accordance with NRS 583.255 to
45 583.555, inclusive, when such article has in fact not been so



1 inspected, or knowingly to make any false representations in any
2 certificate prescribed by the Officer or any form resembling any
3 such certificate.

4 4. To misbrand or do an act intending to misbrand any
5 livestock or poultry carcass or part thereof, in intrastate commerce.

6 5. To use any container bearing an official inspection mark
7 unless the article contained therein is in the original form in which it
8 was inspected and covered by such mark unless the mark is
9 removed, obliterated or otherwise destroyed.

10 6. To refuse at any reasonable time to permit access:

11 (a) By ~~[a health officer or the health officer's]~~ *the Officer or his*
12 *or her* agents to the premises of an establishment in this state where
13 carcasses of livestock or poultry, or parts thereof, are processed for
14 intrastate commerce.

15 (b) By the Secretary of Agriculture or the Secretary's
16 representative to the premises of any establishment specified in
17 paragraph (a), for inspection and the taking of reasonable samples.

18 7. To refuse to permit access to and the copying of any record
19 as authorized by NRS 583.485.

20 8. To use for personal advantage, or reveal, other than to the
21 authorized representatives of any state agency in their official
22 capacity, or to the courts when relevant in any judicial proceeding,
23 any information acquired under the authority of NRS 583.255 to
24 583.555, inclusive, concerning any matter which as a trade secret is
25 entitled to protection.

26 9. To deliver, receive, transport, sell or offer for sale or
27 transportation in intrastate commerce, for human consumption, any
28 unviscerated slaughtered poultry, or any livestock or poultry
29 carcass or part thereof which has been processed in violation of any
30 requirements under NRS 583.255 to 583.555, inclusive, except as
31 may be authorized by and pursuant to rules and regulations
32 prescribed by the Officer.

33 10. ~~[To deliver, receive, transport, sell or offer for sale or~~
34 ~~transportation in intrastate commerce any adulterated or misbranded~~
35 ~~livestock or poultry carcass or part thereof which is exempted under~~
36 ~~NRS 583.515.~~

37 ~~—H.]~~ To apply to any livestock or poultry carcass or part
38 thereof, or any container thereof, any official inspection mark or
39 label required by NRS 583.255 to 583.555, inclusive, except by, or
40 under the supervision of, an inspector.

41 **Sec. 163.** NRS 583.476 is hereby amended to read as follows:

42 583.476 1. If a carcass of livestock or of a game mammal or
43 bird is delivered for processing to a person who is engaged in the
44 business of processing such carcasses, the person shall not, if he or
45 she returns the carcass after processing it to the person who



1 delivered it, return to that person a processed carcass other than the
2 carcass which was delivered for processing.

3 2. For the purposes of carrying out the provisions of subsection
4 1, a person who is engaged in the business of processing carcasses
5 of livestock or game mammals or birds shall mark any such carcass
6 that is to be returned to the person who delivered it for processing in
7 a manner which provides for the identification of that person.

8 3. A person who violates any provision of this section is guilty
9 of a misdemeanor ~~[.]~~ *and subject to a civil penalty pursuant to*
10 *section 141 of this act.*

11 **Sec. 164.** NRS 583.495 is hereby amended to read as follows:

12 583.495 1. A person who ~~[.]~~

13 ~~—(a) Violates]~~ *violates* any of the provisions of NRS 583.475 and
14 583.485 ~~[is guilty of a misdemeanor.]~~:

15 *(a) For a first violation, is subject to a civil penalty pursuant to*
16 *section 141 of this act.*

17 ~~(b) [Is once convicted of violating the provisions of NRS~~
18 ~~583.475 and 583.485 and again violates any of those provisions]~~
19 *For a second violation, is guilty of a gross misdemeanor [.] and*
20 *subject to a civil penalty pursuant to section 141 of this act.*

21 ~~(c) [Is twice convicted of violating the provisions of NRS~~
22 ~~583.475 and 583.485 and again violates any of those provisions]~~
23 *For a third or subsequent violation, is guilty of a category D felony*
24 *and shall be punished as provided in NRS 193.130 [.] and subject to*
25 *a civil penalty pursuant to section 141 of this act.*

26 2. When construing or enforcing the provisions of NRS
27 583.255 to 583.555, inclusive, the act, omission or failure of a
28 person acting for or employed by an individual, partnership,
29 corporation, association or other business unit, within the scope of
30 the person's employment or office, shall in every case be deemed
31 the act, omission or failure of the individual, partnership,
32 corporation, association or other business unit, as well as of the
33 person.

34 3. A carrier is not subject to the penalties imposed by this
35 section by reason of the carrier's receipt, carriage, holding or
36 delivery, in the usual course of business as a carrier, of livestock or
37 poultry carcasses or parts thereof owned by another person, unless
38 the carrier:

39 (a) Has knowledge, or is in possession of facts which would
40 cause a reasonable person to believe, that the articles do not comply
41 with the provisions of NRS 583.255 to 583.555, inclusive.

42 (b) Refuses to furnish, on request of a representative of the
43 Officer, the name and address of the person from whom the carrier
44 received the livestock or poultry carcasses, or parts thereof, and



1 copies of all documents pertaining to the delivery of such carcasses,
2 or parts thereof, to the carrier.

3 4. A person, firm or corporation is not subject to the penalties
4 imposed by this section for receiving for transportation any
5 shipment in violation of NRS 583.255 to 583.555, inclusive, if the
6 receipt was made in good faith, unless the person, firm or
7 corporation refuses to furnish on request of a representative of the
8 Officer:

9 (a) The name and address of the person from whom such
10 shipment was received; and

11 (b) Copies of all documents pertaining to the delivery of the
12 shipment to the person, firm or corporation.

13 **Sec. 165.** NRS 583.545 is hereby amended to read as follows:

14 583.545 1. NRS 583.255 to 583.555, inclusive, do not apply
15 to any act or transaction subject to regulation under the Wholesome
16 Poultry Products Act and the Wholesome Meat Act.

17 2. The Department ~~[of Health and Human Services]~~ may enter
18 into agreements with the Federal Government in carrying out the
19 provisions of NRS 583.255 to 583.555, inclusive, the Wholesome
20 Poultry Products Act and the Wholesome Meat Act, and may accept
21 financial aid from the Federal Government for such purpose.

22 **Sec. 166.** NRS 583.555 is hereby amended to read as follows:

23 583.555 1. The cost of inspection of an official establishment
24 must be paid by the owner or operator of the establishment.

25 2. The Officer may establish a mandatory schedule of killing
26 days for an official establishment in any area of the State if the
27 schedule conforms with the reasonable needs of the establishment
28 and has received the approval of the ~~[Division of Public and
29 Behavioral Health of the]~~ Department . ~~[of Health and Human
30 Services.]~~ If such a schedule is established, it must be exclusively
31 used for the inspection of the slaughtering operations of the official
32 establishment.

33 **Sec. 167.** Chapter 585 of NRS is hereby amended by adding
34 thereto the provisions set forth as sections 168 to 174, inclusive, of
35 this act.

36 **Sec. 168.** *As used in sections 168 to 174, inclusive, of this
37 act, unless the context or subject matter otherwise requires,
38 "dangerous caustic or corrosive substance" means each and all of
39 the acids, alkalis and substances named below:*

40 1. *Hydrochloric acid and any preparation containing free or
41 chemically unneutralized hydrochloric acid (HCl) in a
42 concentration of 10 percent or more.*

43 2. *Sulfuric acid and any preparation containing free or
44 chemically unneutralized sulfuric acid (H2SO4) in a
45 concentration of 10 percent or more.*



1 3. Nitric acid or any preparation containing free or
2 chemically unneutralized nitric acid (HNO_3) in a concentration of
3 5 percent or more.

4 4. Carboic acid ($\text{C}_6\text{H}_5\text{OH}$), otherwise known as phenol, and
5 any preparation containing carboic acid in a concentration of 5
6 percent or more.

7 5. Oxalic acid and any preparation containing free or
8 chemically unneutralized oxalic acid ($\text{H}_2\text{C}_2\text{O}_4$) in a
9 concentration of 10 percent or more.

10 6. Any salt of oxalic acid and any preparation containing any
11 such salt in a concentration of 10 percent or more.

12 7. Acetic acid or any preparation containing free or
13 chemically unneutralized acetic acid ($\text{HC}_2\text{H}_3\text{O}_2$) in a
14 concentration of 20 percent or more.

15 8. Hypochlorous acid, either free or combined, and any
16 preparation containing the same in a concentration so as to yield
17 10 percent or more by weight of available chlorine, excluding oxal
18 chlorinata, bleaching powder and chloride of lime.

19 9. Potassium hydroxide and any preparation containing free
20 or chemically unneutralized potassium hydroxide (KOH),
21 including caustic potash and Vienna paste, in a concentration of
22 10 percent or more.

23 10. Sodium hydroxide and any preparation containing free or
24 chemically unneutralized sodium hydroxide (NaOH), including
25 caustic soda and lye, in a concentration of 10 percent or more.

26 11. Silver nitrate, sometimes known as lunar caustic, and any
27 preparation containing silver nitrate (AgNO_3) in a concentration
28 of 5 percent or more.

29 12. Ammonia water and any preparation yielding free or
30 chemically uncombined ammonia (NH_3), including ammonium
31 hydroxide and hartshorn, in a concentration of 5 percent or more.

32 **Sec. 169.** As used in sections 168 to 174, inclusive, of this
33 act, unless the context or subject matter otherwise requires,
34 "misbranded parcel, package or container" means a retail parcel,
35 package or container of any dangerous caustic or corrosive
36 substance for household use, not bearing a conspicuous, easily
37 legible label or sticker, containing:

38 1. The name of the article.

39 2. The name and place of business of the manufacturer,
40 packer, seller or distributor.

41 3. The word "poison" running parallel with the main body of
42 reading matter on the label or sticker, on a clear, plain
43 background of a distinctly contrasting color, in uncondensed
44 gothic capital letters, the letters to be not less than 24-point size,
45 unless there is on the label or sticker no other type so large, in



1 *which event the type shall be not smaller than the largest type on*
2 *the label or sticker.*

3 *4. Directions for treatment in case of accidental personal*
4 *injury by the dangerous caustic or corrosive substance.*

5 **Sec. 170.** *No person shall sell, barter or exchange, or receive,*
6 *hold, pack, display, or offer for sale, barter or exchange in the*
7 *State of Nevada, any dangerous caustic or corrosive substance in*
8 *a misbranded parcel, package or container, the parcel, package or*
9 *container being designed for household use.*

10 **Sec. 171.** *1. Any dangerous caustic or corrosive substance*
11 *in a misbranded parcel, package or container suitable for*
12 *household use that is being sold, bartered or exchanged, or held,*
13 *displayed or offered for sale, barter or exchange, shall be liable to*
14 *be proceeded against in any justice court of the county wherein*
15 *such sale, barter, exchange, display, offer for sale, barter or*
16 *exchange shall take place within the jurisdiction of which the*
17 *same is found, and if such substance is condemned as misbranded,*
18 *it shall be disposed of by destruction or sale, as the court may*
19 *direct.*

20 *2. If sold, the proceeds, less the actual costs and charges,*
21 *shall be paid over to the State Treasurer. Such substance shall not*
22 *be sold contrary to the laws of the State.*

23 *3. Upon the payment of the costs of such proceedings and the*
24 *execution and delivery of a good and sufficient bond to the effect*
25 *that such substance will not be unlawfully sold or otherwise*
26 *disposed of, the court may by order direct that such substance be*
27 *delivered to the owner thereof.*

28 **Sec. 172.** *1. The Commissioner of Food and Drugs shall*
29 *enforce the provisions of sections 168 to 174, inclusive, of this act.*

30 *2. The Commissioner of Food and Drugs is authorized and*
31 *empowered to approve and register such brands and labels*
32 *intended for use under the provisions of sections 168 to 174,*
33 *inclusive, of this act as may be submitted to the Commissioner for*
34 *that purpose and as may in the Commissioner's judgment conform*
35 *to the requirements of sections 168 to 174, inclusive, of this act,*
36 *but in any prosecution under sections 168 to 174, inclusive, of this*
37 *act, the fact that any brand or label involved in such prosecution*
38 *has not been submitted to the Commissioner for approval, or if*
39 *submitted has not been approved, shall be immaterial.*

40 **Sec. 173.** *Every district attorney to whom there is presented,*
41 *or who in any way procures, satisfactory evidence of any violation*
42 *of the provisions of sections 168 to 174, inclusive, of this act shall*
43 *cause appropriate proceedings to be commenced and prosecuted in*
44 *the proper courts, without delay, for the enforcement of the*
45 *penalties provided in section 174 of this act.*



1 **Sec. 174.** *Any person violating the provisions of sections 168*
2 *to 174, inclusive, of this act shall be punished by a fine of not*
3 *more than \$250.*

4 **Sec. 175.** NRS 586.010 is hereby amended to read as follows:
5 586.010 ~~[NRS 586.010 to 586.450, inclusive,]~~ *This chapter*
6 may be cited as the Nevada Pesticides Act.

7 **Sec. 176.** NRS 586.020 is hereby amended to read as follows:
8 586.020 As used in ~~[NRS 586.010 to 586.450, inclusive,]~~ *this*
9 *chapter*, unless the context otherwise requires, the words and terms
10 defined in NRS 586.030 to 586.220, inclusive, have the meanings
11 ascribed to them in those sections.

12 **Sec. 177.** NRS 586.180 is hereby amended to read as follows:
13 586.180 “Misbranded” shall apply:

14 1. To any pesticide or device if its labeling bears any
15 statement, design or graphic representation relative thereto or to its
16 ingredients which is false or misleading in any particular.

17 2. To any pesticide:

18 (a) If it is an imitation of, or is offered for sale under the name
19 of, another pesticide;

20 (b) If its labeling bears any reference to registration under ~~[NRS~~
21 ~~586.010 to 586.450, inclusive,]~~ *this chapter*;

22 (c) If the labeling accompanying it does not contain instructions
23 for use which are necessary and, if complied with, adequate for the
24 protection of the public;

25 (d) If the label does not contain a warning or caution statement
26 which may be necessary and, if complied with, adequate to prevent
27 injury to living human beings and other vertebrate animals;

28 (e) If the label does not bear an ingredient statement on that part
29 of the immediate container and on the outside container or wrapper,
30 if there be one through which the ingredient statement on the
31 immediate container cannot be clearly read, of the retail package
32 which is presented or displayed under customary conditions of
33 purchase;

34 (f) If any word, statement or other information required by or
35 under the authority of ~~[NRS 586.010 to 586.450, inclusive,]~~ *this*
36 *chapter* to appear on the labeling is not prominently placed thereon
37 with such conspicuousness (as compared with other words,
38 statements, designs, or graphic matter in the labeling) and in such
39 terms as to render it likely to be read and understood by the ordinary
40 individual under customary conditions of purchase and use;

41 (g) If in the case of a pesticide, when used as directed, or in
42 accordance with commonly recognized practice, it shall be injurious
43 to living human beings or other vertebrate animals or vegetation,
44 except weeds, to which it is applied, or to the person applying such
45 pesticide; or



1 (h) If in the case of a plant regulator, defoliant or desiccant,
2 when used as directed, it shall be injurious to human beings or other
3 vertebrate animals, or vegetation to which it is applied; but physical
4 or physiological effects on plants or parts thereof shall not be
5 deemed to be injury when this is the purpose for which the plant
6 regulator, defoliant or desiccant was applied, in accordance with the
7 label claims and recommendations.

8 **Sec. 178.** NRS 586.200 is hereby amended to read as follows:

9 586.200 "Registrant" means the person registering any brand
10 of pesticide pursuant to the provisions of ~~NRS 586.010 to 586.450,~~
11 ~~inclusive.]~~ *this chapter.*

12 **Sec. 179.** NRS 586.220 is hereby amended to read as follows:

13 586.220 "Weed" means any plant which ~~grows where not~~
14 ~~wanted.]~~ *is or is likely to be a public nuisance, detrimental or*
15 *destructive, or difficult to control.*

16 **Sec. 180.** NRS 586.230 is hereby amended to read as follows:

17 586.230 Jurisdiction in all matters pertaining to the
18 distribution, sale and transportation of pesticides and devices is,
19 pursuant to ~~NRS 586.010 to 586.450, inclusive,]~~ *this chapter,*
20 vested exclusively in the Director.

21 **Sec. 181.** NRS 586.270 is hereby amended to read as follows:

22 586.270 1. A registrant shall pay an annual registration fee in
23 an amount established by regulation of the Director for each brand
24 of pesticide registered.

25 2. *All registrations expire on December 31 and are renewable*
26 *annually.*

27 3. The Director shall, for each annual registration fee collected,
28 deposit in a separate account the amount established for that purpose
29 by regulation of the Director. The money deposited in the account
30 must be used:

31 (a) For the disposal of pesticides;

32 (b) To monitor pesticides;

33 (c) To protect groundwater and surface water from
34 contamination by pesticides; and

35 (d) For the ~~eradication and]~~ control of noxious weeds.

36 ~~[3-]~~ 4. A registrant who offers a pesticide for sale before
37 registering the brand of pesticide shall pay an amount equal to twice
38 the registration fee for registering the brand of pesticide.

39 ~~[4-]~~ 5. As used in this section, "noxious weed" has the
40 meaning ascribed to it in NRS 555.005.

41 **Sec. 182.** NRS 586.280 is hereby amended to read as follows:

42 586.280 1. If the Director deems it necessary in the
43 administration of ~~NRS 586.010 to 586.450, inclusive,]~~ *this chapter,*
44 the Director may require the submission of the complete formula of
45 any pesticide.



1 2. If it appears to the Director that the composition of the
2 article is such as to warrant the proposed claims for it, and if the
3 article and its labeling and other material required to be submitted
4 comply with the requirements of NRS 586.350 to 586.410,
5 inclusive, the Director shall register the article.

6 **Sec. 183.** NRS 586.290 is hereby amended to read as follows:

7 586.290 1. If it does not appear to the Director that the article
8 is such as to warrant the proposed claims for it, or if the article and
9 its labeling and other material required to be submitted do not
10 comply with the provisions of ~~[NRS 586.010 to 586.450, inclusive,]~~
11 *this chapter*, the Director shall notify the registrant of the manner in
12 which the article, labeling or other material required to be submitted
13 fails to comply with ~~[NRS 586.010 to 586.450, inclusive,]~~ *this*
14 *chapter* to allow the registrant an opportunity to make the necessary
15 corrections.

16 2. The registration of an article is not a defense for the
17 commission of any offense prohibited under NRS 586.350 to
18 586.410, inclusive.

19 **Sec. 184.** NRS 586.300 is hereby amended to read as follows:

20 586.300 Notwithstanding any other provision of ~~[NRS 586.010~~
21 ~~to 586.450, inclusive,]~~ *this chapter*, registration is not required in
22 the case of a pesticide shipped from one plant within this state to
23 another plant within this state operated by the same person.

24 **Sec. 185.** NRS 586.330 is hereby amended to read as follows:

25 586.330 To avoid confusion endangering the public health
26 resulting from diverse requirements, particularly as to the labeling
27 and coloring of pesticides, and to avoid increased costs to the
28 residents of this state because of the necessity of complying with
29 diverse requirements in the manufacture and sale of pesticides, it is
30 desirable that there be uniformity between the requirements of the
31 several states and the Federal Government relating to pesticides. To
32 this end the Director may, after a public hearing, adopt such
33 regulations applicable to and in conformity with the primary
34 standards established by ~~[NRS 586.010 to 586.450, inclusive,]~~ *this*
35 *chapter* as have been or may be prescribed by the United States
36 Environmental Protection Agency with respect to pesticides.

37 **Sec. 186.** NRS 586.370 is hereby amended to read as follows:

38 586.370 It shall be unlawful for any person to distribute, sell or
39 offer for sale within this State or deliver for transportation or
40 transport in intrastate commerce or between points within this State
41 through any point outside this State any pesticide which contains
42 any substance or substances in quantities highly toxic to humans,
43 determined as provided in NRS 586.310, unless the label shall bear,
44 in addition to any other matter required by ~~[NRS 586.010 to~~
45 ~~586.450, inclusive,]~~ *this chapter*:



- 1 1. The skull and crossbones.
- 2 2. The word "poison" prominently, in red, on a background of
- 3 distinctly contrasting color.
- 4 3. A statement of an antidote for the pesticide.

5 **Sec. 187.** NRS 586.380 is hereby amended to read as follows:

6 586.380 1. It is unlawful for any person to distribute, sell or
7 offer for sale within this State, or deliver for transportation or
8 transport in intrastate commerce or between points within this State
9 through any point outside this State, the pesticides commonly
10 known as standard lead arsenate, basic lead arsenate, calcium
11 arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, sodium
12 fluoride, sodium fluorosilicate, and barium fluorosilicate, and those
13 containing mercurial compounds, unless they have been distinctly
14 colored or discolored as provided by the regulations adopted in
15 accordance with the provisions of ~~NRS 586.010 to 586.450,~~
16 ~~inclusive,] this chapter,~~ or any other white powder pesticide which
17 the Director, after investigation of and after public hearing on the
18 necessity for such action for the protection of the public health and
19 the feasibility of the coloration or discoloration, by regulation
20 requires to be distinctly colored or discolored, unless it has been so
21 colored or discolored.

22 2. The Director may exempt any pesticide to the extent that it
23 is intended for a particular use from the coloring or discoloring
24 required or authorized by this section if the Director determines that
25 the coloring or discoloring for that use is not necessary to protect the
26 public health.

27 **Sec. 188.** NRS 586.400 is hereby amended to read as follows:

28 586.400 It shall be unlawful for any person to detach, alter,
29 deface or destroy, in whole or in part, any label or labeling provided
30 for in ~~NRS 586.010 to 586.450, inclusive,] this chapter~~ or
31 regulations promulgated thereunder, or to add any substance to, or
32 take any substance from, a pesticide in a manner that may defeat the
33 purpose of ~~NRS 586.010 to 586.450, inclusive,] this chapter.~~

34 **Sec. 189.** NRS 586.403 is hereby amended to read as follows:

35 586.403 1. The regulations governing the use of restricted-
36 use pesticides may:

37 (a) Provide the time when and the conditions under which they
38 may be used in this State.

39 (b) Prohibit their use in areas of this State.

40 (c) Provide that they shall be used only under a permit for each
41 application; and the permit may set forth the time, conditions,
42 quantity and concentration of its use.

43 2. Every permit which is issued under the regulations adopted
44 pursuant to this section is conditioned upon compliance with such



1 regulations and upon such other specified conditions as may be
2 deemed necessary to avoid injury.

3 3. Any permit may be refused, revoked or suspended for
4 violation of any of the conditions of such permit, or for violation of
5 any provisions of ~~[NRS 586.010 to 586.450, inclusive.]~~ *this chapter*
6 or the regulations adopted pursuant ~~[to such sections.]~~ *thereto*.

7 **Sec. 190.** NRS 586.420 is hereby amended to read as follows:

8 586.420 1. The penalties provided for violations of NRS
9 586.350 to 586.390, inclusive, do not apply to:

10 (a) Any carrier while lawfully engaged in transporting a
11 pesticide within this state, if the carrier, upon request, permits the
12 Director or the Director's designated agent to copy all records
13 showing the transactions in and movement of the articles.

14 (b) Public officers of this state and the Federal Government
15 engaged in the performance of their duties.

16 (c) The manufacturer or shipper of a pesticide for experimental
17 use only:

18 (1) By or under the supervision of an agency of this state or
19 of the Federal Government authorized by law to conduct research in
20 the field of pesticides; or

21 (2) By other persons if the pesticide is not sold and if the
22 container thereof is plainly and conspicuously marked "For
23 experimental use only—Not to be sold," together with the
24 manufacturer's name and address, but if a written permit has been
25 obtained from the Director, pesticides may be sold for experimental
26 purposes subject to such restrictions and conditions as may be set
27 forth in the permit.

28 2. An article shall not be deemed in violation of the provisions
29 of ~~[NRS 586.010 to 586.450, inclusive.]~~ *this chapter* if intended
30 solely for export to a foreign country and if prepared or packed
31 according to the specifications or directions of the purchaser. If not
32 so exported, all the provisions of ~~[NRS 586.010 to 586.450,~~
33 ~~inclusive.]~~ *this chapter* apply.

34 **Sec. 191.** NRS 586.430 is hereby amended to read as follows:

35 586.430 ~~[+]~~ The examination of pesticides or devices must
36 be made under the direction of the Director to determine whether
37 they comply with the requirements of ~~[NRS 586.010 to 586.450,~~
38 ~~inclusive.]~~ *this chapter*. If it appears from the examination that a
39 pesticide or device fails to comply with the provisions of ~~[NRS~~
40 ~~586.010 to 586.450, inclusive, and the Director contemplates~~
41 ~~instituting criminal proceedings against any person.]~~ *this chapter*,
42 the Director shall cause appropriate notice to be given to the person.
43 Any person so notified must be given an opportunity to present the
44 person's views, orally or in writing, ~~[with regard to those~~
45 ~~contemplated proceedings.]~~ and if thereafter in the opinion of the



1 Director it appears that the provisions of ~~[NRS 586.010 to 586.450,~~
2 ~~inclusive,] this chapter~~ have been violated by the person, the
3 Director ~~[shall refer the facts to the district attorney of the county in~~
4 ~~which the violation occurred with a copy of the results of the~~
5 ~~analysis or the examination of the article.] may impose a civil~~
6 ~~penalty pursuant to NRS 586.450.~~ The provisions of ~~[NRS 586.010~~
7 ~~to 586.450, inclusive,] this chapter~~ do not require the Director to
8 ~~[report] commence formal proceedings for~~ any act or failure to act
9 ~~[for prosecution or for the institution of libel proceedings, or to~~
10 ~~report minor violations of NRS 586.010 to 586.450, inclusive,] if~~
11 the Director believes that the public interest will be best served by a
12 suitable notice of warning in writing.

13 ~~[2. Each district attorney to whom any such violation is~~
14 ~~reported shall cause appropriate proceedings to be instituted and~~
15 ~~prosecuted in a court of proper jurisdiction without delay.~~

16 ~~—3. The Director shall, by publication in such manner as the~~
17 ~~Director may prescribe, give notice of all judgments entered in~~
18 ~~actions instituted under the authority of NRS 586.010 to 586.450,~~
19 ~~inclusive.]~~

20 **Sec. 192.** NRS 586.440 is hereby amended to read as follows:

21 586.440 1. Any pesticide or device that is distributed, sold or
22 offered for sale within the State of Nevada, or delivered for
23 transportation or transported in intrastate commerce or between
24 points within this state through any point outside this state is liable
25 to be proceeded against in any district court in any county of this
26 state where it may be found and seized for confiscation by process
27 of libel for condemnation:

28 (a) In the case of a pesticide:

29 (1) If it is adulterated or misbranded.

30 (2) If the brand of the pesticide has not been registered under
31 the provisions of NRS 586.250 to 586.300, inclusive.

32 (3) If it is a white powder pesticide and is not colored as
33 required under ~~[NRS 586.010 to 586.450, inclusive,] this chapter.~~

34 (4) If it fails to bear on the label the information required by
35 ~~[NRS 586.010 to 586.450, inclusive,] this chapter.~~

36 (b) In the case of a device, if it is misbranded.

37 2. If the article is condemned, it must, after the entry of the
38 decree, be disposed of by destruction or sale as the court may direct,
39 and the proceeds must be paid to the State Treasurer and deposited
40 in the State General Fund. The article seized must not be sold or
41 destroyed contrary to the provisions of ~~[NRS 586.010 to 586.450,~~
42 ~~inclusive,] this chapter.~~ The article must not be sold or destroyed if
43 the owner thereof pays the costs of condemnation and executes a
44 good and sufficient bond conditioned that the article must not be
45 disposed of unlawfully. The court shall then order that the article



1 condemned must be delivered to the owner thereof for relabeling or
2 reprocessing as the case may be.

3 3. When a decree of condemnation is entered against the
4 article, court costs, fees and storage charges, and other proper
5 expenses, must be awarded against the person, if any, intervening as
6 claimant of the article.

7 **Sec. 193.** NRS 586.450 is hereby amended to read as follows:

8 586.450 1. Any person violating ~~[NRS 586.350 shall be~~
9 ~~guilty of a misdemeanor.]~~ *any provision of this chapter is subject to*
10 *a civil penalty not to exceed:*

11 (a) *For the first violation, \$250.*

12 (b) *For a second violation, \$500.*

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

14 2. *Any money collected from the imposition of a civil penalty*
15 *pursuant to subsection 1 must be accounted for separately and:*

16 (a) *Fifty percent of the money must be used to fund a program*
17 *selected by the Director that provides loans to persons who are*
18 *engaged in agriculture and who are 21 years of age or younger;*
19 *and*

20 (b) *The remaining 50 percent of the money must be deposited*
21 *in the Account for the Control of Weeds established by*
22 *NRS 555.035.*

23 3. Notwithstanding any other provision of this section, if any
24 person, with intent to defraud, uses or reveals information relative to
25 formulas of products acquired under authority of NRS 586.280, the
26 person shall be guilty of a gross misdemeanor.

27 **Sec. 194.** Chapter 588 of NRS is hereby amended by adding
28 thereto a new section to read as follows:

29 *Pursuant to NRS 233B.040, the Director may adopt by*
30 *reference the fertilizer control rules and standards of the*
31 *Association of American Plant Food Control Officials or its*
32 *successor organization.*

33 **Sec. 195.** NRS 588.170 is hereby amended to read as follows:

34 588.170 1. Each brand and grade of commercial fertilizer or
35 agricultural mineral must be registered with the Department before
36 being offered for sale, sold or distributed in this state.

37 2. An application for registration must be submitted to the
38 Director on a form furnished by the Director, and, except as
39 otherwise provided in subsection 3, must be accompanied by a
40 *nonrefundable* registration fee in an amount to be fixed annually by
41 the Director for each combined registration of brand and grade.

42 3. A person who offers a commercial fertilizer or agricultural
43 mineral for sale before registering the brand and grade of the
44 commercial fertilizer or agricultural mineral shall pay an amount
45 equal to twice the otherwise applicable registration fee for



1 registering the brand and grade of the commercial fertilizer or
2 agricultural mineral.

3 4. ~~[Upon approval by the Director, a copy of the registration~~
4 ~~must be furnished to the applicant.]~~ *The Director may deny the*
5 *renewal of a registration if all the required tonnage reports have*
6 *not been submitted and all fees and penalties have not been paid.*

7 5. All registrations expire on ~~[June 30]~~ *December 31* of each
8 year.

9 **Sec. 196.** NRS 588.210 is hereby amended to read as follows:

10 588.210 1. There must be paid to the Department for all
11 commercial fertilizers offered for sale, sold or distributed in this
12 state a fee established by regulation of the State Board of
13 Agriculture for each ton sold, but sales to manufacturers or
14 exchanges between them are exempt.

15 2. There must be paid to the Department for all agricultural
16 minerals offered for sale, sold or distributed in this state a fee
17 established by regulation of the State Board of Agriculture. The
18 regulations must specify the amount of the fee for each ton of
19 agricultural minerals that is sold in packages and the amount of the
20 fee for each ton of those minerals that is sold in bulk, but sales to
21 manufacturers or exchanges between them are exempt.

22 3. The Department shall prepare suitable forms for reporting
23 sales and, on request, shall furnish the forms without cost to all
24 persons dealing in registered brands of commercial fertilizers or
25 agricultural minerals. *The form must be filed regardless of whether*
26 *the person sold any commercial fertilizers or agricultural minerals*
27 *during the reporting period.*

28 4. *The registrant of each brand must report the total tonnage*
29 *sold and pay the appropriate fees unless the responsibility for*
30 *reporting and payment of fees has been assigned to another*
31 *person by a contract entered into pursuant to subsection 5.*

32 5. *A contract specified in subsection 4 must:*

33 (a) *Include the registration number of the brand;*

34 (b) *Identify each party by name, address, telephone number*
35 *and title, if applicable;*

36 (c) *Identify the specific product covered by the contract;*

37 (d) *Include an effective date and expiration date, not*
38 *beginning or ending during a reporting period and not exceeding*
39 *3 years in duration; and*

40 (e) *Be signed by each party or his or her authorized agent.*

41 6. *A person who violates any provision of this section is*
42 *subject to a civil penalty pursuant to NRS 588.350.*

43 **Sec. 197.** NRS 588.270 is hereby amended to read as follows:

44 588.270 1. ~~[At least annually, the]~~ *The Director* ~~[shall]~~ *may*
45 publish, in such form as the Director may deem proper:



1 (a) Information concerning the sales of commercial fertilizers
2 and agricultural minerals, together with such data on their
3 production and use as the Director may consider advisable.

4 (b) A report of the results of the analyses based on official
5 samples of commercial fertilizers or agricultural minerals sold
6 within the State as compared with the analyses guaranteed under
7 NRS 588.170 to 588.200, inclusive.

8 2. The information concerning production and use of
9 commercial fertilizers or agricultural minerals must be shown
10 separately for the periods from July 1 to December 31 and from
11 January 1 to June 30 of each year.

12 ~~[3. No disclosure may be made of the operations of any~~
13 ~~person.]~~

14 **Sec. 198.** NRS 588.290 is hereby amended to read as follows:

15 588.290 If any commercial fertilizer or agricultural mineral in
16 the possession of the consumer is found by the Director to be short
17 in weight, the registrant of the commercial fertilizer or agricultural
18 mineral ~~[shall, within 30 days after notice from the Director, pay to~~
19 ~~the consumer a penalty equal to 4 times the value of the actual~~
20 ~~shortage.]~~ *is subject to a civil penalty pursuant to NRS 588.350.*

21 **Sec. 199.** NRS 588.295 is hereby amended to read as follows:

22 588.295 1. It is unlawful for any person to sell or offer to sell
23 at retail, or to distribute or deliver for transportation for delivery to
24 the consumer or user, a restricted-use commercial fertilizer or
25 agricultural mineral unless the person is registered with the Director.

26 2. Each person applying for registration must provide the
27 Director with a registration statement that includes:

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

29 (b) The name and address of any person who, on behalf of the
30 person registering, sells, offers to sell, distributes or delivers for
31 transportation a restricted-use commercial fertilizer or agricultural
32 mineral.

33 3. All such registrations expire on ~~[December]~~ *January* 31 of
34 ~~each~~ *the year immediately after the year in which the person*
35 *registers pursuant to this section* and are renewable annually.

36 4. *Each application for renewal must be accompanied by the*
37 *fourth quarter tonnage report for the immediately preceding year.*

38 5. Each person registering with the Director must pay:

39 (a) An annual registration fee established by regulation of the
40 State Board of Agriculture; and

41 (b) A penalty fee established by regulation of the State Board of
42 Agriculture if the person failed to renew the person's previous
43 registration on or before ~~[February]~~ *March* 1 next following its
44 expiration, unless the registration is accompanied by a signed
45 statement that no person named on the registration statement has



1 sold or distributed any restricted-use commercial fertilizer or
2 agricultural mineral during the period the registration was not in
3 effect.

4 ~~[5-]~~ 6. Each person registered pursuant to this section shall
5 maintain for at least 2 years a record of all sales of restricted-use
6 commercial fertilizers or agricultural minerals showing:

7 (a) The date of sale or delivery of the restricted-use commercial
8 fertilizer or agricultural mineral;

9 (b) The name and address of the person to whom the restricted-
10 use commercial fertilizer or agricultural mineral was sold or
11 delivered;

12 (c) The brand name of the restricted-use commercial fertilizer or
13 agricultural mineral sold or delivered;

14 (d) The amount of the restricted-use commercial fertilizer or
15 agricultural mineral sold or delivered; and

16 (e) Such other information as may be required by the Director.

17 ~~[6-]~~ 7. Each person registered pursuant to this section shall, on
18 or before the date specified for each reporting period established
19 pursuant to subsection ~~[7-]~~ 8, file a report with the Director
20 specifying the restricted-use commercial fertilizers or agricultural
21 minerals that the person sold during the reporting period. The
22 Director shall provide the form for the report. The report must be
23 filed regardless of whether the person sold any commercial
24 fertilizers or agricultural minerals during the reporting period.

25 ~~[7-]~~ 8. The Director shall adopt regulations establishing
26 reporting periods and dates for filing reports pursuant to
27 subsection ~~[6-]~~ 7.

28 **Sec. 200.** NRS 588.350 is hereby amended to read as follows:

29 588.350 1. Any person violating any provisions of this
30 chapter ~~[shall be guilty of a misdemeanor.]~~ *is subject to a civil*
31 *penalty not to exceed:*

32 (a) *For the first violation, \$250.*

33 (b) *For a second violation, \$500.*

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

35 2. *Any money collected from the imposition of a civil penalty*
36 *pursuant to subsection 1 must be accounted for separately and:*

37 (a) *Fifty percent of the money must be used to fund a program*
38 *selected by the Director that provides loans to persons who are*
39 *engaged in agriculture and who are 21 years of age or younger;*
40 *and*

41 (b) *The remaining 50 percent of the money must be deposited*
42 *in the Account for the Control of Weeds established by*
43 *NRS 555.035.*



1 **Sec. 201.** NRS 590.060 is hereby amended to read as follows:

2 590.060 1. Except as otherwise provided in NRS 590.063
3 and 590.065, it is unlawful for any person, or any officer, agent or
4 employee thereof, to adulterate any petroleum product or motor
5 vehicle fuel, to sell, attempt to sell, offer for sale or assist in the sale
6 of any product resulting from the adulteration, and to represent the
7 product as the petroleum product or motor vehicle fuel of a brand
8 name in general use by any other marketer or producer of petroleum
9 products or motor vehicle fuel.

10 2. Whenever the description of any petroleum product or motor
11 vehicle fuel is displayed on any tank, receptacle or other delivery
12 device used for sale to the public, the kind, character and name of
13 the petroleum product or motor vehicle fuel dispensed therefrom
14 must correspond to the representations thereon.

15 3. Except as otherwise provided in this subsection, it is
16 unlawful for any person, or any officer, agent or employee thereof,
17 to deposit or deliver into any tank, receptacle or other container any
18 petroleum product or motor vehicle fuel other than the petroleum
19 product or motor vehicle fuel intended to be stored in the tank,
20 receptacle or container and distributed therefrom, as indicated by the
21 name of the producer, manufacturer or distributor of the product
22 displayed on the container itself, or on the pump, dispenser or other
23 distributing device used in connection therewith. This section does
24 not apply to any person who sells or offers for sale under the
25 person's name or brand name the product or output of another
26 manufacturer or producer, with the consent of that manufacturer or
27 producer.

28 4. If used oil or recycled oil, other than rerefined oil, is sold or
29 offered for sale or delivery in this state, the container in which that
30 oil is sold or offered for sale or delivery *or, in the case of a bulk*
31 *delivery, the delivery receipt*, must bear a superimposed sign or
32 label containing the clearly legible words "Recycled Oil" or "Used
33 Oil."

34 **Sec. 202.** NRS 590.080 is hereby amended to read as follows:

35 590.080 1. Except as otherwise provided in subsection 2,
36 crankcase drainings, lube-distillate, or any other petroleum product
37 may not be sold, offered for sale, delivered, offered for delivery or
38 stored as a motor oil or lubricating oil for use in the crankcase of an
39 internal combustion engine unless it conforms to the performance
40 rating set forth on its container *or, in the case of a bulk delivery, on*
41 *the delivery receipt*, and the following specifications:

42 (a) *It must meet the specifications for engine oil performance*
43 *and engine service classification set by SAE International.*



(b) It must be free from water and suspended matter when tested ~~[by means of centrifuge,]~~ in accordance with the ~~[testing]~~ procedures approved by the State Sealer of Consumer Equitability.

~~[(b)]~~ (c) The flash points for the various viscosity grade classifications must not be less than the ~~[following]~~ **most recent viscosity grade classifications determined by SAE International** when tested by the ~~[Cleveland Open Cup Method in accordance with the testing procedures approved by the State Sealer of Consumer Equitability. Except as otherwise provided in this paragraph, the]~~ **Pensky-Martens Closed Cup method.** The viscosity grade classification number of motor or lubricating oils must conform to the latest ~~[Society of Automotive Engineers]~~ **viscosity grade classification** ~~[- Grade numbers 60 and 70 must conform to the requirements listed in this paragraph.]~~

	Viscosity	Minimum Flash	Universal 210 Degrees
	Classification	Degrees Fahrenheit	Fahrenheit
	S.A.E. 5W	305	
	S.A.E. 10W	335	
	S.A.E. 20 and 20W	345	
	S.A.E. 30	355	
	S.A.E. 40	375	
	S.A.E. 50	400	
	Grade 60	435	110 to less than 125
	Grade 70	470	125 to less than 150]

determined by SAE International.

2. The provisions of this section do not apply to any oil labeled "prediluted" or intended only for mixture with gasoline or other motor fuel in a two-cycle engine.

Sec. 203. NRS 590.324 is hereby amended to read as follows:

590.324 1. A person subject to a civil penalty may request an administrative hearing within 10 days after receipt of the notice of the civil penalty. The State Sealer of Consumer Equitability or a designee thereof shall conduct the hearing after giving appropriate notice to the respondent. The decision of the State Sealer of Consumer Equitability or designee is subject to appropriate judicial review.

2. If the respondent has exhausted all administrative appeals and the civil penalty has been upheld, the respondent shall pay the civil penalty:

(a) If no petition for judicial review is filed pursuant to NRS 233B.130, within 40 days after the final decision of the State Sealer of Consumer Equitability ~~[]~~ **or designee;** or



1 (b) If a petition for judicial review is filed pursuant to NRS
2 233B.130 and the civil penalty is upheld, within 10 days after the
3 effective date of the final decision of the court.

4 3. If the respondent fails to pay the civil penalty, a civil action
5 may be brought by the State Sealer of Consumer Equitability in any
6 court of competent jurisdiction to recover the civil penalty. ~~[All civil~~
7 ~~penalties collected pursuant to this chapter must be deposited with~~
8 ~~the State Treasurer for credit to the State General Fund.]~~

9 **Sec. 204.** NRS 590.380 is hereby amended to read as follows:

10 590.380 1. Before any antifreeze may be sold, displayed for
11 sale or held with intent to sell within this State, ~~[a sample thereof~~
12 ~~must be inspected annually by the State Sealer of Consumer~~
13 ~~Equitability.~~

14 ~~—2.— Upon} and upon~~ application of the manufacturer, packer,
15 seller or distributor and the payment of a *license* fee established by
16 regulation of the State Board of Agriculture for each brand of
17 antifreeze submitted, the State Sealer of Consumer Equitability shall
18 ~~[inspect the antifreeze submitted. If] , if~~ the antifreeze ~~[-~~

19 ~~—(a) Is not adulterated or misbranded;~~

20 ~~—(b) Meets the standards of the State Sealer of Consumer~~
21 ~~Equitability; and~~

22 ~~—(c) Is} is~~ not in violation of NRS 590.340 to 590.450, inclusive,
23 ~~[→ the State Sealer of Consumer Equitability shall]~~ issue to the
24 applicant a ~~[written permit]~~ *license* authorizing its sale in this State
25 for the fiscal year in which the ~~[inspection]~~ *license* fee is paid.

26 ~~[3-] 2.~~ If the State Sealer of Consumer Equitability at a later
27 date finds that:

28 (a) The product to be sold, displayed for sale or held with intent
29 to sell has been materially altered or adulterated;

30 (b) A change has been made in the name, brand or trademark
31 under which the antifreeze is sold; or

32 (c) The antifreeze violates the provisions of NRS 590.340 to
33 590.450, inclusive,

34 ~~→~~ the State Sealer of Consumer Equitability shall notify the
35 applicant and the ~~[permit]~~ *license* must be cancelled forthwith.

36 **Sec. 205.** NRS 590.420 is hereby amended to read as follows:

37 590.420 The State Sealer of Consumer Equitability may
38 furnish upon request a list of the brands and trademarks of antifreeze
39 ~~[inspected]~~ *licensed* by the State Sealer of Consumer Equitability or
40 his or her agents during the fiscal year which have been found to be
41 in accord with NRS 590.340 to 590.450, inclusive.

42 **Sec. 206.** NRS 590.430 is hereby amended to read as follows:

43 590.430 No advertising literature relating to any antifreeze sold
44 or to be sold in this State shall contain any statement that the
45 antifreeze advertised for sale has been approved by the State Sealer



1 of Consumer Equitability; but if any antifreeze has been ~~[inspected]~~
2 *licensed* by the State Sealer of Consumer Equitability and found ~~[to~~
3 ~~meet the standards of the State Sealer of Consumer Equitability and]~~
4 not to be in violation of NRS 590.340 to 590.450, inclusive, such
5 statement may be contained in any advertising literature where such
6 brand or trademark of antifreeze is being advertised for sale.

7 **Sec. 207.** NRS 590.450 is hereby amended to read as follows:

8 590.450 ~~[If any]~~

9 *1. Any person ~~[partnership, corporation or association shall~~*
10 *violate the provisions] violating any provision* of NRS 590.340 to
11 590.440, inclusive, ~~[such person, partnership, corporation or~~
12 ~~association shall be guilty of a misdemeanor.] is subject to a civil~~
13 *penalty not to exceed:*

14 *(a) For the first violation, \$250.*

15 *(b) For a second violation, \$500.*

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

17 *2. Any money collected from the imposition of a civil penalty*
18 *pursuant to subsection 1 must be accounted for separately and:*

19 *(a) Fifty percent of the money must be used to fund a program*
20 *selected by the Director of the State Department of Agriculture*
21 *that provides loans to persons who are engaged in agriculture and*
22 *who are 21 years of age or younger; and*

23 *(b) The remaining 50 percent of the money must be deposited*
24 *in the Account for the Control of Weeds established by*
25 *NRS 555.035.*

26 **Sec. 208.** 1. Any administrative regulations adopted by an
27 officer, agency or other entity whose name has been changed or
28 whose responsibilities have been transferred pursuant to the
29 provisions of this act to another officer, agency or other entity
30 remain in force until amended by the officer, agency or other entity
31 to which the responsibility for the adoption of regulations is
32 transferred.

33 2. Any contracts or other agreements entered into by an officer,
34 agency or other entity whose name has been changed or whose
35 responsibilities have been transferred pursuant to the provisions of
36 this act to another officer, agency or other entity are binding upon
37 the officer, agency or other entity to which the responsibility for the
38 administration of the provisions of the contract or other agreement
39 have been transferred. Such contracts and other agreements may be
40 enforced by the officer, agency or other entity to which the
41 responsibility for the enforcement of the provisions of the contract
42 or other agreement have been transferred.

43 3. Any actions taken by an officer, agency or other entity
44 whose name has been changed or whose responsibilities have been
45 transferred pursuant to the provisions of this act to another officer,



1 agency or other entity remain in effect as if taken by the officer,
2 agency or other entity to which the responsibility for the
3 enforcement of the actions was transferred.

4 **Sec. 209.** The Legislative Counsel shall, in preparing the
5 Nevada Revised Statutes or any supplements to the Nevada
6 Administrative Code, use the authority set forth in subsection 10 of
7 NRS 220.120 to change appropriately the name of any agency,
8 officer or instrumentality of the State whose name is changed or
9 whose responsibilities are transferred pursuant to the provisions of
10 this act to refer to the appropriate agency, officer or instrumentality.

11 **Sec. 210.** NRS 552.090, 552.300, 552.310, 554.085, 554.090,
12 554.180, 555.23572, 555.2665, 562.195, 583.515, 583.525, 583.535,
13 586.460, 586.470, 586.480, 586.490, 586.500, 586.510, 586.520,
14 588.240, 588.250, 590.440, 590.700, 590.710, 590.720 590.725,
15 590.726, 590.730, 590.740, 590.750, 590.760, 590.765, 590.770,
16 590.780, 590.790, 590.800, 590.810, 590.820, 590.830, 590.835,
17 590.840, 590.850, 590.860, 590.870, 590.880, 590.890, 590.900,
18 590.910 and 590.920 are hereby repealed.

19 **Sec. 211.** This act becomes effective:

20 1. Upon passage and approval for the purposes of adopting any
21 regulations and performing any preparatory administrative tasks
22 necessary to carry out the provisions of this act; and

23 2. On July 1, 2015, for all other purposes.

LEADLINES OF REPEALED SECTIONS

**552.090 Control of apiary industry: Authority of
Department; adoption of regulations; imposition and deposit of
civil penalties.**

552.300 Prosecution of violations.

552.310 Penalty.

554.085 Civil penalties.

554.090 Criminal penalties.

**554.180 Procedure for indemnification for loss by
destruction.**

555.23572 "Pest" defined.

555.2665 "Pest" defined.

**562.195 State Sheep Inspection Account: Agreement with
board of county commissioners for administration; annual
statement by county treasurer; reimbursement for
administration; termination of agreement.**

583.515 Exemptions.



- 583.525 Denial of inspection.
- 583.535 Regulations of State Board of Health; appointment of necessary personnel.
- 586.460 "Dangerous caustic or corrosive substance" defined.
- 586.470 "Misbranded parcel, package or container" defined.
- 586.480 Sale of dangerous caustic or corrosive substance for household use in misbranded parcel, package or container prohibited.
- 586.490 Misbranded dangerous caustic or corrosive substance may be proceeded against in justice court; condemnation, destruction or sale; disposition of sale proceeds.
- 586.500 Enforcement by Commissioner of Food and Drugs; approval and registration of brands and labels.
- 586.510 Duties of district attorney.
- 586.520 Penalty.
- 588.240 Assessment and payment of penalties when fertilizer or mineral is short of guaranteed analysis; appeal.
- 588.250 Annual determination and publication of values per pound of nitrogen, phosphoric acid and soluble potash.
- 590.440 Institution of proceedings by district attorney.
- 590.700 Definitions.
- 590.710 "Board" defined.
- 590.720 "Department" defined.
- 590.725 "Diesel fuel of grade number 1" defined.
- 590.726 "Diesel fuel of grade number 2" defined.
- 590.730 "Discharge" defined.
- 590.740 "Division" defined.
- 590.750 "Fund" defined.
- 590.760 "Heating oil" defined.
- 590.765 "Motor vehicle fuel" defined.
- 590.770 "Operator" defined.
- 590.780 "Person" defined.
- 590.790 "Petroleum" defined.
- 590.800 "Storage tank" defined.
- 590.810 Legislative findings.
- 590.820 Board to Review Claims: Creation; members; Chair; administrative assistance; compensation of members.
- 590.830 Fund for Cleaning Up Discharges of Petroleum: Creation; administration by Division; adoption of regulations by Board; claims; expenses and interest; resolutions adopted by Board concerning Fund.



590.835 Fund for Cleaning Up Discharges of Petroleum: Expenditures for certain discharges; limitations; reimbursement.

590.840 Collection of fee for certain fuels and heating oil; exempt products; payment of expenses of Department.

590.850 Registration of storage tanks: Collection of annual fee; exempt tanks; reimbursement and other liability for noncompliance.

590.860 Transfer of portion of ending balance in Fund to account created in NRS 408.242.

590.870 Report of discharge from tank required; Division to clean up discharge; exception; reimbursement; test of tank required for coverage.

590.880 Allocation of costs resulting from discharge from certain storage tanks for heating oil.

590.890 Allocation of costs resulting from discharge from other storage tanks; requirement to hold public hearings under certain circumstances.

590.900 Liability for costs to clean up discharge caused by willful or wanton misconduct, gross negligence or violation of statute or regulation.

590.910 Pro rata reduction required if balance in Fund insufficient for full payment.

590.920 Tanks exempted from certain provisions; optional coverage of exempted tank.



