

SENATE BILL NO. 48—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF THE STATE DEPARTMENT OF AGRICULTURE)

PREFILED JANUARY 30, 2007

Referred to Committee on Natural Resources

SUMMARY—Redesignates district brand inspectors as agricultural enforcement officers and clarifies the circumstances under which field agents and inspectors of the State Department of Agriculture may stop or detain a person operating a vehicle. (BDR 50-628)

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 animals; redesignating district brand inspectors as agricultural enforcement officers and clarifying the circumstances under which the field agents and inspectors of the State Department of Agriculture may stop or detain a person operating a vehicle; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 **Sections 1 and 2** of this bill eliminate the outdated references to the term
- 2 “district brand inspector” in NRS and replace those references with the term
- 3 “agricultural enforcement officer.” Under existing law, a peace officer may stop or
- 4 detain any person whom the officer encounters “under circumstances which
- 5 reasonably indicate that the person has committed, is committing or is about to
- 6 commit a crime,” which is commonly referred to as reasonable suspicion. (NRS
- 7 171.123) **Section 2.5** of this bill clarifies the circumstances under which the field
- 8 agents and inspectors of the State Department of Agriculture may stop or detain a
- 9 person operating a vehicle.



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

Section 1. NRS 561.218 is hereby amended to read as follows:

561.218 1. The Director shall appoint a person to manage the activities of the Department relating to natural resources, land use planning and the management and control of wild horses, estrays and feral livestock. The person must be appointed on the basis of merit and is in the unclassified service of the State. The Director may remove the person from office with the approval of the Board.

2. The person appointed shall:

(a) Establish and carry out a policy for the management and control of estrays and the preservation and allocation of natural resources necessary to advance and protect the livestock and agricultural industries in this State.

(b) Develop cooperative agreements and working relationships with federal and state agencies and local governments for land use planning and the preservation and allocation of natural resources necessary to advance and protect the livestock and agricultural industries in this State.

(c) Cooperate with private organizations and governmental agencies to develop procedures and policies for the management and control of wild horses.

(d) Monitor gatherings of estrays and feral livestock conducted pursuant to the provisions of NRS 569.040 to 569.130, inclusive, and assist ~~district brand inspectors~~ **agricultural enforcement officers** in identifying estrays before they are sold or given a placement or other disposition through a cooperative agreement established pursuant to NRS 569.031.

(e) Provide the members of the general public with information relating to the activities of the Department and solicit recommendations from the members of the general public and advisory groups concerning those activities.

(f) Make assessments of the level of competition between livestock and wildlife for food and water, collect data concerning the movement of livestock and perform activities necessary to control noxious weeds.

(g) Participate in land use planning relating to the competition for food and water between livestock and wildlife to ensure the maintenance of the habitat of both livestock and wildlife.

(h) Present testimony, conduct research and prepare reports for the Governor, the Legislature, the Director and any other person or governmental entity as directed by the Director.

(i) Develop and carry out a program to educate the members of the general public concerning the programs administered by the



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1 Department, including programs for the management and control of
2 estrays and feral livestock.

3 (j) Make proposals to the Director for the amendment of the
4 regulations adopted by the Board pursuant to NRS 561.105.

5 (k) Perform such other duties as directed by the Director.

6 3. As used in this section:

7 (a) *“Agricultural enforcement officer” means a person*
8 *designated by the Director as a field agent or an inspector*
9 *pursuant to subsection 2 of NRS 561.225.*

10 (b) “Estray” has the meaning ascribed to it in NRS 569.0075.

11 ~~(b)~~ (c) “Feral livestock” has the meaning ascribed to it in
12 NRS 569.008.

13 ~~(c)~~ (d) “Wild horse” has the meaning ascribed to it in
14 NRS 504.430.

15 **Sec. 2.** NRS 574.055 is hereby amended to read as follows:

16 574.055 1. Any peace officer or officer of a society for the
17 prevention of cruelty to animals who is authorized to make arrests
18 pursuant to NRS 574.040 shall, upon discovering any animal which
19 is being treated cruelly, take possession of it and provide it with
20 shelter and care or, upon obtaining written permission from the
21 owner of the animal, may destroy it in a humane manner.

22 2. If an officer takes possession of an animal, he shall give to
23 the owner, if the owner can be found, a notice containing a written
24 statement of the reasons for the taking, the location where the
25 animal will be cared for and sheltered, and the fact that there is a
26 limited lien on the animal for the cost of shelter and care. If the
27 owner is not present at the taking and the officer cannot find
28 the owner after a reasonable search, he shall post the notice on the
29 property from which he takes the animal. If the identity and address
30 of the owner are later determined, the notice must be mailed to the
31 owner immediately after the determination is made.

32 3. An officer who takes possession of an animal pursuant to
33 this section has a lien on the animal for the reasonable cost of care
34 and shelter furnished to the animal and, if applicable, for its humane
35 destruction. The lien does not extend to the cost of care and shelter
36 for more than 2 weeks.

37 4. Upon proof that the owner has been notified in accordance
38 with the provisions of subsection 2 or, if he has not been found or
39 identified, that the required notice has been posted on the property
40 where the animal was found, a court of competent jurisdiction may,
41 after providing an opportunity for a hearing, order the animal sold at
42 auction, humanely destroyed or continued in the care of the officer
43 for such disposition as the officer sees fit.



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5. An officer who seizes an animal pursuant to this section is not liable for any action arising out of the taking or humane destruction of the animal.

6. The provisions of this section do not apply to any animal which is located on land being employed for an agricultural use as defined in NRS 361A.030 unless the owner of the animal or the person charged with the care of the animal is in violation of paragraph (b) of subsection 1 of NRS 574.100 and the impoundment is accomplished with the concurrence and supervision of the sheriff or his designee, a licensed veterinarian and ~~the district brand inspector~~ **an agricultural enforcement officer** or his designee. In such a case, the sheriff shall direct that the impoundment occur not later than 48 hours after the veterinarian determines that a violation of paragraph (b) of subsection 1 of NRS 574.100 exists.

7. The owner of an animal impounded in accordance with the provisions of subsection 6 must, before the animal is released to his custody, pay the charges approved by the sheriff as reasonably related to the impoundment, including the charges for the animal's food and water. If the owner is unable or refuses to pay the charges, the State Department of Agriculture shall sell the animal. The Department shall pay to the owner the proceeds of the sale remaining after deducting the charges reasonably related to the impoundment.

8. As used in this section, "agricultural enforcement officer" has the meaning ascribed to it in NRS 561.218.

Sec. 2.5. NRS 289.290 is hereby amended to read as follows:

289.290 1. A person designated by the Director of the State Department of Agriculture as a field agent or an inspector pursuant to subsection 2 of NRS 561.225 has the powers of a peace officer to make investigations and arrests and to execute warrants of search and seizure, and may temporarily stop a vehicle in the enforcement of the provisions of titles 49 and 50 of NRS and chapters 581, 582, 583, 586, 587, 588 and 590 of NRS.

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

3. In carrying out the provisions of chapter 565 of NRS, an inspector of the State Department of Agriculture has the powers of a peace officer to make investigations and arrests and to execute warrants of search and seizure.

4. A field agent or an inspector who has the powers of a peace officer shall not stop or otherwise detain a person operating a vehicle except under circumstances which reasonably indicate



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- 1 *that the person has committed, is committing or is about to commit*
- 2 *a violation of a statute or regulation the enforcement of which is*
- 3 *within the jurisdiction of the State Department of Agriculture.*
- 4 **Sec. 3.** This act becomes effective upon passage and approval.

