

SENATE BILL NO. 165—SENATOR RHODS

MARCH 8, 2005

Referred to Committee on Natural Resources

SUMMARY—Specifies permissible uses by State Department of Agriculture of certain fees and other money.
(BDR 50-1136)

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; providing that certain fees and other money may only be used by the State Department of Agriculture to carry out certain provisions relating to weights and measures, public weighmasters and petroleum products; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law prescribes the duties of the State Department of Agriculture and
2 provides that the Director of the Department shall perform the duties of the State
3 Sealer of Weights and Measures. (Chapter 561 of NRS) Existing law creates the
4 Division of Measurement Standards within the Department to administer and
5 enforce the provisions of law concerning standards for weights and measures, and
6 public weighing and the inspection, branding and advertisement of certain
7 petroleum products. (NRS 561.108, Chapters 581 and 582 of NRS, NRS 590.010-
8 590.330) Existing law directs the State Sealer of Weights and Measures to establish
9 and collect fees for certain tests, licenses and certificates as part of the duties for
10 administering standards for weights and measures and public weighing. (NRS
11 581.075, 582.040)

12 This bill provides that certain fees and other money collected by the State
13 Sealer of Weights and Measures must be deposited in a separate account in the
14 State General Fund for the use of the State Department of Agriculture. Money in
15 the account may be used by the Department only to carry out certain duties of the
16 Department and of the State Sealer of Weights and Measures.

17 Existing law requires the Department of Motor Vehicles to impose an
18 inspection fee for motor vehicle fuel or lubricating oil that is transported into or
19 held for sale in the State and transfer 0.005 of a cent per gallon into an account in
20 the State General Fund for the State Board of Agriculture. (NRS 590.120)



21 This bill requires the entire inspection fee collected to be deposited into the
22 separate account created in the State General Fund for the use of the State
23 Department of Agriculture. This bill provides that the expenses incurred by the
24 Department of Motor Vehicles in carrying out the provisions of NRS 590.120 are a
25 charge against the account.

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. In addition to the inspection fees and other money*
4 *transferred pursuant to NRS 590.120, all fees and other money*
5 *collected pursuant to the provisions of NRS 581.001 to 581.395,*
6 *inclusive, and 582.001 to 582.210, inclusive, must be deposited in*
7 *the State Treasury and credited to a separate account in the State*
8 *General Fund for the use of the Department.*

9 *2. Expenditures from the account must be made only for*
10 *carrying out the provisions of this chapter and chapters 581 and*
11 *582 of NRS and NRS 590.010 to 590.330, inclusive.*

12 *3. Money in the account does not lapse to the State General*
13 *Fund at the end of a fiscal year. The interest and income earned*
14 *on the money in the account, after deducting any applicable*
15 *charges, must be credited to the account.*

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

17 561.355 1. The Plant Industry Program is hereby established.

18 2. The following fees and money must be used in the Plant
19 Industry Program:

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

22 (b) Laboratory fees collected for the diagnosis of infectious,
23 contagious and parasitic diseases of bees, as authorized by NRS
24 561.305, and as are necessary pursuant to the provisions of chapter
25 552 of NRS.

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

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

34 (e) Laboratory fees collected for the testing of the purity and
35 germinating power of agricultural seeds, as authorized by NRS



561.305, and as may be necessary pursuant to the provisions of NRS 587.015 to 587.123, inclusive.

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

3. Expenditures for the Plant Industry Program must be made only for the purposes of carrying out the provisions of this chapter and chapters 552, 554, 555 ~~[-581, 582]~~ and 587 of NRS.

4. The money credited to the Program pursuant to NRS 375.026 must be allocated for disbursement to each county in proportion to the amount of money collected in that county and must only be used:

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

(1) Invasive species; and

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

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

5. Not later than 30 days after the beginning of each fiscal year, the Department shall present to each board of county commissioners for approval by each such board proposed programs for the exclusion, detection and control of invasive species and endemic pests and weeds designated by the Director that involve cooperative action between the Department and the county.

6. As used in this section:

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

(b) "Local government" has the meaning ascribed to it in NRS 237.050.

Sec. 3. NRS 590.120 is hereby amended to read as follows:

590.120 1. Every person, or any officer, agent or employee thereof, shipping or transporting any motor vehicle fuel or lubricating oil into this State for sale or consignment, or with intent to sell or consign the same, shall pay to the Department of Motor Vehicles an inspection fee of 0.055 of a cent per gallon for every gallon of motor vehicle fuel or lubricating oil so shipped or transported into the State, or that is held for sale within this State. This section does not require the payment of an inspection fee on any shipment or consignment of motor vehicle fuel or lubricating oil when the inspection fee has been paid.

2. ~~Of each inspection fee paid to the Department of Motor Vehicles pursuant to this section, 0.005 of a cent per gallon~~ *The inspection fees collected pursuant to the provisions of subsection 1, together with any penalties and interest collected thereon,* must



1 be transferred quarterly to ~~the~~ *the* account in the State General
2 Fund *created pursuant to section 1 of this act*, for the *use of the*
3 State ~~Board~~ *Department* of Agriculture. ~~The State Board of~~
4 ~~Agriculture shall use all money transferred pursuant to this~~
5 ~~subsection to pay the expenses incurred in enforcing the provisions~~
6 ~~of NRS 590.070.]~~

7 3. On or before the last day of each calendar month, every
8 person, or any officer, agent or employee thereof, required to pay
9 the inspection fee described in subsection 1 shall send to the
10 Department of Motor Vehicles a correct report of the motor vehicle
11 fuel or oil volumes for the preceding month. The report must
12 include a list of distributors or retailers distributing or selling the
13 products and must be accompanied by the required fees.

14 4. Failure to send the report and remittance as specified in
15 subsections 1 and 3 is a violation of NRS 590.010 to 590.150,
16 inclusive, and is punishable as provided in NRS 590.150.

17 5. The provisions of this section must be carried out in the
18 manner prescribed in chapters 360A and 365 of NRS.

19 *6. All expenses incurred by the Department of Motor Vehicles*
20 *in carrying out the provisions of this section are a charge against*
21 *the account created pursuant to section 1 of this act.*

22 *7. For the purposes of this section, "motor vehicle fuel" does*
23 *not include diesel fuel, burner fuel or kerosene.*

24 **Sec. 4.** NRS 590.130 is hereby repealed.

25 **Sec. 5.** This act becomes effective on July 1, 2007.

TEXT OF REPEALED SECTION

590.130 Disposition of inspection fees. Except as otherwise provided in subsection 2 of NRS 590.120, all inspection fees received by the Department of Motor Vehicles must be deposited with the State Treasurer for credit to the State General Fund, and all expenses incurred in carrying out the provisions of NRS 590.010 to 590.150, inclusive, must be paid out of funds provided by direct legislative appropriation.

