

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 ~~fornitted 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:

- 1 Under existing law, a brand inspector or a person designated as a field agent or
- 2 inspector by the Director of the State Department of Agriculture is a category II
- 3 peace officer with enforcement powers related to certain provisions of law related
- 4 to agriculture. (NRS 289.290, 289.470, 561.225) **Section 1** of this bill authorizes
- 5 the Director to, instead, appoint agricultural police officers to enforce certain
- 6 provisions of law relating to agriculture. **Section 12** of this bill makes an
- 7 agricultural police officer a category I peace officer. **Sections 2 and 7-15** of this
- 8 bill make conforming changes related to the appointment of agricultural police
- 9 officers in place of field agents and inspectors.
- 10 **Section 11** authorizes an agricultural police officer to: (1) serve such legal
- 11 process as may be required in the enforcement of various provisions of law related
- 12 to agriculture; and (2) enforce all laws of the State while performing duties
- 13 pursuant to various provisions of law related to agriculture.
- 14 Existing law authorizes the Director of the Department to establish brand
- 15 inspection districts in this State. If such districts are established, any animal within
- 16 those districts is subject to brand inspection before the animal may be consigned for
- 17 slaughter, sold or removed from any of those districts. (NRS 565.040, 565.090,



18 565.100, 565.110) **Sections 3-6** of this bill clarify that a brand inspection is a visual  
19 examination.

20 Existing law defines “police officer” to include various law enforcement  
21 officers of this State for the purposes of certain provisions relating to eligibility for  
22 benefits under the Nevada Occupational Diseases Act. (NRS 617.135) **Section 16**  
23 of this bill expands the definition of “police officer” to include agricultural police  
24 officers. Furthermore, because various other provisions of NRS reference “police  
25 officer” as that term is defined in the Act, **section 16** makes applicable to  
26 agricultural police officers: (1) the industrial insurance coverage for police officers;  
27 (2) exemption from service as grand or trial jurors; (3) the compensation for police  
28 officers with temporary disabilities; and (4) eligibility for certain programs of group  
29 insurance or other medical or hospital service for the surviving spouse or any child  
30 of police officers and firefighters. (NRS 6.020, 281.153, 287.021, 287.0477,  
31 chapters 616A-616D of NRS)

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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  
3 and operational staff as the execution of the Director’s duties and  
4 the operation of the Department may require.

5 2. The Director may ~~designate such department personnel as~~  
6 ~~are required to be field agents and inspectors in the enforcement of]~~  
7 *appoint agricultural police officers for the purposes of enforcing*  
8 *the provisions of Titles 49 , [and] 50 and 51 of NRS . [and chapters*  
9 *581, 582, 583, 584, 586, 587, 588 and 590 of NRS.]*

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

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

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

19 565.010 As used in this chapter, unless the context otherwise  
20 requires:

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

24 2. “Animals” means:

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

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

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



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

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

5 ~~[3.]~~ 4. “Department” means the State Department of  
6 Agriculture.

7 ~~[4.]~~ 5. “Director” means the Director of the Department.

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

9 565.090 1. Except as otherwise provided in subsections 3 and  
10 6 and NRS 565.095, it is unlawful for any person to drive or  
11 otherwise remove any animals out of a brand inspection district  
12 created under the provisions of this chapter until the animals have  
13 been *visually* inspected and a brand inspection clearance certificate  
14 is issued by the Department or a written permit from the Department  
15 has been issued authorizing the movement without brand inspection.

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

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

21 (b) The number and kind of animals.

22 (c) The owner of the animals.

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

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

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

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

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

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



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

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

9 6. The Department may establish regulations specifying the  
10 circumstances under which a permit may be issued authorizing the  
11 movement of livestock without a brand inspection pursuant to this  
12 section. The circumstances may include, without limitation, the  
13 routine movement of horses and bulls within and from this State for  
14 the purpose of participating in a rodeo.

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

16 565.100 It is unlawful for any person to consign for slaughter,  
17 or slaughter at an approved plant, or transfer ownership of any  
18 animals by sale or otherwise within any brand inspection district  
19 created under the provisions of this chapter, until the animals have  
20 been *visually* inspected by an inspector of the Department and a  
21 brand inspection clearance certificate issued covering the animals.

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

23 565.110 Except as otherwise provided in NRS 565.090, a  
24 person intending to move, drive, ship or transport by common  
25 carrier, or otherwise, any animals out of any brand inspection  
26 district created under the provisions of this chapter shall assemble  
27 and hold them at some convenient and adequate place for such  
28 brand inspection as may be required until the animals have been  
29 *visually* inspected and released as provided for in this chapter.

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

31 565.140 1. Whenever, incident to any brand inspection under  
32 the provisions of this chapter, any inspector shall find in the  
33 possession of any person or persons offering animals for inspection  
34 any animals to which such person or persons cannot establish their  
35 legal ownership or right of possession and the inspector shall be able  
36 to determine by means of the brands or brands and marks on such  
37 animal or animals, or upon other reliable evidence, the actual legal  
38 owner or owners of such animal or animals, the inspector shall  
39 immediately notify an agricultural ~~enforcement~~ *police* officer of  
40 the inspector's findings.

41 2. The inspector shall include in such notice:

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

44 (b) A full description of the same.



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

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

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

11 ~~[4.—As used in this section, “agricultural enforcement officer”~~  
12 ~~has the meaning ascribed to it in regulations adopted by the~~  
13 ~~Department.]~~

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

15 565.150 1. Whenever, incident to any brand inspection under  
16 the provisions of this chapter, any inspector shall find in the  
17 possession of any persons offering animals for inspection any  
18 animals to which such person or persons cannot establish their legal  
19 ownership or right to possession, and the inspector shall be unable  
20 to determine by means of the brands or brands and marks on such  
21 animals, or otherwise, the actual legal owners of the animals, or, if  
22 in the judgment of the inspector such action is necessary to  
23 safeguard the legal owners of the animals, if known to the inspector,  
24 against their loss, the inspector shall immediately *notify an*  
25 *agricultural police officer. The agricultural police officer shall*  
26 *seize and take possession of such animals and proceed to dispose of*  
27 *the same, under the provisions of NRS 569.010 or 569.040 to*  
28 *569.130, inclusive.*

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

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

35 565.155 In addition to enforcing the provisions of this chapter  
36 through its ~~inspectors,~~ *agricultural police officers*, the Department  
37 may:

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

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



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

2 566.025 ~~[(1)]~~ It is unlawful for any person to have in his or  
3 her possession all or part of the carcass of any bovine animal unless:

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

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

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

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

16 ~~[(2) — As used in this section, “agricultural enforcement officer”~~  
17 ~~has the meaning ascribed to it in regulations adopted by the~~  
18 ~~Department.]~~

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

20 289.290 1. ~~[A person designated]~~ *An agricultural police*  
21 *officer appointed* by the Director of the State Department of  
22 Agriculture ~~[as a field agent or an inspector]~~ pursuant to ~~[subsection~~  
23 ~~2 of]~~ NRS 561.225 ~~[has the powers of]~~ *is* a peace officer ~~[to make~~  
24 ~~investigations and arrests and to execute warrants of search and~~  
25 ~~seizure, and may temporarily stop a vehicle in the enforcement of~~  
26 ~~the provisions]~~ *for the purposes of:*

27 (a) *The service of such legal process, including warrants and*  
28 *subpoenas, as may be required in the enforcement of* titles 49 ,  
29 ~~[and]~~ *50 and 51* of NRS . ~~[and chapters 581, 582, 583, 584, 586,~~  
30 ~~587, 588 and 590 of NRS.]~~

31 ~~— 2. — An officer appointed by the Nevada Junior Livestock Show~~  
32 ~~Board pursuant to NRS 563.120 has the powers of a peace officer~~  
33 ~~for the preservation of order and peace on the grounds and in the~~  
34 ~~buildings and the approaches thereto of the livestock shows and~~  
35 ~~exhibitions that the Board conducts.~~

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

37 (b) *The enforcement of all laws of the State of Nevada while*  
38 *they are performing their duties pursuant to titles 49, 50 and 51* of  
39 NRS . ~~[an inspector of the State Department of Agriculture has the~~  
40 ~~powers of a peace officer to make investigations and arrests and to~~  
41 ~~execute warrants of search and seizure.]~~

42 2. *Before any officer described in subsection 1 may exercise*  
43 *the powers of a peace officer, he or she must be certified as a*  
44 *category I peace officer by the Peace Officers’ Standards and*  
45 *Training Commission.*



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

2     289.470 “Category II peace officer” means:

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

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

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

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

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

15    6. ~~The brand inspectors of the State Department of Agriculture  
16 who exercise the powers of enforcement conferred by chapter 565  
17 of NRS;~~

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

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

24 ~~[9.]~~ 7. Agents of the Nevada Gaming Control Board who  
25 exercise the powers of enforcement specified in NRS 289.360,  
26 463.140 or 463.1405, except those agents whose duties relate  
27 primarily to auditing, accounting, the collection of taxes or license  
28 fees, or the investigation of applicants for licenses;

29 ~~[10.]~~ 8. Investigators and administrators of the Division of  
30 Compliance Enforcement of the Department of Motor Vehicles who  
31 perform the duties specified in subsection 2 of NRS 481.048;

32 ~~[11.]~~ 9. Officers and investigators of the Section for the  
33 Control of Emissions From Vehicles and the Enforcement of  
34 Matters Related to the Use of Special Fuel of the Department of  
35 Motor Vehicles who perform the duties specified in subsection 3  
36 of NRS 481.0481;

37 ~~[12.]~~ 10. Legislative police officers of the State of Nevada;

38 ~~[13.]~~ 11. Parole counselors of the Division of Child and  
39 Family Services of the Department of Health and Human Services;

40 ~~[14.]~~ 12. Juvenile probation officers and deputy juvenile  
41 probation officers employed by the various judicial districts in the  
42 State of Nevada or by a department of juvenile justice services  
43 established by ordinance pursuant to NRS 62G.210 whose official  
44 duties require them to enforce court orders on juvenile offenders and  
45 make arrests;



1 ~~[15.]~~ 13. Field investigators of the Taxicab Authority;  
2 ~~[16.]~~ 14. Security officers employed full-time by a city or  
3 county whose official duties require them to carry weapons and  
4 make arrests;

5 ~~[17.]~~ 15. The chief of a department of alternative sentencing  
6 created pursuant to NRS 211A.080 and the assistant alternative  
7 sentencing officers employed by that department;

8 ~~[18.]~~ 16. Agents of the Cannabis Compliance Board who  
9 exercise the powers of enforcement specified in NRS 289.355;

10 ~~[19.]~~ 17. Criminal investigators who are employed by the  
11 Secretary of State; and

12 ~~[20.]~~ 18. The Inspector General of the Department of  
13 Corrections and any person employed by the Department as a  
14 criminal investigator.

15 **Sec. 13.** NRS 289.480 is hereby amended to read as follows:  
16 289.480 “Category III peace officer” means a peace officer  
17 whose authority is limited to correctional services, including the  
18 superintendents and correctional officers of the Department of  
19 Corrections. The term does not include a person described in  
20 subsection ~~[20]~~ 18 of NRS 289.470.

21 **Sec. 14.** NRS 484A.205 is hereby amended to read as follows:  
22 484A.205 “Regulatory agency” means any of the agencies  
23 granted police or enforcement powers under the provisions of  
24 subsection 1 of NRS 289.250, NRS 289.260, subsection 2 of NRS  
25 289.270, NRS 289.280, ~~[subsection 3 of NRS]~~ 289.290 , ~~[or NRS]~~  
26 289.320, 289.340, 407.065, 472.040, 481.048, 501.349, 565.155 or  
27 706.8821.

28 **Sec. 15.** NRS 584.091 is hereby amended to read as follows:  
29 584.091 Each ~~[field agent or inspector of the Department]~~  
30 *agricultural police officer* who has the powers of a peace officer  
31 pursuant to NRS 289.290 shall render assistance to the Director in  
32 the enforcement of the provisions of this chapter.

33 **Sec. 16.** NRS 617.135 is hereby amended to read as follows:  
34 617.135 “Police officer” includes:

35 1. A sheriff, deputy sheriff, officer of a metropolitan police  
36 department or city police officer;

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

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

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

44 5. A chief or investigator of an office of the Department of  
45 Public Safety that conducts internal investigations of employees of





1 the Department of Public Safety or investigates other issues relating  
2 to the professional responsibility of those employees;

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

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

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

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

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

14 9. A member of the police department of the Nevada System of  
15 Higher Education;

16 10. A:

17 (a) Uniformed employee of; or

18 (b) Forensic specialist employed by,

19 ↪ the Department of Corrections whose position requires regular  
20 and frequent contact with the offenders imprisoned and subjects the  
21 employee to recall in emergencies;

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

24 12. A forensic specialist or correctional officer employed by  
25 the Division of Public and Behavioral Health of the Department of  
26 Health and Human Services at facilities for mentally disordered  
27 offenders;

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

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

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

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

38 ***17. An agricultural police officer appointed by the Director***  
39 ***pursuant to NRS 561.225 who has the powers of a peace officer***  
40 ***pursuant to NRS 289.290.***

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

