
ASSEMBLY BILL NO. 130—COMMITTEE ON NATURAL RESOURCES,
AGRICULTURE, AND MINING

(ON BEHALF OF THE DEPARTMENT OF AGRICULTURE)

FEBRUARY 14, 2003

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Makes various changes relating to State Department
of Agriculture. (BDR 50-569)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to the State Department of Agriculture; authorizing the Director of the State Department of Agriculture and the Department to impose certain fees; requiring that certain fees collected by the Director be credited to the Agriculture Registration and Enforcement Account; requiring that certain fines collected by the Director be credited to the county school district fund of a county in which the board of trustees of the county school district enters into an agreement with the Director to use the fines for certain purposes; requiring that certain fines collected by the State Board of Agriculture be credited to the State General Fund; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 561.153 is hereby amended to read as follows:
2 561.153 The Director may by regulation ~~adopt~~ :
3 1. *Prescribe, in addition to any other fees prescribed by the*
4 *Director pursuant to titles 49, 50 and 51 of NRS, a fee to cover the*
5 *costs incurred by the Department for any service, product or*



1 *publication provided by the Department pursuant to titles 49, 50*
2 *and 51 of NRS or the regulations adopted pursuant thereto; and*

3 2. *Adopt* such procedures as he may deem appropriate for the
4 billing or collection of *such* fees . ~~for any service or any~~
5 ~~publication or other product provided by the Department under~~
6 ~~Titles 49, 50 and 51 of NRS for which fees are collectible.]~~

7 **Sec. 2.** NRS 561.355 is hereby amended to read as follows:

8 561.355 1. The Plant Industry Program is hereby established.

9 2. ~~[The]~~ *Except as otherwise provided in NRS 561.385, the*
10 following fees and money must be used in the Plant Industry
11 Program:

12 (a) Fees and money collected pursuant to the provisions of
13 chapters 552, 555, 581, 582 and 587 of NRS.

14 (b) Laboratory fees collected for the diagnosis of infectious,
15 contagious and parasitic diseases of bees, as authorized by NRS
16 561.305, and as are necessary pursuant to the provisions of chapter
17 552 of NRS.

18 (c) Laboratory fees collected for the diagnosis of infectious,
19 contagious and destructive diseases of agricultural commodities, and
20 infestations thereof by pests, as authorized by NRS 561.305, and as
21 may be necessary pursuant to the provisions of NRS 554.010 to
22 554.240, inclusive.

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

27 (e) Laboratory fees collected for the testing of the purity and
28 germinating power of agricultural seeds, as authorized by NRS
29 561.305, and as may be necessary pursuant to the provisions of NRS
30 587.015 to 587.123, inclusive.

31 3. Expenditures for the plant industry program must be made
32 only for the purposes of carrying out the provisions of this chapter
33 and chapters 552, 554, 555, 581, 582 and 587 of NRS.

34 **Sec. 3.** NRS 561.385 is hereby amended to read as follows:

35 561.385 1. The Agriculture Registration and Enforcement
36 Account is hereby created in the State General Fund for the use of
37 the Department.

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

40 (a) *Fees collected pursuant to the provisions of NRS 555.310*
41 *and 555.320.*

42 (b) Fees collected pursuant to the provisions of NRS 586.010 to
43 586.450, inclusive.

44 ~~(b)~~ (c) Fees collected pursuant to the provisions of NRS
45 588.010 to 588.350, inclusive.



1 ~~[(e)]~~ (d) Fees collected pursuant to the provisions of NRS
2 590.340 to 590.450, inclusive.

3 ~~[(d)]~~ (e) Laboratory fees collected for the testing of pesticides as
4 authorized by NRS 561.305, and as are necessary pursuant to the
5 provisions of NRS 555.2605 to 555.460, inclusive, and 586.010 to
6 586.450, inclusive.

7 ~~[(e)]~~ (f) Laboratory fees collected for the analysis and testing of
8 commercial fertilizers and agricultural minerals, as authorized by
9 NRS 561.305, and as are necessary pursuant to the provisions of
10 NRS 588.010 to 588.350, inclusive.

11 ~~[(f)]~~ (g) Laboratory fees collected for the analysis and testing of
12 petroleum products, as authorized by NRS 561.305, and as are
13 necessary pursuant to the provisions of NRS 590.010 to 590.150,
14 inclusive.

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

18 3. Expenditures from the Agriculture Registration and
19 Enforcement Account may be made only to carry out the provisions
20 of this chapter, chapters 586, 588 and 590 of NRS and NRS
21 555.2605 to 555.460, inclusive.

22 **Sec. 4.** NRS 564.080 is hereby amended to read as follows:
23 564.080 Except as otherwise provided in NRS 564.010 to
24 564.150, inclusive, the Department may establish and collect
25 reasonable fees for:

- 26 1. The recording of brands or brands and marks;
- 27 2. The rerecording of brands or brands and marks;
- 28 3. The recording of instruments transferring ownership of
29 brands or brands and marks; ~~[(or)]~~
- 30 4. Certificates of recordation or rerecording of brands or
31 brands and marks ~~[(;)]~~ ; or

32 **5. *The processing and continuing administration of a security***
33 ***agreement, provisional assignment or legal lien relating to a brand***
34 ***or brand and mark or marks of record for purposes of***
35 ***NRS 564.110.***

36 **Sec. 5.** NRS 555.470 is hereby amended to read as follows:
37 555.470 1. The Director shall adopt regulations specifying a
38 schedule of fines which may be imposed, upon notice and a hearing,
39 for each violation of the provisions of NRS 555.2605 to 555.460,
40 inclusive. The maximum fine that may be imposed by the Director
41 for each violation must not exceed \$5,000 per day. ~~[(All fines)]~~
42 ***Except as otherwise provided by subsection 3, a fine*** collected by
43 the Director pursuant to this subsection must be ~~[(remitted to the~~
44 ~~county treasurer of the county in which the violation occurred)]~~



1 *deposited with the State Treasurer* for credit to the ~~[county-school~~
2 ~~district]~~ *State General* Fund.

3 2. The Director may:

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

7 (b) Request the district attorney of the appropriate county to
8 investigate or file a criminal complaint against any person that the
9 State Board of Agriculture suspects may have violated any provision
10 of NRS 555.2605 to 555.460, inclusive.

11 *3. The board of trustees of each county school district may*
12 *enter into an agreement with the Director to use the fines collected*
13 *pursuant to subsection 1 for a violation that occurred in that*
14 *county for the development and administration of pest-*
15 *management programs for the public schools controlled by the*
16 *county school district of that county. Any fines collected pursuant*
17 *to subsection 1 for a violation that occurred in a county in which*
18 *the board of trustees of the county school district has entered into*
19 *such an agreement, must be deposited with the county treasurer of*
20 *the county in which the violation occurred for credit to the county*
21 *school district fund.*

22 **Sec. 6.** NRS 590.071 is hereby amended to read as follows:

23 590.071 1. The State Board of Agriculture shall:

24 (a) Enforce the standards relating to petroleum products adopted
25 pursuant to NRS 590.070.

26 (b) Adopt regulations specifying a schedule of fines that it may
27 impose, upon notice and hearing, for each violation of the
28 provisions of NRS 590.070. The maximum fine that may be
29 imposed by the Board for each violation must not exceed \$5,000 per
30 day. All fines collected by the Board pursuant to the regulations
31 adopted pursuant to this subsection must be ~~[remitted to the county~~
32 ~~treasurer of the county in which the violation occurred]~~ *deposited*
33 *with the State Treasurer* for credit to the ~~[county-school-district]~~
34 *State General* Fund.

35 2. The State Board of Agriculture may:

36 (a) In addition to imposing a fine pursuant to subsection 1, issue
37 an order requiring a violator to take appropriate action to correct the
38 violation.

39 (b) Request the district attorney of the appropriate county to
40 investigate or file a criminal complaint against any person that the
41 board suspects may have violated any provision of *NRS* 590.070.

42 **Sec. 7.** This act becomes effective on July 1, 2003.

