

Assembly Bill No. 631—Committee on Natural Resources, Agriculture, and  
Mining

CHAPTER.....

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:

**Section 1.** Chapter 554 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

**Sec. 2.** *“Agricultural commodity” means any bee, agricultural or horticultural crop, seed, plant, tree or shrub, or any manufactured product thereof, or other product of the soil, or any article except livestock.*

**Sec. 3.** *“Exportation” means the transportation of any agricultural commodity by any railroad, express company or other common carrier, or by any person as baggage or by vehicle or automobile, or the permitting to run at large of the agricultural commodity.*

**Sec. 4.** *“Farm” includes any farm, stock range, stockyard, dairy, lot and other premises not otherwise enumerated.*

**Sec. 5.** *“Importation” means the transportation or movement of any agricultural commodity into this state by any railroad, express company, truckline or other common carrier, or by any person by vehicle, automobile or otherwise.*

**Sec. 6.** *“Noxious weed” has the meaning ascribed to it in NRS 555.005.*

**Sec. 7.** *“Vertebrate pest” has the meaning ascribed to it in NRS 555.005.*

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

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

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

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

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

554.020 1. The state quarantine officer may proclaim and enforce *a* quarantine against any state, territory or district, or any portion of any state, territory or district, ~~with respect to~~ *relating* to the importation into or transportation through ~~the State of Nevada~~ *this state* of any agricultural

commodity, burlap, ~~containers~~ *container* or other packing material ~~which may be infected~~ *that*:

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

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

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

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

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

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

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

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

2. ~~When the movement of any~~ *If an agricultural* commodity *is* seized by the state quarantine officer ~~as provided in~~ *pursuant to the provisions of* subsection 1 ~~to some point without~~ *and the movement of the agricultural commodity to a point outside of* the state would further endanger ~~any~~ *:*

(a) *The public health or quality of any water in this state; or*

(b) *Any wildlife, beneficial use of land in or* industry of this state, the *agricultural* commodity ~~so~~ seized by the state quarantine officer ~~shall~~ *must* be destroyed as provided in subsection 1.

**Sec. 11.** NRS 554.110 is hereby amended to read as follows:

554.110 The state quarantine officer ~~is authorized and empowered to~~ *may* proclaim and enforce *a* quarantine against any county or portion of any county, farm, nursery or apiary within this state, ~~with respect~~ *relating* to the exportation ~~therefrom~~ *from the county, farm, nursery or apiary* to any other ~~part~~ *portion* of the state, of any agricultural commodity ~~infected~~ *that*:

1. *Is infected* with, or which may have been exposed to, *an* infectious, contagious or destructive ~~diseases,~~ *disease* or infested with ~~parasites or insect pests,~~ *a parasite, noxious weed, weed seed, propagating part of a plant or vertebrate or invertebrate pest*, or the eggs or larvae thereof ~~;~~ *;* and

2. *Is dangerous to* ~~any industry in the~~ *:*

(a) *The public health or quality of any water in this state; or*

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

**Sec. 12.** NRS 554.120 is hereby amended to read as follows:

554.120 1. ~~{Whenever it shall appear}~~ *If it appears* to the state quarantine officer that ~~{any industry in the}~~ :

*(a) The public health or quality of any water in this state; or*

*(b) Any wildlife, beneficial use of land in or industry of this state,*

is endangered by exportations *of any agricultural commodity to any portion of the state* from any county, portion of any county, farm, nursery or apiary within the state, ~~{to other parts of the state, of any commodity,}~~ he shall ~~{at once}~~ *immediately* take steps to ascertain the facts thereof.

2. If in the opinion of the state quarantine officer the facts so warrant, he shall by proclamation declare ~~{such}~~ *that* county, or portion of ~~{such}~~ *that* county, farm, nursery or apiary quarantined from exportations of any such *agricultural* commodity to *any* other ~~{parts}~~ *portion* of the state.

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

**Sec. 13.** NRS 554.140 is hereby amended to read as follows:

554.140 1. The state quarantine officer ~~{shall be}~~ *is* responsible for carrying out the provisions of NRS ~~{554.100}~~ *554.110* to 554.240, inclusive.

2. The sheriff and all peace officers of any county, ~~{when}~~ *if* called upon by the state quarantine officer, shall aid and assist him in the enforcement of *a* quarantine and in the arrest of any person accused of violating the ~~{same}~~ *quarantine*. The district attorney of any county in which any person is charged with a misdemeanor ~~{under NRS 554.100}~~ *pursuant to the provisions of NRS 554.110* to 554.240, inclusive, shall prosecute the ~~{same}~~ *misdemeanor*.

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

554.160 1. The state quarantine officer ~~{is empowered}~~ :

~~—(a) To exercise}~~ *may:*

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

*(b) {To make} Make* arrests of persons violating *a* quarantine, or suspected of such *a* violation.

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

2. If such *a* shipment or consignment proves to be a quarantined agricultural commodity, the state quarantine officer ~~{shall have power to}~~ *may* require any railroad, express company or other common carrier immediately to reship ~~{such}~~ *the* consignment back to the point of origin, if the ~~{same}~~ *consignment* has not yet been delivered to the consignee. The failure or refusal of any railroad company, express company or other common carrier promptly ~~{so}~~ to do ~~{shall render}~~ *so renders* the company or carrier so offending liable ~~{to}~~ *for* a fine of not more than \$5,000, which fine may be collected by proceedings instituted by the state and prosecuted by the attorney general in any court of competent jurisdiction. Any

property of the defendant within the state may be levied on and sold in satisfaction of the judgment.

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

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

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

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

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

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

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

555.100 1. The department shall, ~~whenever~~ *if* necessary or ~~whenever~~ *if* a complaint is made to the department, cause an inspection to be ~~made~~ *conducted* of any premises ~~within the jurisdiction of the department,~~ *land, means of conveyance or article of any person in this state,* and if found infested with *an* infectious ~~diseases, insects, weeds or other pests~~ *disease, insect, plant, weed, or other pest that is* injurious to :

(a) *The public health or quality of any water in this state; or*

(b) *Any wildlife, beneficial use of land or* agriculture ~~it~~ *in this state,*

the department may ~~in writing, notify~~ *provide a written notice of its findings to* the owner or occupant of the premises ~~that the premises are infested or infected with those diseases, insects, weeds or other pests. The department may require the owner or occupant~~ *land, means of conveyance or article and require him* to control, *treat* or eradicate ~~those diseases, insects, weeds~~ *the disease, insect, weed* or other ~~pests within a certain period to be~~ *pest in the manner and within the period* specified in the notice.

2. ~~Notices may~~ *A notice issued pursuant to the provisions of subsection 1:*

(a) *May* be served upon the owner or occupant by an officer or employee of the department ~~and must~~ *; and*

(b) *Must* be served in writing, by certified mail or personally, with receipt given therefor.

**Sec. 18.** NRS 554.100 is hereby repealed.

**Sec. 19.** This act becomes effective on July 1, 2001.