

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:

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. **Section 3** also authorizes the State
12 Quarantine Officer to recover the costs of prosecuting a person for such a
13 misdemeanor. **Section 4** of this bill provides that if a landowner fails to carry out a
14 plan of weed control in compliance with the regulations of the weed control district,
15 the weed control officer may impose an administrative fine. (NRS 555.210) **Section**
16 **5** of this bill clarifies that the misdemeanor provisions set forth in NRS 555.220 are



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17 in addition to any administrative fine imposed by the weed control officer. **Section**
18 **5** also authorizes the weed control officer to recover the costs of prosecuting a
19 person for such a misdemeanor. (NRS 555.220)

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 investigative costs*
30 *and attorney's fees, may be recovered by the State Quarantine*
31 *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



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1 limited trials of various methods of controlling or eradicating
2 noxious or potentially noxious weeds under practical Nevada
3 conditions.

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

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

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

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

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

24 555.201 ~~[Any]~~ *In addition to any administrative fine imposed*
25 *pursuant to section 1 of this act, any person violating any of the*
26 *provisions of NRS 555.130 to 555.200, inclusive, and section 1 of*
27 *this act or failing, refusing or neglecting to perform or observe any*
28 *conditions or regulations prescribed by the State Quarantine Officer,*
29 *in accordance with the provisions of NRS 555.130 to 555.200,*
30 *inclusive, and section 1 of this act is guilty of a misdemeanor. The*
31 *State Quarantine Officer may recover the costs of the proceeding,*
32 *including investigative costs and attorney's fees, against a person*
33 *convicted of a misdemeanor pursuant to this section.*

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

35 555.210 1. If any landowner fails to carry out a plan of weed
36 control for his land in compliance with the regulations of the
37 district, the weed control officer may :

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

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



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

6 3. *The weed control officer may delegate to a hearing officer*
7 *or panel the authority of the weed control officer to impose and*
8 *collect administrative fines pursuant to subsection 1 and use the*
9 *money collected from such fines to carry out the provisions of*
10 *NRS 555.202 to 555.220, inclusive, within the weed control*
11 *district.*

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

13 555.220 ~~[Any]~~ *In addition to any administrative fine imposed*
14 *pursuant to NRS 555.210, any* person violating any of the
15 provisions of NRS 555.202 to 555.210, inclusive, or failing,
16 refusing or neglecting to perform or observe any conditions or
17 regulations prescribed by the State Quarantine Officer, in
18 accordance with the provisions of NRS 555.202 to 555.210,
19 inclusive, is guilty of a misdemeanor. *A weed control officer may,*
20 *on behalf of the weed control district for which he is the weed*
21 *control officer and in which the violation occurred, recover the*
22 *costs of the proceeding, including investigative costs and*
23 *attorney's fees, against a person convicted of a misdemeanor*
24 *pursuant to this section.*

