

Amendment No. 112

Senate Amendment to Senate Bill No. 34	(BDR 50-330)
Proposed by: Senate Committee on Natural Resources	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION	Initial and Date		SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>
Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>
Receded <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/>	Not <input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.



SENATE BILL NO. 34—COMMITTEE ON NATURAL RESOURCES
(ON BEHALF OF THE STATE DEPARTMENT OF AGRICULTURE)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Natural Resources

SUMMARY—Makes various changes relating to agriculture. (BDR 50-330)

FISCAL NOTE: Effect on Local Government: No.
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 agriculture; revising provisions relating to certain employees of the State Department of Agriculture who have the powers of a peace officer; clarifying that certain inspections conducted by the Department are visual inspections; revising the definition of “police officer” to include agricultural police officers for purposes of certain benefits and exemptions; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, a brand inspector or a person designated as a field agent or inspector by the Director of the State Department of Agriculture is a category II peace officer with enforcement powers related to certain provisions of law related to agriculture. (NRS 289.290, 289.470, 561.225) **Section 1** of this bill authorizes the Director to, instead, appoint agricultural police officers to enforce certain provisions of law relating to agriculture. **Section 12** of this bill makes an agricultural police officer a category I peace officer. **Sections 2 and 7-15** of this bill make conforming changes related to the appointment of agricultural police officers in place of field agents and inspectors.

Section 11 of this bill authorizes an agricultural police officer to: (1) serve such legal process as may be required in the enforcement of various provisions of law related to agriculture; and (2) enforce all laws of the State while performing duties pursuant to various provisions of law related to agriculture.

Existing law authorizes the Director of the Department to establish brand inspection districts in this State. If such districts are established, any animal within those districts is subject to brand inspection before the animal may be consigned for slaughter, sold or removed from any of those districts. (NRS 565.040, 565.090, 565.100, 565.110) **Sections 3-6** of this bill clarify that a brand inspection is a visual examination.

Existing law defines “police officer” to include various law enforcement officers of this State for the purposes of certain provisions relating to eligibility for benefits under the Nevada Occupational Diseases Act. (NRS 617.135) **Section 16** of this bill expands the definition of “police officer” to include agricultural police officers. Furthermore, because various other provisions of NRS reference “police officer” as that term is defined in the Act, **section 16** makes applicable to agricultural police officers: (1) the industrial insurance coverage for police officers; (2) exemption from service as grand or trial jurors; (3) the compensation for police officers with temporary disabilities; and (4) eligibility for certain programs of group insurance or other medical or hospital service for the surviving spouse or any child of police

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officers and firefighters. (NRS 6.020, 281.153, 287.021, 287.0477, chapters 616A-616D of NRS)

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

1 **Section 1.** NRS 561.225 is hereby amended to read as follows:

2 561.225 1. The Director shall appoint such technical, clerical and
3 operational staff as the execution of the Director’s duties and the operation of the
4 Department may require.

5 2. The Director may ~~designate such department personnel as are required to~~
6 ~~be field agents and inspectors in the enforcement of~~ **appoint agricultural police**
7 **officers for the purposes of enforcing** the provisions of Titles 49 ~~and~~ **and 50** ~~and~~
8 ~~54~~ of NRS ~~and~~ **and chapters 581, 582, 583, 584, 586, 587, 588 and 590 of NRS.**

9 **Sec. 2.** NRS 561.421 is hereby amended to read as follows:

10 561.421 Any ~~field agent, inspector, or other~~ officer or employee of the
11 Department, who collects currency in payment of any taxes, assessments, proceeds
12 of sale, fees or other charges imposed pursuant to the provisions of this Title in an
13 area of the State so remote that the currency can only be transmitted to the
14 Department by mail, may mail a check in lieu of the amount collected in currency.

15 **Sec. 3.** NRS 565.010 is hereby amended to read as follows:

16 565.010 As used in this chapter, unless the context otherwise requires:

17 1. **“Agricultural police officer” means a person appointed by the Director**
18 **pursuant to NRS 561.225 who has the powers of a peace officer pursuant to NRS**
19 **289.290.**

20 2. “Animals” means:

21 (a) All cattle or animals of the bovine species except dairy breed calves under
22 the age of 1 month.

23 (b) All horses, mules, burros and asses or animals of the equine species.

24 (c) All swine or animals of the porcine species.

25 (d) Alternative livestock as defined in NRS 501.003.

26 ~~2.~~ 3. “Brand inspection” means a careful **visual** examination of each animal
27 offered for such inspection and ~~and~~ **a visual** examination of any brands, marks or
28 other characteristics thereon.

29 ~~3.~~ 4. “Department” means the State Department of Agriculture.

30 ~~4.~~ 5. “Director” means the Director of the Department.

31 **Sec. 4.** NRS 565.090 is hereby amended to read as follows:

32 565.090 1. Except as otherwise provided in subsections 3 and 6 and NRS
33 565.095, it is unlawful for any person to drive or otherwise remove any animals out
34 of a brand inspection district created under the provisions of this chapter until the
35 animals have been **visually** inspected and a brand inspection clearance certificate is
36 issued by the Department or a written permit from the Department has been issued
37 authorizing the movement without brand inspection.

38 2. Any person contemplating the driving or movement of any animals out of a
39 brand inspection district shall notify the Department or an inspector thereof of the
40 person’s intention, stating:

41 (a) The place at which it is proposed to cross the border of the brand inspection
42 district with the animals.

43 (b) The number and kind of animals.

44 (c) The owner of the animals.

1 (d) The brands and marks of the animals claimed by each owner and, if they
2 are other than the brands and marks legally recorded in the name of the owner,
3 information concerning the basis for the claim of ownership or legal possession.

4 (e) The date of the proposed movement across the border of the brand
5 inspection district and the destination of the movement.

6 (f) If a brand inspection is required, a statement setting forth the place where
7 the animals will be held for brand inspection.

8 3. The provisions of this section do not apply to animals whose accustomed
9 range is on both sides of the boundary of any brand inspection district but
10 contiguous to that district and which are being moved from one portion of the
11 accustomed range to another merely for pasturing and grazing thereon.

12 4. Except as otherwise provided in NRS 565.095, the provisions of this
13 section apply at all times to the movement of any animals across the Nevada state
14 line to any point outside of the State of Nevada, except animals whose accustomed
15 range is on both sides of the Nevada state line but contiguous thereto and which are
16 being moved from one portion to another of the accustomed range merely for
17 pasturing and grazing thereon.

18 5. In addition to the penalty imposed in NRS 565.170, a person who violates
19 the provisions of subsection 1 is:

20 (a) For the first violation, subject to an immediate brand inspection of the
21 animals by the Department and shall reimburse the Department for its time and
22 mileage and pay the usual fees for the brand inspection.

23 (b) For the second and any subsequent violation, ineligible for a permit to
24 move any livestock without a brand inspection until the State Board of Agriculture
25 is satisfied that any future movement will comply with all applicable statutes and
26 regulations.

27 6. The Department may establish regulations specifying the circumstances
28 under which a permit may be issued authorizing the movement of livestock without
29 a brand inspection pursuant to this section. The circumstances may include, without
30 limitation, the routine movement of horses and bulls within and from this State for
31 the purpose of participating in a rodeo.

32 **Sec. 5.** NRS 565.100 is hereby amended to read as follows:

33 565.100 It is unlawful for any person to consign for slaughter, or slaughter at
34 an approved plant, or transfer ownership of any animals by sale or otherwise within
35 any brand inspection district created under the provisions of this chapter, until the
36 animals have been *visually* inspected by an inspector of the Department and a brand
37 inspection clearance certificate issued covering the animals.

38 **Sec. 6.** NRS 565.110 is hereby amended to read as follows:

39 565.110 Except as otherwise provided in NRS 565.090, a person intending to
40 move, drive, ship or transport by common carrier, or otherwise, any animals out of
41 any brand inspection district created under the provisions of this chapter shall
42 assemble and hold them at some convenient and adequate place for such brand
43 inspection as may be required until the animals have been *visually* inspected and
44 released as provided for in this chapter.

45 **Sec. 7.** NRS 565.140 is hereby amended to read as follows:

46 565.140 1. Whenever, incident to any brand inspection under the provisions
47 of this chapter, any inspector shall find in the possession of any person or persons
48 offering animals for inspection any animals to which such person or persons cannot
49 establish their legal ownership or right of possession and the inspector shall be able
50 to determine by means of the brands or brands and marks on such animal or
51 animals, or upon other reliable evidence, the actual legal owner or owners of such
52 animal or animals, the inspector shall immediately notify an agricultural
53 ~~[enforcement]~~ *police* officer of the inspector's findings.

2. The inspector shall include in such notice:

(a) The date and place where such animal or animals were found.

(b) A full description of the same.

(c) The name and address of any person or persons in whose possession they were found.

(d) All other information which may aid the agricultural ~~[enforcement]~~ *police* officer or the legal owner or owners of such animal or animals in securing the return thereof or compensation therefor, or in any civil suit or criminal prosecution relating thereto.

3. Upon receipt of the notice, the agricultural ~~[enforcement]~~ *police* officer shall investigate the findings of the inspector and, as soon as practicable, provide notification of those findings to the legal owner or owners of such animal or animals.

~~[4. As used in this section, "agricultural enforcement officer" has the meaning ascribed to it in regulations adopted by the Department.]~~

Sec. 8. NRS 565.150 is hereby amended to read as follows:

565.150 1. Whenever, incident to any brand inspection under the provisions of this chapter, any inspector shall find in the possession of any persons offering animals for inspection any animals to which such person or persons cannot establish their legal ownership or right to possession, and the inspector shall be unable to determine by means of the brands or brands and marks on such animals, or otherwise, the actual legal owners of the animals, or, if in the judgment of the inspector such action is necessary to safeguard the legal owners of the animals, if known to the inspector, against their loss, the inspector shall immediately *notify an agricultural police officer. The agricultural police officer shall* seize and take possession of such animals and proceed to dispose of the same, under the provisions of NRS 569.010 or 569.040 to 569.130, inclusive.

2. Such seizure and disposal by an ~~[inspector]~~ *agricultural police officer* shall in no way relieve the persons in whose possession the animals were found of any civil or criminal liability arising out of the unlawful removal of such animals from the grazing commons or the unlawful possession of the same.

Sec. 9. NRS 565.155 is hereby amended to read as follows:

565.155 In addition to enforcing the provisions of this chapter through its ~~[inspectors,]~~ *agricultural police officers*, the Department may:

1. Authorize other peace officers to enforce the provisions of this chapter; and

2. Adopt regulations specifying the procedures for the enforcement of the provisions of this chapter by ~~[the inspectors of the Department]~~ *agricultural police officers* and other peace officers.

Sec. 10. NRS 566.025 is hereby amended to read as follows:

566.025 1. It is unlawful for any person to have in his or her possession all or part of the carcass of any bovine animal unless:

~~(a) 1.~~ The animal was slaughtered at a slaughtering establishment under a United States Government, state, county or municipal inspection system which provides for adequate stamping for identification of all carcasses or parts of carcasses before release; or

~~(b) 2.~~ The person exhibits to any inspector or agricultural ~~[enforcement]~~ *police* officer of the Department, on demand:

~~(1) (a)~~ The hide of the animal from which the carcass was obtained, with ears and brands attached without disfiguration or alteration; or

~~(2) (b)~~ A certificate of inspection or release of the carcass, or of the carcass and hide, issued by an inspector of the Department.

~~2. As used in this section, "agricultural ~~[enforcement]~~ *police officer*" ~~[has the meaning ascribed to it in regulations adopted by the Department.]~~ *means a person*~~

1 appointed by the Director of the Department pursuant to NRS 561.225 who has
 2 the powers of a peace officer pursuant to NRS 289.290.

3 **Sec. 11.** NRS 289.290 is hereby amended to read as follows:

4 289.290 1. ~~[A person designated]~~ **An agricultural police officer appointed**
 5 by the Director of the State Department of Agriculture ~~[as a field agent or an~~
 6 ~~inspector]~~ pursuant to ~~[subsection 2 of]~~ NRS 561.225 ~~[has the powers of]~~ **is** a peace
 7 officer ~~[to make investigations and arrests and to execute warrants of search and~~
 8 ~~seizure, and may temporarily stop a vehicle in the enforcement of the provisions]~~
 9 **for the purposes of:**

10 (a) **The service of such legal process, including warrants and subpoenas, as**
 11 **may be required in the enforcement** of titles 49 ~~[]~~ **and** 50 ~~[and 51]~~ of NRS ~~[]~~ **and**
 12 **chapters 581, 582, 583, 584, 586, 587, 588 and 590 of NRS.**

13 ~~[2.—An officer appointed by the Nevada Junior Livestock Show Board~~
 14 ~~pursuant to NRS 563.120 has the powers of a peace officer for the preservation of~~
 15 ~~order and peace on the grounds and in the buildings and the approaches thereto of~~
 16 ~~the livestock shows and exhibitions that the Board conducts.~~

17 ~~—3.—In carrying out the provisions of chapter 565]~~

18 (b) **The enforcement of all laws of the State of Nevada while they are**
 19 **performing their duties pursuant to titles 49 ~~[]~~ and 50 ~~[and 51]~~ of NRS ~~[]~~, an**
 20 **inspector of the State Department of Agriculture has the powers of a peace officer**
 21 **to make investigations and arrests and to execute warrants of search and seizure.]**
 22 **and chapters 581, 582, 583, 584, 586, 587, 588 and 590 of NRS.**

23 **2. Before any officer described in subsection 1 may exercise the powers of a**
 24 **peace officer, he or she must be certified as a category I peace officer by the**
 25 **Peace Officers' Standards and Training Commission.**

26 **Sec. 12.** NRS 289.470 is hereby amended to read as follows:

27 289.470 "Category II peace officer" means:

28 1. The bailiffs of the district courts, justice courts and municipal courts whose
 29 duties require them to carry weapons and make arrests;

30 2. Subject to the provisions of NRS 258.070, constables and their deputies;

31 3. Inspectors employed by the Nevada Transportation Authority who exercise
 32 those powers of enforcement conferred by chapters 706 and 712 of NRS;

33 4. Special investigators who are employed full-time by the office of any
 34 district attorney or the Attorney General;

35 5. Investigators of arson for fire departments who are specially designated by
 36 the appointing authority;

37 6. ~~[The brand inspectors of the State Department of Agriculture who exercise~~
 38 ~~the powers of enforcement conferred by chapter 565 of NRS;~~

39 ~~—7.—The field agents and inspectors by the Director of the State Department of~~
 40 ~~Agriculture who exercise the powers of enforcement conferred by NRS 561.225;~~

41 ~~—8.]~~ Investigators for the State Forester Firewarden who are specially
 42 designated by the State Forester Firewarden and whose primary duties are related to
 43 the investigation of arson;

44 ~~[9.]~~ 7. Agents of the Nevada Gaming Control Board who exercise the powers
 45 of enforcement specified in NRS 289.360, 463.140 or 463.1405, except those
 46 agents whose duties relate primarily to auditing, accounting, the collection of taxes
 47 or license fees, or the investigation of applicants for licenses;

48 ~~[10.]~~ 8. Investigators and administrators of the Division of Compliance
 49 Enforcement of the Department of Motor Vehicles who perform the duties
 50 specified in subsection 2 of NRS 481.048;

51 ~~[11.]~~ 9. Officers and investigators of the Section for the Control of Emissions
 52 From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel

1 of the Department of Motor Vehicles who perform the duties specified in
2 subsection 3 of NRS 481.0481;

3 ~~(12.)~~ **10.** Legislative police officers of the State of Nevada;

4 ~~(13.)~~ **11.** Parole counselors of the Division of Child and Family Services of
5 the Department of Health and Human Services;

6 ~~(14.)~~ **12.** Juvenile probation officers and deputy juvenile probation officers
7 employed by the various judicial districts in the State of Nevada or by a department
8 of juvenile justice services established by ordinance pursuant to NRS 62G.210
9 whose official duties require them to enforce court orders on juvenile offenders and
10 make arrests;

11 ~~(15.)~~ **13.** Field investigators of the Taxicab Authority;

12 ~~(16.)~~ **14.** Security officers employed full-time by a city or county whose
13 official duties require them to carry weapons and make arrests;

14 ~~(17.)~~ **15.** The chief of a department of alternative sentencing created pursuant
15 to NRS 211A.080 and the assistant alternative sentencing officers employed by that
16 department;

17 ~~(18.)~~ **16.** Agents of the Cannabis Compliance Board who exercise the powers
18 of enforcement specified in NRS 289.355;

19 ~~(19.)~~ **17.** Criminal investigators who are employed by the Secretary of State;
20 and

21 ~~(20.)~~ **18.** The Inspector General of the Department of Corrections and any
22 person employed by the Department as a criminal investigator.

23 **Sec. 13.** NRS 289.480 is hereby amended to read as follows:

24 289.480 "Category III peace officer" means a peace officer whose authority is
25 limited to correctional services, including the superintendents and correctional
26 officers of the Department of Corrections. The term does not include a person
27 described in subsection ~~(20.)~~ **18** of NRS 289.470.

28 **Sec. 14.** NRS 484A.205 is hereby amended to read as follows:

29 484A.205 "Regulatory agency" means any of the agencies granted police or
30 enforcement powers under the provisions of subsection 1 of NRS 289.250, NRS
31 289.260, subsection 2 of NRS 289.270, NRS 289.280, ~~subsection 3 of NRS~~
32 289.290, ~~or NRS~~ 289.320, 289.340, 407.065, 472.040, 481.048, 501.349,
33 565.155 or 706.8821.

34 **Sec. 15.** NRS 584.091 is hereby amended to read as follows:

35 584.091 Each ~~field agent or inspector of the Department~~ **agricultural police**
36 **officer** who has the powers of a peace officer pursuant to NRS 289.290 shall render
37 assistance to the Director in the enforcement of the provisions of this chapter.

38 **Sec. 16.** NRS 617.135 is hereby amended to read as follows:

39 617.135 "Police officer" includes:

40 1. A sheriff, deputy sheriff, officer of a metropolitan police department or city
41 police officer;

42 2. A chief, inspector, supervisor, commercial officer or trooper of the Nevada
43 Highway Patrol Division of the Department of Public Safety;

44 3. A chief, investigator or agent of the Investigation Division of the
45 Department of Public Safety;

46 4. A chief, supervisor, investigator or training officer of the Training Division
47 of the Department of Public Safety;

48 5. A chief or investigator of an office of the Department of Public Safety that
49 conducts internal investigations of employees of the Department of Public Safety or
50 investigates other issues relating to the professional responsibility of those
51 employees;

52 6. A chief or investigator of the Department of Public Safety whose duties
53 include, without limitation:

1 (a) The execution, administration or enforcement of the provisions of chapter
2 179A of NRS; and

3 (b) The provision of technology support services to the Director and the
4 divisions of the Department of Public Safety;

5 7. An officer or investigator of the Section for the Control of Emissions From
6 Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the
7 Department of Motor Vehicles;

8 8. An investigator of the Division of Compliance Enforcement of the
9 Department of Motor Vehicles;

10 9. A member of the police department of the Nevada System of Higher
11 Education;

12 10. A:

13 (a) Uniformed employee of; or

14 (b) Forensic specialist employed by,

15 ↪ the Department of Corrections whose position requires regular and frequent
16 contact with the offenders imprisoned and subjects the employee to recall in
17 emergencies;

18 11. A parole and probation officer of the Division of Parole and Probation of
19 the Department of Public Safety;

20 12. A forensic specialist or correctional officer employed by the Division of
21 Public and Behavioral Health of the Department of Health and Human Services at
22 facilities for mentally disordered offenders;

23 13. The State Fire Marshal and his or her assistant and deputies;

24 14. A game warden of the Department of Wildlife who has the powers of a
25 peace officer pursuant to NRS 289.280;

26 15. A ranger or employee of the Division of State Parks of the State
27 Department of Conservation and Natural Resources who has the powers of a peace
28 officer pursuant to NRS 289.260; ~~and~~

29 16. A bailiff or a deputy marshal of the district court or justice court whose
30 duties require him or her to carry a weapon and to make arrests ~~and~~; and

31 *17. An agricultural police officer appointed by the Director of the State*
32 *Department of Agriculture pursuant to NRS 561.225 who has the powers of a*
33 *peace officer pursuant to NRS 289.290.*

34 **Sec. 17.** This act becomes effective upon passage and approval.