

Amendment No. 385

Senate Amendment to Senate Bill No. 110 (BDR 49-500)

Proposed by: Senate Committee on Natural Resources**Amendment Box:** Replaces Amendment No. 193.**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	☐	Lost	☐ _____	Adopted	☐	Lost	☐ _____
Concurred In	☐	Not	☐ _____	Concurred In	☐	Not	☐ _____
Receded	☐	Not	☐ _____	Receded	☐	Not	☐ _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) green bold dashed underlining is newly added transitory language.

SJH/JRS



Date: 4/13/2009

S.B. No. 110—Authorizes the State Quarantine Officer to adopt regulations specifying a schedule of administrative fines for certain violations relating to noxious weeds. (BDR 49-500)



SENATE BILL NO. 110—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON PUBLIC LANDS)

PREFILED DECEMBER 31, 2008

Referred to Committee on Natural Resources

SUMMARY—Authorizes the State Quarantine Officer to adopt regulations specifying a schedule of administrative fines for certain violations relating to noxious weeds. (BDR 49-500)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 noxious weeds; authorizing the State Quarantine Officer to adopt regulations specifying a schedule of administrative fines for certain violations relating to noxious weeds; authorizing the State Quarantine Officer to require a violator to take certain corrective actions; ***authorizing a weed control officer to impose administrative fines under certain circumstances;*** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Quarantine Officer to provide for the control and eradication of noxious weeds in this State. (NRS 555.130-555.201) **Section 1** of this bill authorizes the State Quarantine Officer to adopt regulations specifying a schedule of administrative fines for the failure to control and eradicate noxious weeds. **Section 1** also authorizes the State Quarantine Officer to take certain actions or to order a violator to take certain actions if the noxious weeds are not controlled or eradicated. Further, **section 1** requires the violator to pay for the cost of any action so ordered. **Section 2** of this bill provides for the use of the money collected from administrative fines. **Section 3** of this bill clarifies that the misdemeanor provisions set forth in NRS 555.201 are in addition to any administrative fine imposed by the State Quarantine Officer. ***Section 3 also authorizes the State Quarantine Officer to recover the costs of prosecuting a person for such a misdemeanor. Section 4 of this bill provides that if a landowner fails to carry out a plan of weed control in compliance with the regulations of the weed control district, the weed control officer may impose an administrative fine. (NRS 555.210) Section 5 of this bill clarifies that the misdemeanor provisions set forth in NRS 555.220 are in addition to any administrative fine imposed by the weed control officer. Section 5 also authorizes the weed control officer to recover the costs of prosecuting a person for such a misdemeanor. (NRS 555.220)***

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

Section 1. Chapter 555 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The State Quarantine Officer may adopt regulations specifying a schedule of administrative fines which may be imposed, upon notice and a hearing, for each violation of a provision of this section and NRS 555.130 to 555.220, inclusive, or any regulation adopted pursuant thereto. The maximum administrative fine that may be imposed by the State Quarantine Officer for each violation must not exceed \$1,000.*

2. *If an administrative fine is imposed against a person pursuant to subsection 1 and the noxious weeds for which the person received the administrative fine are not cut, eradicated or destroyed, the State Quarantine Officer may cause the noxious weeds to be cut, eradicated or destroyed in accordance with NRS 555.160 to 555.200, inclusive.*

3. *The State Quarantine Officer may:*

(a) *In addition to imposing an administrative fine pursuant to subsection 1 or taking any action pursuant to subsection 2, issue an order requiring a violator to take appropriate action to correct the violation. The violator shall pay the cost of any appropriate action so ordered.*

(b) *Request the district attorney of the appropriate county to investigate or file a criminal complaint against any person who the State Quarantine Officer suspects may have committed flagrant or repeated violations of any provision of this section and NRS 555.130 to 555.220, inclusive.*

4. *In addition to any cost paid pursuant to paragraph (a) of subsection 3, if an administrative fine is imposed pursuant to this section, the costs of the proceeding, including ~~it, without limitation,~~ investigative costs and attorney's fees, may be recovered by the State Quarantine Officer.*

Sec. 2. NRS 555.140 is hereby amended to read as follows:

555.140 1. The State Quarantine Officer shall carry out and enforce the provisions of NRS 555.130 to 555.220, inclusive ~~H~~, *and section 1 of this act.*

2. To secure information ~~better~~ to carry out *more effectively* the provisions of NRS 555.130 to 555.220, inclusive, *and section 1 of this act*, the State Quarantine Officer may conduct reasonably limited trials of various methods of controlling or eradicating noxious or potentially noxious weeds under practical Nevada conditions.

3. The State Quarantine Officer may provide supervision and technical advice in connection with any project approved by him for the control or eradication of any noxious weed or weeds in this State.

4. ~~{All funds}~~ *Except as otherwise provided in subsection 5, all money appropriated for, or received incident to, the control or eradication of any noxious weeds, including, without limitation, any money collected pursuant to subsection 6, must be available for carrying out the provisions of NRS 555.130 to 555.220, inclusive H, and section 1 of this act.*

5. *Except as otherwise provided in subsection 6, all administrative fines collected by the State Quarantine Officer pursuant to section 1 of this act must be deposited with the State Treasurer for credit to the State General Fund.*

6. *The State Quarantine Officer may delegate to a hearing officer or panel the authority of the State Quarantine Officer to impose and collect administrative fines pursuant to section 1 of this act and use the money collected from such fines in accordance with subsection 4.*

1 **Sec. 3.** NRS 555.201 is hereby amended to read as follows:

2 555.201 ~~{Any}~~ *In addition to any administrative fine imposed pursuant to*
3 *section 1 of this act, any* person violating any of the provisions of NRS 555.130 to
4 555.200, inclusive, *and section 1 of this act* or failing, refusing or neglecting to
5 perform or observe any conditions or regulations prescribed by the State Quarantine
6 Officer, in accordance with the provisions of NRS 555.130 to 555.200, inclusive,
7 *and section 1 of this act* is guilty of a misdemeanor. *The State Quarantine Officer*
8 *may recover the costs of the proceeding, including investigative costs and*
9 *attorney's fees, against a person convicted of a misdemeanor pursuant to this*
10 *section.*

11 **Sec. 4.** NRS 555.210 is hereby amended to read as follows:

12 555.210 1. If any landowner fails to carry out a plan of weed control for his
13 land in compliance with the regulations of the district, the weed control officer may
14 :

15 (a) For a first violation, impose an administrative fine of not more than
16 \$1,000, as determined by the regulations of the district.

17 (b) For a second or subsequent violation, enter upon the land affected,
18 perform any work necessary to carry out the plan, and charge such work against the
19 landowner. Any such charge, until paid, is a lien against the land affected coequal
20 with a lien for unpaid general taxes, and may be enforced in the same manner.

21 2. Except as otherwise provided in subsection 3, all administrative fines
22 collected by the weed control officer pursuant to this section must be deposited
23 with the treasurer of the county in which the administrative fine is imposed for
24 credit to the general fund of the county.

25 3. The weed control officer may delegate to a hearing officer or panel the
26 authority of the weed control officer to impose and collect administrative fines
27 pursuant to subsection 1 and use the money collected from such fines to carry out
28 the provisions of NRS 555.202 to 555.220, inclusive, within the weed control
29 district.

30 **Sec. 5.** NRS 555.220 is hereby amended to read as follows:

31 555.220 ~~{Any}~~ *In addition to any administrative fine imposed pursuant to*
32 *NRS 555.210, any* person violating any of the provisions of NRS 555.202 to
33 555.210, inclusive, or failing, refusing or neglecting to perform or observe any
34 conditions or regulations prescribed by the State Quarantine Officer, in accordance
35 with the provisions of NRS 555.202 to 555.210, inclusive, is guilty of a
36 misdemeanor. *A weed control officer may, on behalf of the weed control district*
37 *for which he is the weed control officer and in which the violation occurred,*
38 *recover the costs of the proceeding, including investigative costs and attorney's*
39 *fees, against a person convicted of a misdemeanor pursuant to this section.*