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MOCK-UP

PROPOSED AMENDMENT TO
SENATE BILL NO. 486
FIRST REPRINT

PREPARED FOR ASSEMBLY NATURAL RESOURCES, AGRICULTURE, AND MINING
MAY 6, 2003

PREPARED BY THE RESEARCH DIVISION

**NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN
CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE
OFFICIAL AMENDMENT MAY DIFFER.**

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

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

- 1 **Section 1.** NRS 561.045 is hereby amended to read as follows:
2 561.045 There is hereby created in the Department a State Board of
3 Agriculture composed of ~~{10}~~ *11* members appointed by the Governor.
4 **Sec. 2.** NRS 561.055 is hereby amended to read as follows:
5 561.055 1. Three members of the Board must be actively engaged
6 in range or semirange cattle production, one in ~~{dairying,}~~ *dairy*
7 *production, one in range or semirange sheep production*, one in general
8 farming, one in general agriculture, one in growing crops which are
9 planted in rows spaced to permit mechanical cultivation, one in the control
10 of pests, one in the petroleum industry and one in raising nursery stock.
11 2. Not more than two members may be residents of the same county,
12 and the range or semirange cattle production members must be residents of
13 different counties.
14 **Sec. 3.** NRS 561.218 is hereby amended to read as follows:

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ASSEMBLY NATURAL RES., AGRICULTURE & MINING
DATE: 5/7/03 ROOM: 3161 EXHIBIT 61-9
SUBMITTED BY: Linda Eissmann

PROPOSED AMENDMENT TO SB486_R1

1 561.218 1. The Director shall appoint a person to manage the
2 activities of the Department relating to natural resources, land use planning
3 and the management and control of wild horses ~~{and estrays-}~~, *estrays and*
4 *feral livestock*. The person must be appointed on the basis of merit and is
5 in the unclassified service of the State. The Director may remove the
6 person from office with the approval of the Board.

7 2. The person appointed shall:

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

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

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

18 (d) Monitor gatherings of *estrays and feral livestock* conducted
19 pursuant to the provisions of NRS 569.040 to 569.130, inclusive, and
20 *section 30 of this act*, and assist district brand inspectors in identifying
21 estrays before they are sold or given a placement or other disposition
22 through a cooperative agreement established pursuant to NRS 569.031.

23 (e) Provide the members of the general public with information
24 relating to the activities of the Department and solicit recommendations
25 from the members of the general public and advisory groups concerning
26 those activities.

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

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

33 (h) Present testimony, conduct research and prepare reports for the
34 Governor, the Legislature, the Director and any other person or
35 governmental entity as directed by the Director.

36 (i) Develop and carry out a program to educate the members of the
37 general public concerning the programs administered by the Department,
38 including programs for the management and control of estrays ~~{-}~~ and *feral*
39 *livestock*.

40 (j) Make proposals to the Director for the amendment of the
41 regulations adopted by the Board pursuant to NRS 561.105.

42 (k) Perform such other duties as directed by the Director.

43 3. As used in this section:

44 (a) "Estray" has the meaning ascribed to it in ~~{NRS-569.005-}~~ *section*
45 *27 of this act*.

1 (b) "Feral livestock" has the meaning ascribed to it in section 28 of
2 this act.

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

4 Sec. 4. NRS 561.305 is hereby amended to read as follows:

5 561.305 The Department shall establish and maintain a laboratory for
6 the following purposes:

7 1. The diagnosis of infectious, contagious and parasitic diseases of
8 ~~livestock,~~ animals, as may be necessary under the provisions of chapter
9 571 of NRS.

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

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

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

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

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

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

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

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

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

35 11. Any laboratory examinations, diagnoses, analyses or testing as
36 may be deemed necessary by the Director and which can be made with
37 equipment available in any such laboratory. Any resident of this state may
38 submit samples to the Department for examination, diagnosis, analysis or
39 testing, subject to such rules and regulations as may be adopted by the
40 Director.

41 Sec. 5. NRS 561.335 is hereby amended to read as follows:

42 561.335 1. The Revolving Account for Agriculture Working Capital
43 in the amount of \$10,000 is hereby created for the use of the Department.

1 2. The Account must be used specifically for carrying out the
2 provisions of NRS 569.005 to 569.080, inclusive, *and sections 24 to 30,*
3 *inclusive, of this act,* and 569.100 to 569.130, inclusive.

4 3. The Account may be used for:

5 (a) Paying the expenses of all programs and laws administered by the
6 Department, except expenses related to estrays *and feral livestock* which
7 are required to be paid pursuant to NRS 569.090. The Account must be
8 reimbursed promptly from the proper funds in the State Treasury by claims
9 paid as other claims against the State are paid for any expenses paid
10 pursuant to this paragraph.

11 (b) Providing advance money to officers and employees of the
12 Department for travel expenses and subsistence allowances arising out of
13 their official duties or employment. Such an advance constitutes a lien in
14 favor of the Department upon the accrued wages of the requesting officer
15 or employee in an amount equal to the sum advanced, but the Director may
16 advance more than the amount of the accrued wages of the officer or
17 employee. Upon the return of the officer or employee, he is entitled to
18 receive any authorized expenses and subsistence in excess of the amount
19 advanced, and a sum equal to the advance must be paid into the Revolving
20 Account for Agriculture Working Capital.

21 (c) Making grants and loans for any purpose authorized by subsection
22 2 of NRS 561.445. Any loan or grant made pursuant to this paragraph must
23 be reimbursed promptly, as other claims against the State are paid, from
24 the money deposited in the State Treasury pursuant to subsection 1 of NRS
25 561.445.

26 4. The Revolving Account for Agriculture Working Capital must be
27 deposited in a bank or credit union qualified to receive deposits of public
28 money and the deposit must be secured by a depository bond satisfactory
29 to the State Board of Examiners.

30 **Sec. 6.** NRS 561.344 is hereby amended to read as follows:

31 561.344 1. The Livestock Inspection Account is hereby created in
32 the State General Fund for the use of the Department.

33 2. The following special taxes, fees and other money must be
34 deposited in the Livestock Inspection Account:

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

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

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

41 (d) Unclaimed proceeds from the sale of estrays *and feral livestock* by
42 the Department pursuant to NRS 569.005 to 569.130, inclusive, *and*
43 *sections 24 to 30, inclusive, of this act,* or proceeds required to be
44 deposited in the Livestock Inspection Account pursuant to a cooperative

1 agreement established pursuant to
2 NRS 569.031.

- 3 (e) Fees collected pursuant to the provisions of chapter 573 of NRS.
4 (f) Fees collected pursuant to the provisions of chapter 576 of NRS.
5 (g) Laboratory fees collected for the diagnosis of infectious, contagious
6 and parasitic diseases of ~~{livestock,}~~ *animals*, as authorized by NRS
7 561.305, and as are necessary pursuant to the provisions of chapter 571 of
8 NRS.

9 3. Expenditures from the Livestock Inspection Account must be made
10 only for carrying out the provisions of this chapter and chapters 564, 569,
11 571, 573 and 576 of NRS.

12 4. The interest and income earned on the money in the Livestock
13 Inspection Account, after deducting any applicable charges, must be
14 credited to the Account.

15 **Sec. 7.** NRS 562.010 is hereby amended to read as follows:
16 562.010 As used in this chapter, "Board" means the State Board of
17 ~~{Sheep Commissioners,}~~ *Agriculture*.

18 **Sec. 8.** NRS 562.130 is hereby amended to read as follows:
19 562.130 The Board may:

20 1. Employ a secretary and such inspectors and other employees as it
21 may find necessary to carry out the provisions of this chapter.

22 2. Prescribe the duties and fix the compensation and travel and
23 subsistence expenses of its employees and volunteers.

24 3. Require such bonds from its inspectors as it determines necessary.

25 4. Request the Director of the State Department of Agriculture to
26 designate, pursuant to NRS 561.225, one or more employees of the
27 Department to issue sheep permits . ~~{and act as sheep inspectors if the
28 Board and its inspectors are unable to do so.}~~

29 **Sec. 9.** NRS 562.150 is hereby amended to read as follows:

30 562.150 The Board shall render a *written* report of its activities ~~{in
31 writing}~~ *relating to the implementation of this chapter* to the Governor on
32 or before October 31, ~~{1968,}~~ *2003*, and each 2 years thereafter.

33 **Sec. 10.** NRS 562.170 is hereby amended to read as follows:

34 562.170 1. ~~{The}~~ *Except as otherwise provided in this section, the*
35 *rate of tax fixed by the Board, as provided for in NRS 562.160, must not*
36 *exceed the equivalent of 18 cents per head on all sheep. The minimum tax*
37 *that must be paid annually by an owner of sheep is \$5.*

38 2. The tax paid by an owner of sheep must be deposited in the state or
39 county treasury in which the State Sheep Inspection Account is located for
40 credit to that Account. The money in the State Sheep Inspection Account
41 must be made available and disbursed by the proper state or county
42 officials upon request of the Board for the purposes provided for in this
43 chapter.

1 Sec. 11. NRS 562.220 is hereby amended to read as follows:

2 562.220 1. The salaries, compensation and expenses provided for in
3 this chapter must be paid out of the State Sheep Inspection Account.

4 2. *Necessary administrative expenses incurred by the Board in*
5 *carrying out the provisions of this chapter may be paid from the State*
6 *Sheep Inspection Account, except that such administrative expenses*
7 *must not exceed 5 percent of the annual collected tax receipts.*

8 Sec. 12. NRS 562.250 is hereby amended to read as follows:

9 562.250 {The Board shall have}

10 1. *Except as otherwise provided in subsection 2, the Board has*
11 *exclusive control of all matters pertaining to the sheep industry.*

12 2. *The State Quarantine Officer has exclusive authority over*
13 *matters concerning diseases of sheep and may adopt such regulations as*
14 *are necessary to carry out his duties pursuant to this subsection.*

15 Sec. 13. NRS 562.270 is hereby amended to read as follows:

16 562.270 The Board {shall have the power to} may make and enforce
17 {

18 1. ~~Rules and regulations for governing itself.~~

19 2. ~~Rules} rules and regulations deemed necessary by it for the~~
20 ~~enforcement of the provisions of this chapter.~~

21 Sec. 14. NRS 562.290 is hereby ~~deleted~~ amended to read as
22 follows:

23 ~~562.290 1. The Board is authorized to accept, on behalf of the~~
24 ~~State, the rules and regulations prepared by the Secretary of~~
25 ~~Agriculture of the United States, {under and in pursuance of section 3 of~~
26 ~~an Act of Congress, approved May 29, 1884, entitled "An act for the~~
27 ~~establishment of the bureau of animal industry, to prevent the exportation~~
28 ~~of diseased cattle, and to provide means for the suppression and extirpation~~
29 ~~of pleuropneumonia and other contagious diseases among domestic~~
30 ~~animals," being 21 U.S.C. § 114,} and to cooperate with the authorities~~
31 ~~of the United States in the enforcement of [the provisions of such act.]~~
32 ~~any federal rules and regulations pertaining to the sheep industry.~~

33 ~~2. All action taken by the employees of the United States while~~
34 ~~acting under the provisions of this chapter as state inspectors of sheep~~
35 ~~and bucks {shall} ~~must~~ be exercised under the joint supervision of the~~
36 ~~Board and the Secretary of Agriculture.~~

37 Sec. 15. NRS 562.460 is hereby amended to read as follows:

38 562.460 1. Each inspector shall:

39 (a) ~~{Inspect all the sheep within the district assigned to him when so~~
40 ~~ordered by the Board.~~

41 ~~(b) Make and issue a certificate or bill of health for all sheep whose~~
42 ~~owners have complied with the law and the orders, rules and regulations~~
43 ~~made and adopted by the Board.~~

44 ~~2. Each certificate or bill of health shall describe the sheep with the~~
45 ~~marks and brands thereon, which certificate or bill of health shall entitle~~

This amendment would delete NRS 562.290 in its entirety. (This statute would be added to the leadlines of repealed sections of NRS at the end of the bill.)

LEADLINES OF REPEALED SECTIONS OF NRS AND
TEXT OF REPEALED SECTIONS OF STATUTES OF NEVADA

- 562.020 "Breaking quarantine" defined.
- 562.060 Creation; number and appointment of members.
- 562.070 Qualifications of members.
- 562.090 Compensation of members.
- 562.100 President; other officers.
- 562.110 Office of Board.
- 562.120 Meetings.
- 562.280 Rules and regulations pertaining to quarantining, dipping and treatment of sheep.
- 562.290 Board may adopt regulations of Secretary of Agriculture for suppression of diseases
- 562.320 Power to order inspection and quarantine of sheep.
- 562.330 Quarantine imposed by proclamation of Governor; penalties for violations; exceptions.
- 562.340 Power to quarantine or compel cleaning of shearing or dipping corrals or places where sheep are handled; enforcement.
- 562.350 Quarantining and treatment of sheep infected with scabies or other infectious or contagious disease; powers of inspectors and Board.
- 562.360 Preparation of dipping works by inspector; feeding at owner's expense; lien on sheep; spotting and hand-dressing of ewes and lambs.
- 562.370 Dipping of sheep between April 15 and November 1 when ordered by Board; decision of Board conclusive; dipping after November 1.
- 562.380 Penalty for violation of NRS 562.350, 562.360 or 562.370.
- 562.390 Imported sheep or bucks to be dipped under supervision of inspector; admission of sheep under permit issued by Board or State Department of Agriculture without dipping; liens; penalty.
- 562.400 Infection or exposure to infection to be reported to inspector or Board; penalty.
- 562.410 Traveling permits for diseased sheep.
- 562.420 Destruction of diseased sheep may be ordered by Board; compensation of owners.
- 562.430 Permit required to import sheep into State; common carrier provisions; interstate grazing and shipments; penalties.
- 562.450 Board or inspector may take charge of sheep or premises when necessary; seizure and attachment.

- 562.510 Board may order inspectors to quarantine premises and compel cleaning and disinfecting; expenses paid by owner; liens.
- 563.151 Definitions.
- 563.161 Creation; number and appointment of members.
- 563.171 Qualifications of members.
- 563.181 Meetings; fiscal year; annual report.
- 563.191 Chairman; Secretary-Treasurer.
- 563.201 Powers of Council.
- 563.211 Authority to sue and be sued; personal liability of members.
- 563.221 Deposit and disbursement of money of Council.
- 565.075 Federal assessment on livestock: Collection; deposit.
- 575.070 Tax to promote beef.

Section 48 of chapter 331, Statutes of Nevada 2001, at page 1567, is hereby amended to read as follows:

Sec. 48. NRS 575.070 is hereby amended to read as follows:

575.070 1. Upon receipt of the reports from the ~~committee for assessing livestock~~ *state department of agriculture* pursuant to NRS 575.180, the Nevada beef council may fix a special tax, to be known as the tax to promote beef, on all cattle except calves that have not been weaned, the rate of which must not exceed \$1 per head. ~~If such a tax is fixed, the council shall send a notice of the rate of the tax to the county assessor or treasurer of each county on or before the first Monday in May of each year.~~ The proceeds of the tax, if any, must be deposited in the state treasury for credit to the account for the promotion of beef.

2. During the month of April if such a tax is fixed, any person who has paid the special tax may file a claim for a refund with the state department of agriculture, accompanied by a receipt showing the payment. Upon verification of the claim, the department shall transmit the claim to the state controller for payment from the account for the promotion of beef.

H

The remainder of the bill is unchanged by this amendment.

(See addition to list of leadlines of repealed NRS sections.)