

ASSEMBLY BILL NO. 103—ASSEMBLYMEN MARVEL, DE BRAGA, HETTRICK, DINI,
CARPENTER, COLLINS, NEIGHBORS AND HUMKE

FEBRUARY 4, 1999

JOINT SPONSORS: SENATORS RHOADS AND MCGINNESS

Referred to Committee on Natural Resources, Agriculture and Mining

SUMMARY—Reestablishes department of minerals and department of agriculture. (BDR 18-102)

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

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

AN ACT relating to state government; providing in skeleton form for the reestablishment of the department of minerals and the department of agriculture; 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 232.510 is hereby amended to read as follows:
2 232.510 1. The department of business and industry is hereby
3 created.
4 2. The department consists of a director and the following:
5 (a) Consumer affairs division.
6 (b) Division of financial institutions.
7 (c) Housing division.
8 (d) Manufactured housing division.
9 (e) Real estate division.
10 (f) Division of unclaimed property.
11 (g) ~~Division of agriculture.~~
12 ~~(h) Division of minerals.~~
13 ~~(i)~~ Division of insurance.
14 ~~(j)~~ **(h)** Division of industrial relations.
15 ~~(k)~~ **(i)** Office of labor commissioner.

1 ~~{(j)}~~ (j) Taxicab authority.
2 ~~{(m)}~~ (k) Nevada athletic commission.
3 ~~{(n)}~~ (l) Office of the Nevada attorney for injured workers.
4 ~~{(o)}~~ (m) State predatory animal and rodent committee.
5 ~~{(p)}~~ (n) Transportation services authority.
6 ~~{(q)}~~ (o) Any other office, commission, board, agency or entity created
7 or placed within the department pursuant to a specific statute, the budget
8 approved by the legislature or an executive order, or an entity whose
9 budget or activities have been placed within the control of the department
10 by a specific statute.

11 **Sec. 2.** NRS 513.011 is hereby amended to read as follows:
12 513.011 As used in this chapter, unless the context requires otherwise:

13 1. ~~{“Administrator” means the administrator of the division.~~
14 ~~—2.} “Commission” means the commission on mineral resources.~~
15 ~~{3. “Division”}~~
16 2. **“Department” means the ~~{division}~~ department of minerals . ~~{of the~~**
17 **~~department of business and industry.}~~**
18 3. **“Director” means the director of the department.**

19 **Sec. 3.** NRS 513.043 is hereby amended to read as follows:
20 513.043 1. The members of the commission shall select a chairman
21 from among their number who shall serve at the pleasure of the
22 commission.

23 2. The ~~{administrator}~~ **director** shall serve as secretary of the
24 commission and shall keep the minutes of its proceedings.

25 **Sec. 4.** NRS 513.073 is hereby amended to read as follows:

26 513.073 1. **The department of minerals is hereby created.**

27 2. **The department consists of:**

28 (a) **The division of administration;**

29 (b) **The division of regulation; and**

30 (c) **Such other divisions as the director may from time to time**
31 **establish.**

32 3. The division of administration shall:

33 ~~{1.}~~ (a) **Maintain a central recordkeeping system, keep the personnel**
34 **records of and administer the personnel rules applicable to the employees**
35 **of the department, conduct the fiscal and auditing functions of the**
36 **department and perform such other administrative services as are**
37 **required by the department.**

38 (b) **Encourage and assist in the exploration for and the production of oil,**
39 **gas, geothermal energy and minerals within this state.**

40 ~~{2.}~~ (c) **Collect and disseminate throughout the state information**
41 **calculated to educate persons engaged in those enterprises and benefit**
42 **those enterprises in this state, and any information pertaining to any**
43 **program administered by the**

~~{division.}~~

~~3.] department.~~

4. The division of regulation shall:

(a) Maintain a register of all mining operations and operations for the production of oil, gas and geothermal energy in this state.

~~4.] (b)~~ Record annually the production of each registered mining operation and operation for the production of oil, gas and geothermal energy in this state.

~~5.] (c)~~ Administer the provisions of chapter 522 of NRS.

~~6.] (d)~~ Administer any regulations adopted by the commission.

Sec. 5. NRS 513.083 is hereby amended to read as follows:

513.083 1. The chief administrative officer of the ~~{division}~~ **department** is the ~~{administrator,}~~ **director**, who must be appointed by the ~~{director of the department of business and industry}~~ **governor** from a list of three nominees selected by the commission.

2. The ~~{administrator of the division:}~~ **director:**

(a) Must be a graduate of an accredited college or university and have substantial experience as an administrator or at least 5 years' experience in the exploration for or the production or conservation of minerals.

(b) Is in the unclassified service of the state ~~[-~~

~~(c) Except as otherwise provided in NRS 284.143, shall}~~ **and serves at the pleasure of the commission.**

(c) **Shall** devote his entire time and attention to his duties as a public officer and shall not pursue any other business or occupation or hold any other office of profit.

Sec. 6. NRS 513.093 is hereby amended to read as follows:

513.093 The ~~{administrator:}~~ **director:**

1. Shall coordinate the activities of the ~~{division:}~~ **various divisions of the department.**

2. **May serve as an administrator of any division.**

3. **May appoint an administrator of any division. An administrator must be appointed based on his fitness for the position and is in the unclassified service.**

4. Shall report to the commission upon all matters pertaining to the administration of the ~~{division:}~~

~~3.] department.~~

5. Shall submit a biennial report to the governor and the legislature through the commission concerning the work of the ~~{division:}~~ **department**, with recommendations that he may deem necessary. The report must set forth the facts relating to the condition of mining and of exploration for and production of oil and gas in the state.

Sec. 7. NRS 561.025 is hereby amended to read as follows:

561.025 As used in this chapter, unless the context requires otherwise:

1. ~~["Administrator" means the administrator of the division.~~

1 ~~2.~~ “Board” means the state board of agriculture.

2 ~~{3. “Division” means the division of agriculture of the department of~~
3 ~~business and industry.}~~

4 **2. “Department” means the department of agriculture of the State of**
5 **Nevada.**

6 **3. “Director” means the director of the department.**

7 4. “Livestock” means:

8 (a) All cattle or animals of the bovine species.

9 (b) All horses, mules, burros and asses or animals of the equine species.

10 (c) All swine or animals of the porcine species.

11 (d) All goats or animals of the caprine species.

12 (e) All poultry or domesticated fowl or birds.

13 (f) All dogs, cats or other animals domesticated or under the restraint or
14 control of man.

15 **Sec. 8.** NRS 561.035 is hereby amended to read as follows:

16 561.035 **1. The department of agriculture of the State of Nevada is**
17 **hereby created.**

18 **2.** The administration of the provisions of this chapter is vested in the
19 ~~{division.}~~ **department.**

20 **Sec. 9.** NRS 561.045 is hereby amended to read as follows:

21 561.045 There is hereby created in the ~~{division.}~~ **department** a state
22 board of agriculture composed of 10 members appointed by the governor.

23 **Sec. 10.** NRS 561.075 is hereby amended to read as follows:

24 561.075 1. While engaged in the business of the ~~{division.}~~
25 **department**, each member of the board is entitled to receive a salary of not
26 more than \$80 per day, as fixed by the board.

27 2. While engaged in the business of the ~~{division.}~~ **department**, each
28 member and employee of the board is entitled to receive the per diem
29 allowance and travel expenses provided for state officers and employees
30 generally.

31 3. The salaries, per diem allowances and travel expenses of the
32 members and employees of the board must be paid from any money
33 available to the ~~{division.}~~ **department.**

34 **Sec. 11.** NRS 561.085 is hereby amended to read as follows:

35 561.085 1. The board shall elect one of its members as chairman of
36 the board.

37 2. The ~~{administrator}~~ **director** shall act as the nonvoting recording
38 secretary of the board. He shall keep the minutes of the proceedings of the
39 board.

40 **Sec. 12.** NRS 561.115 is hereby amended to read as follows:

41 561.115 The ~~{administrator must be:~~

42 ~~1. Appointed}~~

director:

1 **1. Must be appointed** by the board with the approval of the ~~{director~~
2 ~~of the department of business and industry.~~

3 ~~—2. In~~ **governor.**

4 **2. Is in** the unclassified service.

5 **Sec. 13.** NRS 561.125 is hereby amended to read as follows:

6 561.125 The ~~{administrator}~~ **director** must be a graduate ~~{from}~~ **of** an
7 accredited college or university and have at least 5 years' experience in
8 official agricultural or livestock regulatory work, public administration,
9 accounting or business administration.

10 **Sec. 14.** NRS 561.135 is hereby amended to read as follows:

11 561.135 The salary of the ~~{administrator}~~ **director** may be apportioned
12 and paid from any money available to the ~~{division}~~ **department** unless
13 otherwise provided by specific statute.

14 **Sec. 15.** NRS 561.205 is hereby amended to read as follows:

15 561.205 The ~~{administrator}~~ **director** shall appoint a person to manage
16 the activities of the ~~{division}~~ **department** pertaining to the protection and
17 promotion of the livestock industry of the State of Nevada. The person
18 must be appointed on the basis of merit and is in the unclassified service.
19 He must be a graduate of a veterinary school or college approved by the
20 American Veterinary Medical Association, and have at least 5 years'
21 experience in official work for regulating and controlling diseases in
22 livestock. The ~~{administrator}~~ **director** may remove the person from office
23 with the approval of the board.

24 **Sec. 16.** NRS 561.209 is hereby amended to read as follows:

25 561.209 The ~~{administrator}~~ **director** shall appoint a person to manage
26 the activities of the ~~{division}~~ **department** pertaining to brands and marks
27 and brand inspection in the State of Nevada. The person must be appointed
28 on the basis of merit ~~{,}~~ and is in the unclassified service. The
29 ~~{administrator}~~ **director** may remove the person from office with the
30 approval of the board.

31 **Sec. 17.** NRS 561.214 is hereby amended to read as follows:

32 561.214 The ~~{administrator}~~ **director** shall appoint a person to manage
33 the activities of the ~~{division}~~ **department** pertaining to the protection and
34 promotion of the agricultural industry of the State of Nevada. The person
35 must be appointed on the basis of merit and is in the unclassified service.
36 He must be a graduate of an accredited college or university with a major
37 in one of the agricultural sciences, and have at least 5 years' experience in
38 official work for regulating agriculture. The ~~{administrator}~~ **director** may
39 remove the person from office with the approval of the board.

40 **Sec. 18.** NRS 561.218 is hereby amended to read as follows:

41 561.218 1. The ~~{administrator}~~ **director** shall appoint a person to
42 manage the activities of the ~~{division}~~ **department** pertaining to natural
43 resources, land use planning and the management and control of wild

1 horses and estrays. The person must be appointed on the basis of merit and
2 is in the unclassified service. The ~~{administrator}~~ **director** may remove the
3 person from office with the approval of the board.

4 2. The person appointed shall:

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

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

12 (c) Cooperate with private organizations and governmental agencies to
13 develop procedures and policies for the management and control of wild
14 horses.

15 (d) Monitor gatherings of estrays conducted pursuant to the provisions
16 of NRS 569.040 to 569.130, inclusive, and assist district brand inspectors
17 in identifying estrays before they are sold or given a placement or other
18 disposition through a cooperative agreement established pursuant to NRS
19 569.031.

20 (e) Provide the general public with information relating to the activities
21 of the ~~{division}~~ **department** and solicit recommendations from the general
22 public and advisory groups concerning those activities.

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

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

29 (h) Present testimony, conduct research and prepare reports for the
30 governor, the legislature, the ~~{administrator}~~ **director** and any other person
31 or governmental entity as directed by the ~~{administrator.}~~ **director.**

32 (i) Develop and carry out a program to educate the public concerning
33 the various programs administered by the ~~{division,}~~ **department**, including
34 programs for the management and control of estrays.

35 (j) Make proposals to the ~~{administrator}~~ **director** for the amendment of
36 the regulations adopted by the board pursuant to NRS 561.105.

37 (k) Perform such other duties as directed by the ~~{administrator.}~~
38 **director.**

39 3. As used in this section:

40 (a) "Estray" has the meaning ascribed to it in NRS 569.005.

41 (b) "Wild horse" has the meaning ascribed to it in NRS 504.430.

42 **Sec. 19.** This act becomes effective on July 1, 1999.

- 1 **Sec. 20.** The legislative counsel shall:
- 2 1. In preparing the reprint and supplements to the Nevada Revised
- 3 Statutes, with respect to any section that is not amended by this act or is
- 4 further amended by another act, appropriately change any reference to:
- 5 (a) “Division of minerals” to “department of minerals”;
- 6 (b) “Division of agriculture” to “department of agriculture”; and
- 7 (c) Any other agency or any officer whose name is changed or whose
- 8 responsibilities have been transferred pursuant to the provisions of this act
- 9 to refer to the appropriate agency or officer.
- 10 2. In preparing supplements to the Nevada Administrative Code,
- 11 appropriately change any reference to:
- 12 (a) “Division of minerals” to “department of minerals”;
- 13 (b) “Division of agriculture” to “department of agriculture”; and
- 14 (c) Any other agency or any officer whose name is changed or whose
- 15 responsibilities have been transferred pursuant to the provisions of this act
- 16 to refer to the appropriate agency or officer.

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