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SENATE BILL NO. 110—COMMITTEE ON NATURAL RESOURCES  
(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON PUBLIC LANDS)

PREFILED DECEMBER 31, 2008

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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.

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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; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law requires the State Quarantine Officer to provide for the control  
2 and eradication of noxious weeds in this State. (NRS 555.130-555.201) **Section 1**  
3 of this bill authorizes the State Quarantine Officer to adopt regulations specifying a  
4 schedule of administrative fines for the failure to control and eradicate noxious  
5 weeds. **Section 1** also authorizes the State Quarantine Officer to take certain actions  
6 or to order a violator to take certain actions if the noxious weeds are not controlled  
7 or eradicated. Further, **section 1** requires the violator to pay for the cost of any  
8 action so ordered. **Section 2** of this bill provides for the use of the money collected  
9 from administrative fines. **Section 3** of this bill clarifies that the misdemeanor  
10 provisions set forth in NRS 555.201 are in addition to any administrative fine  
11 imposed by the State Quarantine Officer.

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

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

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

10       2. *If an administrative fine is imposed against a person*  
11 *pursuant to subsection 1 and the noxious weeds for which the*  
12 *person received the administrative fine are not cut, eradicated or*  
13 *destroyed, the State Quarantine Officer may cause the noxious*  
14 *weeds to be cut, eradicated or destroyed in accordance with NRS*  
15 *555.160 to 555.200, inclusive.*

16       3. *The State Quarantine Officer may:*

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

22       (b) *Request the district attorney of the appropriate county to*  
23 *investigate or file a criminal complaint against any person who the*  
24 *State Quarantine Officer suspects may have committed flagrant or*  
25 *repeated violations of any provision of this section and NRS*  
26 *555.130 to 555.220, inclusive.*

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

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

33       555.140 1. The State Quarantine Officer shall carry out and  
34 enforce the provisions of NRS 555.130 to 555.220, inclusive ~~§~~ ,  
35 *and section 1 of this act.*

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



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

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

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

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

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

21 555.201 ~~[Any]~~ *In addition to any administrative fine imposed*  
22 *pursuant to section 1 of this act, any* person violating any of the  
23 provisions of NRS 555.130 to 555.200, inclusive, *and section 1 of*  
24 *this act* or failing, refusing or neglecting to perform or observe any  
25 conditions or regulations prescribed by the State Quarantine Officer,  
26 in accordance with the provisions of NRS 555.130 to 555.200,  
27 inclusive, *and section 1 of this act* is guilty of a misdemeanor.

