

SENATE BILL NO. 65—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF THE STATE DEPARTMENT OF AGRICULTURE)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to the State Department of Agriculture. (BDR 50-275)

FISCAL NOTE: Effect on Local Government: No.
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 agriculture; revising provisions relating to the composition and administration of the State Department of Agriculture; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law creates the State Department of Agriculture. (NRS 561.035)
2 Under existing law, the Director of the Department, within any limitations provided
3 by law, is authorized to organize the Department into divisions and to alter that
4 organization and reassign responsibilities and duties as the Director deems
5 appropriate. (NRS 561.145) Existing law specifically creates the Division of
6 Consumer Equitability within the Department. (NRS 561.108) **Section 2** of this bill
7 specifically creates in statute the following additional divisions within the
8 Department: the Division of Administrative Services, the Division of Animal
9 Industry, the Division of Food and Nutrition and the Division of Plant Health and
10 Compliance. **Section 3** of this bill renames the existing Division of Consumer
11 Equitability as the Division of Measurement Standards. **Sections 12 and 13** of this
12 bill make conforming changes as a result of this name change. **Section 4** of this bill
13 makes a conforming change as a result of the creation of the divisions in statute, but
14 retains the authority of the Director to alter the organization of the Department and
15 reassign responsibilities and duties as the Director deems appropriate. **Sections 10,**
16 **11 and 14** of this bill make conforming changes as a result of the creation of the
17 Division of Plant Health and Compliance.

18 Existing law requires the Director of the Department to appoint: (1) an
19 Administrator of the Division of Consumer Equitability in the unclassified service
20 of the State to administer that Division; and (2) certain other persons in the
21 classified and unclassified service of the State to manage other activities of the
22 Department. (NRS 561.108, 561.205, 561.209, 561.214, 561.218) **Sections 3 and**
23 **7-9** of this bill, with one exception, designate these other persons as Administrators



24 of newly created divisions of the Department in the unclassified service and revise
25 their duties. **Section 1** of this bill creates the position of Administrator of the
26 Division of Administrative Services in the unclassified service. **Section 6** of this
27 bill: (1) designates as the State Veterinarian the person whom the Director is
28 required to appoint in the unclassified service to manage the activities of the
29 Department relating to the protection and promotion of the livestock industry in
30 Nevada; and (2) reduces the minimum required years of certain experience to
31 qualify for the position from 5 years to 3 years. (NRS 561.205)

32 Existing law designates the Director of the Department as the ex officio State
33 Sealer of Consumer Equitability. (NRS 561.155) **Section 5** of this bill renames the
34 State Sealer of Consumer Equitability as the State Sealer of Measurement
35 Standards.

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

1 **Section 1.** Chapter 561 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. The Director shall appoint an Administrator of the*
4 *Division of Administrative Services. The Administrator is in*
5 *the unclassified service of the State and serves at the pleasure of*
6 *the Director.*

7 *2. The Administrator shall manage the activities of the*
8 *Department relating to fiscal, accounting and other administrative*
9 *services.*

10 **Sec. 2.** NRS 561.035 is hereby amended to read as follows:

11 561.035 1. The State Department of Agriculture is hereby
12 created ~~[]~~, *consisting of:*

13 *(a) The Division of Administrative Services;*

14 *(b) The Division of Animal Industry;*

15 *(c) The Division of Food and Nutrition;*

16 *(d) The Division of Measurement Standards; and*

17 *(e) The Division of Plant Health and Compliance.*

18 2. The administration of the provisions of this chapter is vested
19 in the Department.

20 **Sec. 3.** NRS 561.108 is hereby amended to read as follows:

21 561.108 1. ~~[The Division of Consumer Equitability is hereby~~
22 ~~created within the Department.]~~ The Director shall appoint an
23 Administrator of the Division ~~[who shall administer all activities~~
24 ~~and services of the Division.]~~ *of Measurement Standards. The*
25 *Administrator is in the unclassified service of the State and serves*
26 *at the pleasure of the Director.*

27 2. The ~~[Division of Consumer Equitability]~~ *Administrator*
28 shall ~~[administer and enforce]~~ *manage the activities of the*
29 *Department relating to the administration and enforcement of the*



1 provisions of chapters 581 and 582 of NRS and NRS 590.010 to
2 590.450, inclusive.

3 **Sec. 4.** NRS 561.145 is hereby amended to read as follows:

4 561.145 1. The Director shall direct and supervise all
5 administrative and technical activities of the Department, and all
6 programs administered by the Department as provided by law.
7 Except as otherwise provided in NRS 284.143, the Director shall
8 devote his or her entire time to the duties of the Director's office,
9 and shall follow no other gainful employment or occupation.

10 2. The Director may, within such limitations as may be
11 provided by law, ~~organize the Department into divisions~~ and ~~{,}~~
12 from time to time ~~{,}~~ alter ~~{that}~~ *the organization of the Department*
13 and reassign responsibilities and duties as the Director may deem
14 appropriate.

15 3. The Director shall:

16 (a) Coordinate the activities of the divisions of the Department.

17 (b) Report to the Board upon all matters pertaining to the
18 administration of the Department.

19 **Sec. 5.** NRS 561.155 is hereby amended to read as follows:

20 561.155 The Director is hereby designated and appointed ex
21 officio State Sealer of ~~Consumer Equitability,~~ *Measurement*
22 *Standards*, and shall carry out all the duties of the State Sealer of
23 ~~Consumer Equitability~~ *Measurement Standards* as provided by
24 law.

25 **Sec. 6.** NRS 561.205 is hereby amended to read as follows:

26 561.205 1. The Director shall appoint a ~~{person to manage~~
27 ~~the activities of the Department relating to the protection and~~
28 ~~promotion of the livestock industry of the State of Nevada.}~~ *State*
29 *Veterinarian*. The ~~{person}~~ *State Veterinarian* is in the unclassified
30 service of the State and ~~{must:~~

31 ~~— 1. Be appointed on the basis of merit;}~~ *serves at the pleasure*
32 *of the Director.*

33 2. *The State Veterinarian must:*

34 (a) Be a graduate of a veterinary school or college approved by
35 the American Veterinary Medical Association; and

36 ~~{3.}~~ (b) Have at least ~~{5}~~ 3 years' experience in ~~{official work~~
37 ~~for}~~ regulating and controlling diseases in livestock.

38 3. *The State Veterinarian shall manage the activities of the*
39 *Department relating to the protection and promotion of the*
40 *livestock industry of the State of Nevada.*

41 **Sec. 7.** NRS 561.209 is hereby amended to read as follows:

42 561.209 1. The Director shall appoint ~~{a person to manage~~
43 ~~the activities of the Department relating to brands and marks and~~
44 ~~brand inspection in the State of Nevada. The person must be~~
45 ~~appointed on the basis of merit and}~~ *an Administrator of the*



1 *Division of Animal Industry. The Administrator* is in the
2 unclassified service of the State ~~[.]~~ *and serves at the pleasure of the*
3 *Director.*

4 *2. The Administrator shall manage the activities of the*
5 *Department relating to animal industries, including, without*
6 *limitation, the administration and enforcement of the provisions of*
7 *chapters 562, 564 to 573, inclusive, and 576 of NRS.*

8 **Sec. 8.** NRS 561.214 is hereby amended to read as follows:

9 561.214 *1.* The Director shall appoint ~~[a person to manage~~
10 ~~the activities of the Department relating to the protection and~~
11 ~~promotion of the agricultural industry of the State of Nevada. The~~
12 ~~person is in the classified service of the State and must be:~~

13 ~~—1. Appointed on the basis of merit; and~~

14 ~~—2. A graduate of an accredited college or university with a~~
15 ~~major in agricultural business or in one of the agricultural sciences.]~~
16 *an Administrator of the Division of Food and Nutrition. The*
17 *Administrator is in the unclassified service of the State and serves*
18 *at the pleasure of the Director.*

19 *2. The Administrator shall manage the activities of the*
20 *Department relating to food and nutrition, including, without*
21 *limitation, the donation of commodities pursuant to NRS 561.489*
22 *and the Supplemental Food Program established pursuant to*
23 *NRS 561.495.*

24 **Sec. 9.** NRS 561.218 is hereby amended to read as follows:

25 561.218 *1.* The Director shall appoint ~~[a person to manage~~
26 ~~the activities of the Department relating to natural resources and~~
27 ~~land use planning. The person must be appointed on the basis of~~
28 ~~merit and is in the unclassified service of the State.~~

29 ~~—2. The person appointed shall:~~

30 ~~—(a) Develop cooperative agreements and working relationships~~
31 ~~with federal and state agencies and local governments for land use~~
32 ~~planning and the preservation and allocation of natural resources~~
33 ~~necessary to advance and protect the livestock and agricultural~~
34 ~~industries in this State.~~

35 ~~—(b) Monitor gatherings of estrays and feral livestock conducted~~
36 ~~pursuant to the provisions of NRS 569.040 to 569.130, inclusive,~~
37 ~~and assist district brand inspectors in identifying estrays before they~~
38 ~~are sold or given a placement or other disposition through a~~
39 ~~cooperative agreement established pursuant to NRS 569.031 for the~~
40 ~~management, control, placement or disposition of estrays and feral~~
41 ~~livestock.~~

42 ~~—(c) Provide the members of the general public with information~~
43 ~~relating to the activities of the Department and solicit~~
44 ~~recommendations from the members of the general public and~~
45 ~~advisory groups concerning those activities.~~



1 ~~—(d) Make assessments of the level of competition between~~
2 ~~livestock and wildlife for food and water and shall collect data~~
3 ~~concerning the movement of livestock.~~

4 ~~—(e) Participate in land use planning relating to the competition~~
5 ~~for food and water between livestock and wildlife to ensure the~~
6 ~~maintenance of the habitat of both livestock and wildlife.~~

7 ~~—(f) Present testimony, conduct research and prepare reports for~~
8 ~~the Governor, the Legislature, the Director and any other person or~~
9 ~~governmental entity as directed by the Director.~~

10 ~~—(g) Develop and carry out a program to educate the members of~~
11 ~~the general public concerning the programs administered by the~~
12 ~~Department, including programs for the management and control of~~
13 ~~estrays and feral livestock.~~

14 ~~—(h) Make proposals to the Director for the amendment of the~~
15 ~~regulations adopted by the Board pursuant to NRS 561.105.~~

16 ~~—(i) Perform such other duties as directed by the Director.~~

17 ~~—3. As used in this section:~~

18 ~~—(a) “Estray” has the meaning ascribed to it in NRS 569.0075.~~

19 ~~—(b) “Feral livestock” has the meaning ascribed to it in NRS~~
20 ~~569.008.] *an Administrator of the Division of Plant Health and*~~
21 ~~*Compliance. The Administrator is in the unclassified service of the*~~
22 ~~*State and serves at the pleasure of the Director.*~~

23 *2. The Administrator shall manage the activities of the*
24 *Department relating to plant health and compliance, including,*
25 *without limitation, the administration and enforcement of the*
26 *provisions of chapters 552, 554, 555 and 587 of NRS.*

27 **Sec. 10.** NRS 561.355 is hereby amended to read as follows:

28 561.355 1. ~~{The Plant Industry Program is hereby~~
29 ~~established.~~

30 ~~—2.]~~ The following fees and money must be used ~~{in}~~ by the
31 *Division of Plant ~~{Industry Program:} Health and Compliance of~~*
32 *the Department only for the purposes of carrying out the*
33 *provisions of this chapter and chapters 552, 554, 555 and 587 of*
34 *NRS:*

35 (a) Except as otherwise provided in NRS 552.095 and 555.570,
36 fees and money collected pursuant to the provisions of chapters 552,
37 555 and 587 of NRS.

38 (b) Laboratory fees collected for the diagnosis of infectious,
39 contagious and parasitic diseases of bees, as authorized by NRS
40 561.305, and as are necessary pursuant to the provisions of chapter
41 552 of NRS.

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



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

5 (e) Laboratory fees collected for the testing of the purity and
6 germinating power of agricultural seeds, as authorized by NRS
7 561.305, and as may be necessary pursuant to the provisions of NRS
8 587.015 to 587.123, inclusive.

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

11 ~~{3.— Expenditures for the Plant Industry Program must be made~~
12 ~~only for the purposes of carrying out the provisions of this chapter~~
13 ~~and chapters 552, 554, 555 and 587 of NRS.~~

14 ~~—4.}~~ 2. The money ~~[ereditied to the Program]~~ *received* pursuant
15 to ~~[NRS 375.026]~~ *paragraph (f) of subsection 1* must be allocated
16 for disbursement to each county in proportion to the amount of
17 money collected in that county and must only be used:

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

20 (1) Invasive species; and

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

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

24 ~~{5.}~~ 3. As used in this section:

25 (a) “Invasive species” means any living organism not native to
26 this State that may present a threat to the economy, environment or
27 public health of this State.

28 (b) “Local government” has the meaning ascribed to it in
29 NRS 237.050.

30 **Sec. 11.** NRS 375.026 is hereby amended to read as follows:

31 375.026 1. In addition to all other taxes imposed on transfers
32 of real property, the board of county commissioners of a county
33 whose population is less than 700,000 may impose a tax at the rate
34 of up to 5 cents for each \$500 of value, or fraction thereof, on each
35 deed by which any lands, tenements or other realty is granted,
36 assigned, transferred or otherwise conveyed to, or vested in, another
37 person, or land sale installment contract, if the consideration or
38 value of the interest or property conveyed exceeds \$100.

39 2. The amount of the tax must be computed on the basis of the
40 value of the real property that is the subject of the transfer or land
41 sale installment contract as declared pursuant to NRS 375.060.

42 3. The county recorder shall collect the tax in the manner
43 provided in NRS 375.030, except that he or she shall transmit all the
44 proceeds from the tax imposed pursuant to this section to the State



1 Treasurer for use ~~[in the Plant Industry Program]~~ as required by
2 NRS 561.355.

3 **Sec. 12.** NRS 581.0045 is hereby amended to read as follows:
4 581.0045 “Division” means the Division of ~~[Consumer~~
5 ~~Equitability]~~ *Measurement Standards* of the State Department of
6 Agriculture.

7 **Sec. 13.** NRS 582.004 is hereby amended to read as follows:
8 582.004 “Division” means the Division of ~~[Consumer~~
9 ~~Equitability]~~ *Measurement Standards* of the State Department of
10 Agriculture.

11 **Sec. 14.** NRS 587.370 is hereby amended to read as follows:
12 587.370 1. The board of county commissioners of any county
13 may employ one or more inspectors to assist in carrying out the
14 provisions of NRS 587.290 to 587.450, inclusive, upon a salary or
15 on a per diem basis, for such a period as the board and the State
16 Quarantine Officer deem necessary, but no inspector may be so
17 employed who is not licensed by the State Quarantine Officer, who
18 shall direct all of the inspector’s official activities.

19 2. Any inspector so employed by any county shall collect all
20 inspection fees fixed and established by the State Quarantine Officer
21 for any inspections and certifications performed by the inspector,
22 and promptly forward the fees to the State Quarantine Officer. The
23 State Quarantine Officer shall forward any portion of the fees due
24 any federal agency to that agency. Ten percent of the inspection fees
25 collected must be remitted to the Department for use ~~[in the Plant~~
26 ~~Industry Program,]~~ *as required by NRS 561.355*, and the balance
27 must be reimbursed to the counties where the fees were collected.

28 **Sec. 15.** 1. Any administrative regulations adopted by an
29 officer or an agency whose name has been changed or whose
30 responsibilities have been transferred pursuant to the provisions of
31 this act to another officer or agency remain in force until amended
32 by the officer or agency to which the responsibility for the adoption
33 of the regulations has been transferred.

34 2. Any contracts or other agreements entered into by an officer
35 or agency whose name has been changed or whose responsibilities
36 have been transferred pursuant to the provisions of this act to
37 another officer or agency are binding upon the officer or agency to
38 which the responsibility for the administration of the provisions of
39 the contract or other agreement has been transferred. Such contracts
40 and other agreements may be enforced by the officer or agency to
41 which the responsibility for the enforcement of the provisions of the
42 contract or other agreement has been transferred.

43 3. Any action taken by an officer or agency whose name has
44 been changed or whose responsibilities have been transferred
45 pursuant to the provisions of this act to another officer or agency



1 remains in effect as if taken by the officer or agency to which the
2 responsibility for the enforcement of such actions has been
3 transferred.

4 **Sec. 16.** The Legislative Counsel shall:

5 1. In preparing the reprint and supplements to the Nevada
6 Revised Statutes, appropriately change any references to an officer,
7 agency or other entity whose name is changed or whose
8 responsibilities are transferred pursuant to the provisions of this act
9 to refer to the appropriate officer, agency or other entity.

10 2. In preparing supplements to the Nevada Administrative
11 Code, appropriately change any references to an officer, agency or
12 other entity whose name is changed or whose responsibilities are
13 transferred pursuant to the provisions of this act to refer to the
14 appropriate officer, agency or other entity.

15 **Sec. 17.** This act becomes effective on January 1, 2022.

