

ASSEMBLY BILL NO. 631—COMMITTEE ON NATURAL RESOURCES,
AGRICULTURE, AND MINING

(ON BEHALF OF DEPARTMENT OF AGRICULTURE)

MARCH 26, 2001

Referred to Committee on Natural Resources, Agriculture, and Mining

SUMMARY—Revises provisions governing quarantines proclaimed by state quarantine officer. (BDR 49-563)

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 agriculture; expanding the purposes for which the state quarantine officer may proclaim a quarantine of agricultural commodities; expanding the circumstances under which the state department of agriculture may require certain owners or occupants to control, treat or eradicate certain diseases, insects, plants, weeds or other pests; 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.** Chapter 554 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 to 7, inclusive, of this act.
3 **Sec. 2.** *“Agricultural commodity” means any bee, agricultural or*
4 *horticultural crop, seed, plant, tree or shrub, or any manufactured*
5 *product thereof, or other product of the soil, or any article except*
6 *livestock.*
7 **Sec. 3.** *“Exportation” means the transportation of any agricultural*
8 *commodity by any railroad, express company or other common carrier,*
9 *or by any person as baggage or by vehicle or automobile, or the*
10 *permitting to run at large of the agricultural commodity.*
11 **Sec. 4.** *“Farm” includes any farm, stock range, stockyard, dairy, lot*
12 *and other premises not otherwise enumerated.*
13 **Sec. 5.** *“Importation” means the transportation or movement of any*
14 *agricultural commodity into this state by any railroad, express company,*
15 *truckline or other common carrier, or by any person by vehicle,*
16 *automobile or otherwise.*



* A B 6 3 1 *

1 **Sec. 6.** *"Noxious weed" has the meaning ascribed to it in NRS*
2 **555.005.**

3 **Sec. 7.** *"Vertebrate pest" has the meaning ascribed to it in NRS*
4 **555.005.**

5 **Sec. 8.** NRS 554.010 is hereby amended to read as follows:

6 554.010 As used in ~~NRS 554.010 to 554.090, inclusive:~~

7 ~~1. "Agricultural commodity" includes any and all bees, agricultural or~~
8 ~~horticultural crops, seeds, plants, trees or shrubs, or any manufactured~~
9 ~~product thereof, or other products of the soil, or any article excepting~~
10 ~~livestock.~~

11 ~~2. "Importation" shall be construed to mean and include the~~
12 ~~transportation or movement of any agricultural commodity by any railroad,~~
13 ~~express company, truckline or other common carrier, or by any person or~~
14 ~~persons, by vehicle, automobile or otherwise, into this state.~~ *this chapter,*
15 *unless the context otherwise requires, the words and terms defined in*
16 *sections 2 to 7, inclusive, of this act have the meanings ascribed to them*
17 *in those sections.*

18 **Sec. 9.** NRS 554.020 is hereby amended to read as follows:

19 554.020 1. The state quarantine officer may proclaim and enforce *a*
20 quarantine against any state, territory or district, or any portion of any state,
21 territory or district, ~~with respect~~ *relating* to the importation into or
22 transportation through ~~the State of Nevada~~ *this state* of any agricultural
23 commodity, burlap, ~~containers~~ *container* or other packing material
24 ~~which may be infected~~ *that:*

25 ~~(a) Is infected~~ *with, or which may have been exposed to infection with,*
26 ~~any contagious or destructive disease, or be~~ *infested with or exposed to*
27 ~~infestation with parasites, weed seeds or propagating parts of plants or~~
28 ~~insect pests,~~ *a parasite, noxious weed, weed seed, propagating part of a*
29 ~~plant or vertebrate or invertebrate pest,~~ *or the eggs or larvae thereof;*
30 ~~and~~

31 ~~(b) Is dangerous to any:~~

32 ~~(1) The public health or quality of any water in this state; or~~

33 ~~(2) Any wildlife, beneficial use of land in or~~ *industry of this state.*

34 2. ~~No quarantine shall~~ *A quarantine must not* be issued ~~under~~
35 ~~pursuant to~~ the provisions of NRS 554.010 to 554.090, inclusive, ~~which~~
36 ~~if the issuance of the quarantine~~ *will conflict with the provisions of the*
37 ~~Constitution of the United States or any Act of the Congress of the United~~
38 ~~States.~~

39 3. The quarantine ~~shall remain~~ *remains* effective until vacated by *an*
40 order of the state quarantine officer.

41 **Sec. 10.** NRS 554.060 is hereby amended to read as follows:

42 554.060 1. Any agricultural commodity imported into or being
43 transported through this state in violation of any quarantine issued ~~under~~
44 ~~pursuant to~~ the provisions of NRS 554.010 to 554.090, inclusive, ~~shall~~
45 ~~must~~ be immediately seized by the state quarantine officer or his
46 authorized representative and treated in a manner approved by the state
47 quarantine officer, or destroyed or sent out of the state within 48 hours, at
48 the option and expense of the owner ~~for owners~~ thereof.



1 2. ~~{When the movement of any}~~ *If an agricultural* commodity *is*
2 seized by the state quarantine officer ~~{, as provided in}~~ *pursuant to the*
3 *provisions of* subsection 1 ~~{, to some point without}~~ *and the movement of*
4 *the agricultural commodity to a point outside of* the state would further
5 endanger ~~{any}~~ :
6 (a) *The public health or quality of any water in this state; or*
7 (b) *Any wildlife, beneficial use of land in or* industry of this
8 state,
9 the *agricultural* commodity ~~{so}~~ seized by the state quarantine officer
10 ~~{shall}~~ *must* be destroyed as provided in subsection 1.
11 **Sec. 11.** NRS 554.110 is hereby amended to read as follows:
12 554.110 The state quarantine officer ~~{is authorized and empowered to}~~
13 *may* proclaim and enforce *a* quarantine against any county or portion of
14 any county, farm, nursery or apiary within this state, ~~{with respect}~~ *relating*
15 to the exportation ~~{therefrom}~~ *from the county, farm, nursery or apiary* of
16 any other ~~{part}~~ *portion* of the state, of any agricultural commodity
17 ~~{infected}~~ *that*:
18 1. *Is infected* with, or which may have been exposed to, *an* infectious,
19 contagious or destructive ~~{diseases,}~~ *disease* or infested with ~~{parasites or~~
20 ~~insect pests,}~~ *a parasite, noxious weed, weed seed, propagating part of a*
21 *plant or vertebrate or invertebrate pest,* or the eggs or larvae thereof ~~{}~~ ;
22 *and*
23 2. *Is dangerous to* ~~{any industry in the}~~ :
24 (a) *The public health or quality of any water in this state; or*
25 (b) *Any wildlife, beneficial use of land in or* industry of this state.
26 **Sec. 12.** NRS 554.120 is hereby amended to read as follows:
27 554.120 1. ~~{Whenever it shall appear}~~ *If it appears* to the state
28 quarantine officer that ~~{any industry in the}~~ :
29 (a) *The public health or quality of any water in this state; or*
30 (b) *Any wildlife, beneficial use of land in or* industry of this
31 state ,
32 is endangered by exportations *of any agricultural commodity to any*
33 *portion of the state* from any county, portion of any county, farm, nursery
34 or apiary within the state, ~~{to other parts of the state, of any commodity,}~~
35 he shall ~~{at once}~~ *immediately* take steps to ascertain the facts thereof.
36 2. If in the opinion of the state quarantine officer the facts so warrant,
37 he shall by proclamation declare ~~{such}~~ *that* county, or portion of ~~{such}~~
38 *that* county, farm, nursery or apiary quarantined from exportations of any
39 such *agricultural* commodity to *any* other ~~{parts}~~ *portion* of the state.
40 3. The quarantine ~~{shall remain}~~ *remains* effective until vacated by *an*
41 order of the state quarantine officer.
42 **Sec. 13.** NRS 554.140 is hereby amended to read as follows:
43 554.140 1. The state quarantine officer ~~{shall be}~~ *is* responsible for
44 carrying out the provisions of NRS ~~{554.100}~~ *554.110* to 554.240,
45 inclusive.
46 2. The sheriff and all peace officers of any county, ~~{when}~~ *if* called
47 upon by the state quarantine officer, shall aid and assist him in the
48 enforcement of *a* quarantine and in the arrest of any person accused of
49 violating the ~~{same}~~ *quarantine*. The district attorney of any county in



1 which any person is charged with a misdemeanor ~~under NRS 554.100~~
2 *pursuant to the provisions of NRS 554.110* to 554.240, inclusive, shall
3 prosecute the ~~same~~ *misdemeanor*.

4 **Sec. 14.** NRS 554.160 is hereby amended to read as follows:

5 554.160 1. The state quarantine officer ~~is empowered:~~

6 ~~—(a) To exercise~~ *may:*

7 *(a) Exercise* all necessary authority required for the proper and efficient
8 enforcement of *a* quarantine.

9 (b) ~~To make~~ *Make* arrests of persons violating *a* quarantine, or
10 suspected of such *a* violation.

11 (c) ~~To examine~~ *Examine* any premises or any shipment or
12 consignment suspected of containing a quarantined agricultural commodity
13 within the meaning of NRS ~~554.100~~ *554.110* to 554.240, inclusive, and
14 may open any container thereof and inspect the ~~same~~ *the contents of the*
15 *container*.

16 2. If such *a* shipment or consignment proves to be a quarantined
17 agricultural commodity, the state quarantine officer ~~shall have power to~~
18 *may* require any railroad, express company or other common carrier
19 immediately to reship ~~such~~ *the* consignment back to the point of origin, if
20 the ~~same~~ *consignment* has not yet been delivered to the consignee. The
21 failure or refusal of any railroad company, express company or other
22 common carrier promptly ~~to~~ to do ~~shall render~~ *so renders* the company
23 or carrier so offending liable ~~to~~ *for* a fine of not more than \$5,000, which
24 fine may be collected by proceedings instituted by the state and prosecuted
25 by the attorney general in any court of competent jurisdiction. Any
26 property of the defendant within the state may be levied on and sold in
27 satisfaction of the judgment.

28 **Sec. 15.** NRS 554.170 is hereby amended to read as follows:

29 554.170 If, in the opinion of the state quarantine officer, any
30 agricultural commodity forbidden to be exported by any proclamation of *a*
31 quarantine is endangering ~~any~~ :

32 1. *The public health or quality of any water in this state; or*

33 2. *Any wildlife, beneficial use of land in or* industry of ~~the state, it~~
34 *this state,*
35 *the agricultural commodity* may be fumigated, disinfected, treated or
36 destroyed by the state quarantine officer.

37 **Sec. 16.** NRS 554.230 is hereby amended to read as follows:

38 554.230 In any criminal proceeding arising under NRS ~~554.100~~
39 *554.110* to 554.240, inclusive, proof that any agricultural commodity,
40 forbidden by *a* proclamation of *a* quarantine from export, was exported in
41 violation of *the* quarantine shall be deemed proof, within the meaning of
42 NRS ~~554.100~~ *554.110* to 554.240, inclusive, that the ~~same~~ *agricultural*
43 *commodity* was diseased, exposed to disease or infested.

44 **Sec. 17.** NRS 555.100 is hereby amended to read as follows:

45 555.100 1. The department shall, ~~whenever~~ *if* necessary or
46 ~~whenever~~ *if* a complaint is made to the department, cause an inspection to
47 be ~~made~~ *conducted* of any premises ~~within the jurisdiction of the~~
48 ~~department,~~ *, land, means of conveyance or article of any person in this*



1 ~~state, and if found infested with an infectious~~ ~~{diseases, insects, weeds or~~
2 ~~other pests}~~ *disease, insect, plant, weed, or other pest that is* injurious to :
3 (a) *The public health or quality of any water in this state; or*
4 (b) *Any wildlife, beneficial use of land or agriculture* ~~{}~~ *in this*
5 *state,*
6 the department may ~~{, in writing, notify}~~ *provide a written notice of its*
7 *findings to* the owner or occupant of the premises ~~{that the premises are~~
8 ~~infested or infected with those diseases, insects, weeds or other pests. The~~
9 ~~department may require the owner or occupant}~~ , *land, means of*
10 *conveyance or article and require him* to control , *treat* or eradicate ~~{those~~
11 ~~diseases, insects, weeds}~~ *the disease, insect, weed* or other ~~{pests within a~~
12 ~~certain period to be}~~ *pest in the manner and within the period* specified in
13 the notice.
14 2. ~~{Notices may}~~ *A notice issued pursuant to the provisions of*
15 *subsection 1:*
16 (a) *May* be served upon the owner or occupant by an officer or
17 employee of the department ~~{, and must}~~ ; *and*
18 (b) *Must* be served in writing, by certified mail or personally, with
19 receipt given therefor.
20 **Sec. 18.** NRS 554.100 is hereby repealed.
21 **Sec. 19.** This act becomes effective on July 1, 2001.

TEXT OF REPEALED SECTION

554.100 Definitions. As used in NRS 554.100 to 554.240, inclusive:

1. "Agricultural commodity" means any bees, agricultural or horticultural crops, seeds, plants, trees or shrubs or any manufactured product thereof, or other products of the soil, or any article, except livestock.
2. "Exportation" shall be construed to mean and include the transportation of any commodity by any railroad, express company or other common carrier, or by any person or persons as baggage or by vehicle or automobile, or the permitting to run at large of the same.
3. "Farm" means and includes any farm, stock range, stockyard, dairy, lot or other premises not otherwise enumerated.

