

ASSEMBLY BILL NO. 33—COMMITTEE ON NATURAL
RESOURCES, AGRICULTURE, AND MINING

(ON BEHALF OF THE OFFICE OF THE GOVERNOR)

PREFILED NOVEMBER 16, 2016

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Abolishes certain boards, commissions and councils
relating to natural resources. (BDR 46-312)

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 governmental administration; abolishing the Mining Oversight and Accountability Commission, the Garlic and Onion Growers' Advisory Board, the State Dairy Commission, the Alfalfa Seed Advisory Board and the Advisory Council for Organic Agricultural Products; transferring the powers and duties of the State Dairy Commission to the Director of the State Department of Agriculture; revising provisions governing the special assessment levied upon all garlic and onions grown and harvested in this State for commercial use and all alfalfa seed grown in this State; clarifying the authority of the State Department of Agriculture to test products to ensure appropriate food safety; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law creates the Mining Oversight and Accountability Commission and
- 2 provides for the membership of the Commission. (NRS 514A.040) The
- 3 Commission is required to provide oversight of compliance with Nevada law
- 4 relating to the activities of each state agency, board, bureau, commission,
- 5 department or division with respect to taxation, operation, safety and environmental
- 6 regulation of mines and mining in this State. (NRS 514A.060) Existing law also
- 7 creates the Garlic and Onion Growers' Advisory Board, the Alfalfa Seed Advisory
- 8 Board and the Advisory Council for Organic Agricultural Products and sets forth



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the powers and duties of those boards and that council. (NRS 556.020, 556.040, 587.135, 587.145, 587.810) **Section 43** of this bill abolishes the Mining Oversight and Accountability Commission, the Garlic and Onion Grower's Advisory Board, the Alfalfa Seed Advisory Board and the Advisory Council for Organic Agricultural Products. **Sections 1-4, 7-10, 14, 15 and 32-35** of this bill make conforming changes.

Existing law requires the State Department of Agriculture, on or before August 1 of each year, to fix an annual special assessment not to exceed \$10 per acre to be levied upon all garlic and onions grown and harvested in this State for commercial use and not to exceed 50 cents per hundred weight of alfalfa seed to be levied upon all alfalfa seed grown in this State. (NRS 556.070, 587.155) **Sections 11 and 36** of this bill authorize, rather than require, the Department to fix the annual special assessment. **Sections 12-15, 37 and 38** of this bill make conforming changes.

Existing law creates the State Dairy Commission consisting of three members within the State Department of Agriculture. (NRS 584.031) Existing law sets forth the powers and duties of the Commission which include, without limitation: (1) the authority to enter into contracts with any person to assist the Commission in carrying out the duties of the Commission; (2) the duty to maintain a separate record of the classes and sources of income credited to the Dairy Commission Fund and of the disbursements from the Fund; (3) the authority to adopt regulations to carry out the provisions governing dairy products and the duty to enforce those provisions; (4) the authority to issue licenses to distributors and to require the registration of producers; and (5) the authority to formulate a stabilization and marketing plan for certain purposes relating to the production, distribution and sale of fluid milk, fluid cream and other dairy products. (NRS 584.047, 584.057, 584.067, 584.077, 584.089, 584.547) **Sections 5, 6 and 16-31** of this bill transfer the powers and duties of the State Dairy Commission to the Director of the State Department of Agriculture. **Section 6** also clarifies that the provisions of law governing the administration of public health do not modify or alter the authority of the State Department of Agriculture to test products to ensure appropriate food safety.

Sections 39-42 of this bill set forth transitory provisions concerning the abolishment of the boards, commissions and council specified in this bill and the transfer of the powers and duties of the State Dairy Commission to the Director of the State Department of Agriculture, including the transfer and adoption of regulations, the effect of name changes on any existing contracts, revisions that may be necessary to other provisions of existing law and regulations to the changes made in this bill and other necessary direction to carry out the intent of this bill.

If this bill is enacted, the Legislative Counsel and the Legal Division of the Legislative Counsel Bureau will be required by **section 40** and NRS 220.120 to conform all sections of law not included in this bill to the provisions and reorganization of this bill.

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

Section 1. NRS 512.140 is hereby amended to read as follows:
512.140 The Administrator shall submit annually to the Governor, ~~{and to the Mining Oversight and Accountability Commission created by NRS 514A.040,}~~ as soon as practicable after the beginning of each calendar year, a full report of the



1 administration of the Administrator's functions under this chapter
2 during the preceding calendar year. The report must include, either
3 in summary or detailed form, the information obtained by the
4 Administrator under this chapter together with such findings and
5 comments thereon and such recommendations as the Administrator
6 may deem proper.

7 **Sec. 2.** NRS 513.063 is hereby amended to read as follows:

8 513.063 The Commission shall:

9 1. Keep itself informed of and interested in the entire field of
10 legislation and administration charged to the Division.

11 2. Report to the Governor ~~to the Mining Oversight and~~
12 ~~Accountability Commission created by NRS 514A.040~~ and the
13 Legislature on all matters which it may deem pertinent to the
14 Division, and concerning any specific matters previously requested
15 by the Governor . ~~for the Mining Oversight and Accountability~~
16 ~~Commission.~~

17 3. Advise and make recommendations to the Governor ~~to the~~
18 ~~Mining Oversight and Accountability Commission~~ and the
19 Legislature concerning the policy of this State relating to minerals.

20 4. Formulate the administrative policies of the Division.

21 5. Adopt regulations necessary for carrying out the duties of
22 the Commission and the Division.

23 **Sec. 3.** NRS 513.093 is hereby amended to read as follows:

24 513.093 The Administrator:

25 1. Shall coordinate the activities of the Division.

26 2. Shall report to the Commission upon all matters pertaining
27 to the administration of the Division.

28 ~~3. Shall attend each regular meeting of the Mining Oversight~~
29 ~~and Accountability Commission created by NRS 514A.040 and each~~
30 ~~special meeting if requested by the Chair of that Commission and:~~

31 ~~—(a) Report to the Mining Oversight and Accountability~~
32 ~~Commission on the activities of the Division undertaken since the~~
33 ~~Division's previous report, including, without limitation, an~~
34 ~~accounting of any fees or fines imposed or collected;~~

35 ~~—(b) The current condition of mining and of exploration for and~~
36 ~~production of oil, gas and geothermal energy in the State; and~~

37 ~~—(c) Provide any technical information required by the Mining~~
38 ~~Oversight and Accountability Commission during the course of the~~
39 ~~meeting.]~~

40 **Sec. 4.** NRS 362.120 is hereby amended to read as follows:

41 362.120 1. The Department shall, from the statement filed
42 pursuant to NRS 362.110 and from all obtainable data, evidence and
43 reports, compute in dollars and cents the gross yield and net
44 proceeds of the calendar year immediately preceding the year in
45 which the statement is filed.



2. The gross yield must include the value of any mineral extracted which was:

- (a) Sold;
- (b) Exchanged for any thing or service;
- (c) Removed from the State in a form ready for use or sale; or
- (d) Used in a manufacturing process or in providing a service, during that period.

3. The net proceeds are ascertained and determined by subtracting from the gross yield the following deductions for costs incurred during that period, and none other:

(a) The actual cost of extracting the mineral, which is limited to direct costs for activities performed in the State of Nevada.

(b) The actual cost of transporting the mineral to the place or places of reduction, refining and sale.

(c) The actual cost of reduction, refining and sale.

(d) The actual cost of delivering the mineral.

(e) The actual cost of maintenance and repairs of:

(1) All machinery, equipment, apparatus and facilities used in the mine.

(2) All milling, refining, smelting and reduction works, plants and facilities.

(3) All facilities and equipment for transportation except those that are under the jurisdiction of the Public Utilities Commission of Nevada or the Nevada Transportation Authority.

(f) Depreciation of the original capitalized cost of the machinery, equipment, apparatus, works, plants and facilities mentioned in paragraph (e). The annual depreciation charge consists of amortization of the original cost in a manner prescribed by regulation of the Nevada Tax Commission. The probable life of the property represented by the original cost must be considered in computing the depreciation charge.

(g) All money expended for premiums for industrial insurance, and the actual cost of hospital and medical attention and accident benefits and group insurance for employees actually engaged in mining operations within the State of Nevada.

(h) All money paid as contributions or payments under the unemployment compensation law of the State of Nevada, as contained in chapter 612 of NRS, all money paid as contributions under the Social Security Act of the Federal Government, and all money paid to either the State of Nevada or the Federal Government under any amendment to either or both of the statutes mentioned in this paragraph.

(i) The costs of employee travel which occurs within the State of Nevada and which is directly related to mining operations within the State of Nevada.



(j) The costs of Nevada-based corporate services relating to paragraphs (e) to (i), inclusive.

(k) The actual cost of developmental work in or about the mine or upon a group of mines when operated as a unit, which is limited to work that is necessary to the operation of the mine or group of mines.

(l) The costs of reclamation work in the years the reclamation work occurred, including, without limitation, costs associated with the remediation of a site.

(m) All money paid as royalties by a lessee or sublessee of a mine or well, or by both, in determining the net proceeds of the lessee or sublessee, or both.

4. Royalties deducted by a lessee or sublessee constitute part of the net proceeds of the minerals extracted, upon which a tax must be levied against the person to whom the royalty has been paid.

5. Every person acquiring property in the State of Nevada to engage in the extraction of minerals and who incurs any of the expenses mentioned in subsection 3 shall report those expenses and the recipient of any royalty to the Department on forms provided by the Department. ~~{The Department shall report annually to the Mining Oversight and Accountability Commission the expenses and deductions of each mining operation in the State of Nevada.}~~

6. The several deductions mentioned in subsection 3 do not include any expenditures for salaries, or any portion of salaries, of any person not actually engaged in:

(a) The working of the mine;

(b) The operating of the mill, smelter or reduction works;

(c) The operating of the facilities or equipment for transportation;

(d) Superintending the management of any of those operations;

(e) The State of Nevada, in office, clerical or engineering work necessary or proper in connection with any of those operations; or

(f) Nevada-based corporate services.

7. The following expenses are specifically excluded from any deductions from the gross yield:

(a) The costs of employee housing.

(b) Except as otherwise provided in paragraph (i) of subsection 3, the costs of employee travel.

(c) The costs of severing the employment of any employees.

(d) Any dues paid to a third-party organization or trade association to promote or advertise a product.

(e) Expenses relating to governmental relations or to compensate a natural person or entity to influence legislative decisions.

(f) The costs of mineral exploration.



(g) Any federal, state or local taxes.

8. As used in this section, "Nevada-based corporate services" means corporate services which are performed in the State of Nevada from an office located in this State and which directly support mining operations in this State, including, without limitation, accounting functions relating to mining operations at a mine site in this State such as payroll, accounts payable, production reporting, cost reporting, state and local tax reporting and recordkeeping concerning property.

Sec. 5. NRS 439.240 is hereby amended to read as follows:

439.240 1. The University of Nevada School of Medicine shall maintain the State Public Health Laboratory, and may designate, establish or maintain such branch laboratories as may be necessary.

2. The purpose of the State Public Health Laboratory is:

(a) To make available, at such charges as may be established, to health officials, the *Director of the* State ~~{Dairy Commission}~~ *Department of Agriculture* and licensed physicians of the State, proper laboratory facilities for the prompt diagnosis of communicable diseases.

(b) To make necessary examinations and analyses of water, natural ice, sewage, milk, food and clinical material.

(c) To conduct research into the nature, cause, diagnosis and control of diseases.

(d) To undertake such other technical and laboratory duties as are in the interest of the health of the general public.

3. The person in charge of the State Public Health Laboratory, or the person's designee, must be a skilled bacteriologist.

4. The person in charge of the State Public Health Laboratory may have such technical assistants as that person, in cooperation with the University of Nevada School of Medicine, considers necessary.

5. Reports of investigations conducted at the State Public Health Laboratory may be published from time to time in bulletins and circulars.

6. If the University of Nevada School of Medicine designates a branch laboratory pursuant to subsection 1 that is operated or controlled by a public agency other than the University of Nevada School of Medicine, the public agency and the University of Nevada School of Medicine shall enter into a cooperative agreement pursuant to NRS 277.080 to 277.180, inclusive, concerning the branch laboratory. The cooperative agreement must include, without limitation, provisions setting forth the powers and duties of each party to the cooperative agreement.



1 **Sec. 6.** NRS 439.540 is hereby amended to read as follows:

2 439.540 Nothing contained in this chapter may be construed as
3 modifying or altering the powers conferred by law upon the
4 Commissioner of Food and Drugs with respect to the adulteration,
5 mislabeling or misbranding of foods, drugs, medicines and liquors,
6 or the powers conferred by law upon the *Director of the State*
7 ~~{Dairy Commission}~~ *Department of Agriculture* with respect to the
8 weighing and testing of ~~{dairy}~~ products to prevent fraud ~~{}~~ *and to*
9 *ensure appropriate food safety.*

10 **Sec. 7.** NRS 556.010 is hereby amended to read as follows:

11 556.010 As used in this chapter, unless the context otherwise
12 requires:

13 1. ~~{“Advisory Board” means the Garlic and Onion Growers’~~
14 ~~Advisory Board.~~

15 ~~—2.—~~ “Department” means the State Department of Agriculture.

16 ~~{3.}~~ 2. “Grower” means any landowner personally engaged in
17 growing garlic or onions, or a landowner and the landowner’s tenant
18 jointly, and includes a natural person, partnership, association,
19 corporation, cooperative organization, trust, sharecropper and all
20 other business units, devices or arrangements that grow garlic or
21 onions.

22 **Sec. 8.** NRS 556.040 is hereby amended to read as follows:

23 556.040 ~~{The Advisory Board may:~~

24 ~~—1.— Elect a Chair and such other officers from its members as it~~
25 ~~deems advisable.~~

26 ~~—2.— Prepare a budget covering anticipated income and expenses~~
27 ~~for utilization of the money deposited to the Garlic and Onion~~
28 ~~Research and Promotion Account.~~

29 ~~—3.— Adopt procedures for filing with the Advisory Board any~~
30 ~~proposed garlic or onion research project or market promotion~~
31 ~~project.~~

32 ~~—4.— Prepare}~~ *Any grower or employee of the Department may*
33 *prepare* and present to the State Board of Agriculture a program for
34 research in the production, harvesting, processing, distribution and
35 market promotion of garlic and onions. The program must contain a
36 recommendation of a natural person or agency to conduct or manage
37 each project, the time period for each project and the budget
38 allocation for the project.

39 ~~{5.— Adopt regulations establishing the conditions, if any, under~~
40 ~~which a member of the Advisory Board is entitled to claim a per~~
41 ~~diem allowance.}~~

42 **Sec. 9.** NRS 556.050 is hereby amended to read as follows:

43 556.050 All gifts or grants of money ~~{which the Advisory~~
44 ~~Board is authorized to accept}~~ *received pursuant to this chapter*



1 must be deposited with the State Treasurer for credit to the Garlic
2 and Onion Research and Promotion Account.

3 **Sec. 10.** NRS 556.060 is hereby amended to read as follows:

4 556.060 1. The State Board of Agriculture may:

5 (a) ~~Appoint the members of the Advisory Board, fix their terms~~
6 ~~of office and fill all vacancies.~~

7 ~~—(b) Establish procedures for the Nevada garlic and onion~~
8 ~~industry to recommend persons for appointment to the Advisory~~
9 ~~Board.~~

10 ~~—(c) Administer, enforce and control the collection of~~
11 ~~assessments levied for the Garlic and Onion Research and~~
12 ~~Promotion Account.~~

13 ~~—(d) (b) Authorize payments from the Garlic and Onion~~
14 ~~Research and Promotion Account . Upon the recommendation of~~
15 ~~the Advisory Board.~~

16 ~~—(e) (c) Contract with natural persons or agencies for the conduct~~
17 ~~or management of research projects and market-promotion projects.~~

18 ~~—(f) (d) Adopt regulations to carry out the provisions of this~~
19 ~~chapter.~~

20 2. Money from the State General Fund may not be utilized by
21 the State Board of Agriculture in carrying out the provisions of this
22 chapter. Expenditures for those purposes may be made only from
23 the Garlic and Onion Research and Promotion Account created by
24 NRS 561.423, and are subject to the limitations stated in that
25 section.

26 **Sec. 11.** NRS 556.070 is hereby amended to read as follows:

27 556.070 The Department ~~shall,~~ *may*, on or before August 1 of
28 each year, fix an annual special assessment not to exceed \$10 per
29 acre to be levied upon all garlic and onions grown and harvested in
30 this State for commercial use. ~~The~~ *If the Department levies the*
31 *assessment, the* Department shall collect the assessment and
32 transmit the proceeds to the State Treasurer for credit to the Garlic
33 and Onion Research and Promotion Account.

34 **Sec. 12.** NRS 556.080 is hereby amended to read as follows:

35 556.080 ~~Any~~ *If any* assessments *are* levied pursuant to the
36 provisions of NRS 556.070 , *the assessments* must be:

37 1. Paid to the Department by the grower of garlic or onions;
38 and

39 2. Paid by December 1 of each year for the garlic or onions
40 harvested within the 12 months immediately preceding that date.

41 **Sec. 13.** NRS 556.090 is hereby amended to read as follows:

42 556.090 ~~Any~~ *If an assessment is levied pursuant to NRS*
43 *556.070, any* grower who fails to pay ~~any~~ *the* assessment
44 ~~pursuant to NRS 556.070~~ by December 1 of each year as required
45 by NRS 556.080 forfeits to the Department a penalty of 5 percent of



1 the amount of the assessment due and 1 percent of the assessment
2 due for each month of delay or fraction thereof after December 31
3 of the year that the assessment became due. The Department, if
4 satisfied the delay was excusable, may remit any part of the penalty.
5 The penalty must be paid to the Department and deposited for credit
6 to the Garlic and Onion Research and Promotion Account.

7 **Sec. 14.** NRS 561.409 is hereby amended to read as follows:

8 561.409 1. The Alfalfa Seed Research and Promotion
9 Account is hereby created in the State General Fund. The proceeds
10 of the special assessment levied pursuant to NRS 587.155 , *if any*,
11 must be credited to the Alfalfa Seed Research and Promotion
12 Account and all refunds made pursuant to NRS 587.155 must be
13 paid from the Alfalfa Seed Research and Promotion Account.

14 2. Expenditures from the Alfalfa Seed Research and Promotion
15 Account may be made only for:

16 (a) Alfalfa seed research and marketing promotion programs;
17 *and*

18 (b) ~~Administrative, per diem and travel expenses of the Alfalfa~~
19 ~~Seed Advisory Board; and~~

20 ~~—(c)—~~ Reimbursement to the Department for administrative
21 expenses of the Department, not to exceed 5 percent of the
22 assessments collected.

23 **Sec. 15.** NRS 561.423 is hereby amended to read as follows:

24 561.423 1. The Garlic and Onion Research and Promotion
25 Account is hereby created in the State General Fund. The proceeds
26 of the special assessment levied pursuant to NRS 556.070 , *if any*,
27 must be credited to the Account.

28 2. Expenditures from the Account may be made only for:

29 (a) Garlic and onion research programs and marketing-
30 promotion programs; *and*

31 (b) ~~Administrative, per diem and travel expenses of the Garlic~~
32 ~~and Onion Growers' Advisory Board; and~~

33 ~~—(c)—~~ Reimbursement to the Department for administrative
34 expenses of the Department, not to exceed 5 percent of the
35 assessments collected.

36 **Sec. 16.** NRS 581.320 is hereby amended to read as follows:

37 581.320 1. All fluid dairy products must be packaged for
38 retail sale in:

39 (a) Units of 1 gill or less, one-half liquid pint, 10 fluid ounces, 1
40 liquid pint, 1 liquid quart, one-half gallon, 3 liquid quarts, 1 gallon,
41 1 1/2 gallons, 2 gallons, 2 1/2 gallons or multiples of 1 gallon; or

42 (b) Such other amounts as are approved ~~jointly,~~ by the ~~State~~
43 ~~Dairy Commission and the~~ State Sealer of Consumer Equitability.

44 2. Each container used for the sale of such products must:

45 (a) Be marked with its capacity;



(b) Be marked with the name, initial or trademark of the manufacturer;

(c) Be marked with such other information as required by the ~~{State Dairy Commission and the}~~ State Sealer of Consumer Equitability; and

(d) If the fluid dairy product is packaged for retail sale in an amount other than a unit of measure listed in paragraph (a) of subsection 1, be marked with its capacity in fluid ounces and a comparison of that quantity with the unit of measure that is closest in volume in sufficient size and prominence to inform the public of the difference in volume.

3. This section does not apply to eating establishments serving milk in glasses with meals.

Sec. 17. Chapter 584 of NRS is hereby amended by adding thereto the provisions set forth as sections 18 and 19 of this act.

Sec. 18. ***"Department" means the State Department of Agriculture.***

Sec. 19. ***"Director" means the Director of the Department.***

Sec. 20. NRS 584.001 is hereby amended to read as follows:
584.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~{584.005,}~~ 584.007 and 584.009 ***and sections 18 and 19 of this act*** have the meanings ascribed to them in those sections.

Sec. 21. NRS 584.047 is hereby amended to read as follows:
584.047 1. The ~~{Commission}~~ ***Director*** may enter into contracts with any person to assist ~~{it}~~ ***the Director*** in carrying out ~~{the}~~ ***his or her*** duties ~~{of the Commission by performing any duty imposed on the Commission}~~ pursuant to this chapter.

2. As used in this section, "person" includes a government, a governmental agency and a political subdivision of a government.

Sec. 22. NRS 584.049 is hereby amended to read as follows:
584.049 The ~~{State}~~ Department ~~{of Agriculture, including the Commission,}~~ is hereby declared to be the instrumentality of this state for the purpose of administering and enforcing the provisions of this chapter and to execute the legislative intent expressed in this chapter, and is hereby vested with the administrative authority described in this chapter.

Sec. 23. NRS 584.053 is hereby amended to read as follows:
584.053 1. There is hereby created in the State Treasury a special revenue fund designated as the Dairy ~~{Commission}~~ Fund. Except as otherwise required in NRS 584.670, all money received ~~{by the Commission}~~ pursuant to the provisions of this chapter must be paid into the Fund and must be expended for the administration and enforcement of the provisions of this chapter or for any other purpose authorized by the Legislature.



2. The interest and income earned on the money in the Dairy ~~{Commission}~~ Fund, after deducting any applicable charges, must be credited to the Fund.

Sec. 24. NRS 584.063 is hereby amended to read as follows:

584.063 A full and accurate record of business or acts performed or of testimony taken by the ~~{Commission}~~ **Director** in pursuance of the provisions of this chapter must be kept and placed on file ~~{in the Office of the Commission.}~~ **by the Director.**

Sec. 25. NRS 584.071 is hereby amended to read as follows:

584.071 A copy of every regulation adopted by the ~~{Commission}~~ **Director** must be published immediately after adoption and ~~{issued in pamphlet form for distribution to local health officers and, upon application therefor, to licensed or other dairies, creameries and other persons interested in them.}~~ **posted on the Internet website maintained by the Department.**

Sec. 26. NRS 584.089 is hereby amended to read as follows:

584.089 The ~~{Commission}~~ **Director** shall enforce the provisions of this chapter and any stabilization and marketing plan initiated pursuant to the provisions of NRS 584.325 to 584.670, inclusive.

Sec. 27. NRS 584.091 is hereby amended to read as follows:

584.091 ~~{Constables, police officers and sheriffs may, upon request,}~~ **Each field agent or inspector of the Department who has the powers of a peace officer pursuant to NRS 289.290 shall** render assistance to the ~~{Commission, any member of the Commission or any authorized representative of the Commission,}~~ **Director** in the enforcement of the provisions of this chapter.

Sec. 28. NRS 584.107 is hereby amended to read as follows:

584.107 Any person who violates any provision of the regulations adopted pursuant to NRS 584.103, or refuses or neglects to obey any lawful order of the ~~{Commission,}~~ **Director**, is guilty of a misdemeanor.

Sec. 29. NRS 584.225 is hereby amended to read as follows:

584.225 1. The ~~{Commission}~~ **Director** may, by regulation, establish a fee of not more than \$10 for issuing and renewing a milk tester's license.

2. All licenses required under NRS 584.215 to 584.285, inclusive, expire at the end of each calendar year.

Sec. 30. NRS 584.547 is hereby amended to read as follows:

584.547 The ~~{Commission}~~ **Director** may formulate any stabilization and marketing plan as prescribed in NRS 584.325 to 584.670, inclusive, and declare the same effective after public hearing and reasonable notice by mail or otherwise to all producers and distributors of record with the ~~{Commission}~~ **Director** affected by such plan.



Sec. 31. NRS 584.670 is hereby amended to read as follows:

584.670 1. The violation of any provision of NRS 584.325 to 584.670, inclusive, or of any stabilization and marketing plan, including any price requirements of such a plan, or of any of the unfair practice provisions set forth in those sections, is a misdemeanor, and also is ground for revocation or suspension of a license in the manner set forth in NRS 584.325 to 584.670, inclusive.

2. Every distributor shall pay for fluid milk or fluid cream delivered to the distributor at the time and in the manner specified in the contract with the producer. Failure to make such a payment is ground for refusal, suspension or revocation of a license in the manner set forth in NRS 584.325 to 584.670, inclusive.

3. In addition to any other penalty provided by NRS 584.325 to 584.670, inclusive, the ~~{Commission}~~ **Director** may impose a penalty of not more than \$1,000 for each violation, to be recovered by the ~~{Commission}~~ **Director** in a civil action in a court of competent jurisdiction. All sums recovered under this subsection must be deposited with the State Treasurer for credit to the State General Fund.

Sec. 32. NRS 587.131 is hereby amended to read as follows:

587.131 As used in NRS 587.131 to 587.181, inclusive, unless the context requires otherwise:

1. ~~{“Advisory Board” means the Alfalfa Seed Advisory Board.~~
~~—2—~~ “Alfalfa seed” means the seed that is harvested from any variety of alfalfa plant.

~~{3—}~~ 2. “Dealer” means any person, partnership, association, corporation, cooperative or other business unit or device that first handles, packs, ships, buys and sells alfalfa seed.

~~{4—}~~ 3. “Grower” means any landowner personally engaged in growing alfalfa seed, or both the owner and tenant jointly, and includes a person, partnership, association, corporation, cooperative organization, trust, sharecropper or any and all other business units, devices or arrangements that grow alfalfa seed.

Sec. 33. NRS 587.145 is hereby amended to read as follows:

587.145 ~~{The Advisory Board has:~~

- ~~—1— Only such powers and duties as are authorized by law; and~~
~~—2— The following powers and duties:~~
~~—(a) To elect a chair and such other officers as it deems advisable.~~
~~—(b) To prepare a budget covering anticipated income and expenses for utilization of the money deposited to the Alfalfa Seed Research and Promotion Account.~~
~~—(c) To adopt procedures for filing with the Advisory Board any proposed alfalfa seed research projects or market promotion projects.~~



1 ~~—(d) To~~ *A grower or an employee of the Department may*
2 prepare and present to the State Board of Agriculture a program for
3 research in the production, harvesting, processing, distribution and
4 market promotion of alfalfa seed. The program must contain a
5 recommendation of a natural person or agency to conduct or manage
6 each project, the time period for each project and the budget
7 allocation for the project.

8 **Sec. 34.** NRS 587.151 is hereby amended to read as follows:

9 587.151 1. The State Board of Agriculture has the following
10 powers and duties:

11 (a) To ~~appoint the members of the Advisory Board, to fix their~~
12 ~~term of office and to fill all vacancies.~~

13 ~~—(b) To establish procedures for the Nevada alfalfa seed industry~~
14 ~~to recommend persons for appointment to the Advisory Board.~~

15 ~~—(c) To~~ administer, enforce and control the collection of
16 assessments levied for the Alfalfa Seed Research and Promotion
17 Account.

18 ~~—(d)~~ (b) To authorize payments from the Alfalfa Seed Research
19 and Promotion Account . ~~upon the recommendation of the~~
20 ~~Advisory Board.~~

21 ~~—(e)~~ (c) To contract with natural persons or agencies for the
22 conduct or management of research and market promotion projects.

23 ~~—(f)~~ (d) To adopt regulations to carry out the provisions of NRS
24 587.131 to 587.181, inclusive.

25 2. Money from the State General Fund may not be utilized by
26 the State Board of Agriculture in carrying out the provisions of NRS
27 587.131 to 587.181, inclusive. Expenditures for those purposes must
28 be made only from the Alfalfa Seed Research and Promotion
29 Account created by NRS 561.409, and are subject to the limitations
30 stated in that section.

31 **Sec. 35.** NRS 587.153 is hereby amended to read as follows:

32 587.153 All gifts or grants of money ~~which the Board is~~
33 ~~authorized to accept~~ *received pursuant to this chapter* must be
34 deposited with the State Treasurer for credit to the Alfalfa Seed
35 Research and Promotion Account.

36 **Sec. 36.** NRS 587.155 is hereby amended to read as follows:

37 587.155 1. The Department ~~shall,~~ *may*, on or before
38 August 1 of each year, fix an annual special assessment not to
39 exceed 50 cents per hundred weight of alfalfa seed to be levied upon
40 all alfalfa seed grown in this state. ~~The~~ *If the Department levies*
41 *the assessment, the* Department shall collect the assessment and
42 transmit the proceeds to the State Treasurer for credit to the Alfalfa
43 Seed Research and Promotion Account.

44 2. On or before June 30 of each year, any person who has paid
45 the special assessment levied pursuant to this section may file a



1 claim for a refund with the Department accompanied by a receipt
2 showing payment. Upon verification of the correctness of the claim,
3 the Department shall transmit the claim to the State Controller for
4 payment from the Alfalfa Seed Research and Promotion Account.

5 **Sec. 37.** NRS 587.161 is hereby amended to read as follows:

6 587.161 ~~that~~ *If any* assessments *are* levied pursuant to the
7 provisions of NRS 587.155 , *the assessments* must be paid to
8 the Department by the person, either grower or dealer, by whom the
9 alfalfa seed was first handled in the primary channels of the trade
10 and must be paid within 60 days after the date on which the grower
11 received payment for the alfalfa seed. If the person first handling the
12 alfalfa seed in the primary channels of trade is a person other than
13 the grower, the person may charge against or recover from the
14 grower the full amount of any assessment paid under NRS 587.155.

15 **Sec. 38.** NRS 587.165 is hereby amended to read as follows:

16 587.165 Any grower or dealer who fails to file a return or ~~to~~
17 ~~pay~~ , *if any assessment is levied* pursuant to NRS 587.155 , *fails to*
18 *pay the assessment* within the period required forfeits to the
19 Department a penalty of 5 percent of the amount of the assessment
20 due and 1 percent of the assessment due for each month of delay or
21 fraction thereof after the end of the month in which the return was
22 required to be filed or in which the assessment became due. The
23 Department, if satisfied the delay was excusable, may remit all or
24 any part of the penalty. The penalty must be paid to the Department
25 and deposited for credit to the Alfalfa Seed Research and Promotion
26 Account.

27 **Sec. 39.** 1. Any administrative regulations adopted by an
28 officer or entity whose name has been changed or whose
29 responsibilities have been transferred pursuant to the provisions of
30 this act remain in force until amended by the officer or entity to
31 which the responsibility for the adoption of the regulations has been
32 transferred.

33 2. Any contracts or other agreements entered into by an officer
34 or entity whose name has been changed or whose responsibilities
35 have been transferred pursuant to the provisions of this act are
36 binding upon the officer or entity to which the responsibility for the
37 administration of the provisions of the contract or other agreement
38 has been transferred. Such contracts and other agreements may be
39 enforced by the officer or entity to which the responsibility for the
40 enforcement of the provisions of the contract or other agreements
41 has been transferred.

42 3. Any action taken by an officer or entity whose name has
43 been changed or whose responsibilities have been transferred
44 pursuant to the provisions of this act remains in effect as if taken by



1 the officer or entity to which the responsibility for the enforcement
2 of such actions has been transferred.

3 **Sec. 40.** The Legislative Counsel shall:

4 1. In preparing the Nevada Revised Statutes, use the authority
5 set forth in subsection 10 of NRS 220.120 to substitute
6 appropriately the name of any agency or officer of the State whose
7 name is changed or whose responsibilities have been transferred by
8 this act for the name which the agency or officer previously used;
9 and

10 2. In preparing supplements to the Nevada Administrative
11 Code, substitute appropriately the name of any agency or officer of
12 the State whose name is changed or whose responsibilities have
13 been transferred by this act for the name which the agency or officer
14 previously used.

15 **Sec. 41.** 1. Notwithstanding any other provision of law to the
16 contrary, the Director of the State Department of Agriculture shall
17 be deemed to be the successor of the State Dairy Commission,
18 created by NRS 584.031.

19 2. The current term of membership of any person who, on
20 June 30, 2017, is a member or chair of the Mining Oversight and
21 Accountability Commission, the Garlic and Onion Growers'
22 Advisory Board, the State Dairy Commission, the Alfalfa Seed
23 Advisory Board or the Advisory Council for Organic Agricultural
24 Products expires on July 1, 2017.

25 3. The provisions of any stabilization and marketing plan
26 formulated by the State Dairy Commission pursuant to NRS
27 584.547, as amended by section 30 of this act, shall be deemed to be
28 the plan of the Director of the State Department of Agriculture
29 formulated pursuant to NRS 584.547, as amended by section 30 of
30 this act.

31 **Sec. 42.** 1. If the name of a fund or account is changed
32 pursuant to the provisions of this act, the State Controller shall
33 change the designation of the name of the fund or account without
34 making any transfer of the money in the fund or account. The assets
35 and liabilities of the fund or account are unaffected by the change of
36 the name.

37 2. The assets and liabilities of any fund or account transferred
38 from the State Dairy Commission to the Director of the State
39 Department of Agriculture are unaffected by the transfer.

40 **Sec. 43.** NRS 514.035, 514A.010, 514A.020, 514A.030,
41 514A.040, 514A.050, 514A.060, 514A.070, 514A.080, 514A.090,
42 514A.100, 514A.110, 556.020, 556.030, 584.005, 584.031, 584.033,
43 584.037, 584.039, 584.041, 584.043, 584.051, 584.057, 584.059,
44 587.135, 587.141, 587.810 and 587.820 are hereby repealed.

45 **Sec. 44.** This act becomes effective on July 1, 2017.



LEADLINES OF REPEALED SECTIONS

- 514.035 Duties of Director.
514A.010 Definitions.
514A.020 "Chair" defined.
514A.030 "Commission" defined.
514A.040 Creation; membership; terms; vacancies.
514A.050 Officers; meetings; quorum; compensation; assignment of staff by Department of Taxation.
514A.060 Duties.
514A.070 Submission of certain reports and other information to Commission.
514A.080 Administration of oaths; deposition of witnesses; issuance and enforcement of subpoenas.
514A.090 Compensation of witnesses.
514A.100 Requests by Commission for special audits and investigations.
514A.110 Review of certain regulations required before becoming effective; reports of findings and recommendations.
556.020 Garlic and Onion Growers' Advisory Board: Creation; membership.
556.030 Garlic and Onion Growers' Advisory Board: Service of members without pay.
584.005 "Commission" defined.
584.031 Creation; number of members.
584.033 Members: Appointment; qualifications; Chair; connection with dairy industry prohibited; removal.
584.037 Additional grounds for removal of member.
584.039 Meetings; hearings; quorum; employment of attorney.
584.041 Compensation of members and employees; acceptance and expenditure of money; contracts to promote dairy industry.
584.043 Manager of Operations of Commission.
584.051 Seal.
584.057 Dairy Commission Fund: Commission to keep separate record of credits and disbursements.
584.059 Biennial report.
587.135 Alfalfa Seed Advisory Board: Creation; number and qualifications of members.
587.141 Alfalfa Seed Advisory Board: Members not paid.



587.810 Advisory Council for Organic Agricultural Products: Creation; members; powers.

587.820 Advisory Council for Organic Agricultural Products: Terms of members; vacancy; election of officers; meetings; compensation of members.

