

**REVISED PROPOSED REGULATION OF
THE STATE DEPARTMENT OF AGRICULTURE**

LCB File No. R101-20

August 24, 2020

EXPLANATION – Matter in (1) blue bold *italics* is new language in the original NAC; (2) red strikethrough is ~~omitted material~~ in the original NAC; (3) variations of green bold underlining is language proposed to be added in this amendment; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original draft proposed to be retained in this amendment. .

AUTHORITY: §1, NRS 564.025, 564.030, 564.080, 564.110 and 564.120.

A REGULATION relating to animals; revising certain fees relating to the branding of animals; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the State Department of Agriculture to establish and collect reasonable fees for certain recording services relating to the branding of animals. (NRS 564.080) Existing regulations establish fees for: (1) recording the temporary use of a brand; (2) recording and rerecording a brand, or a brand and mark, or marks; (3) recording an instrument transferring the ownership of a recorded brand, or brand and mark, or marks; and (4) processing and continuing administration of a security agreement, provisional assignment or legal lien relating to a brand, or brand and mark, or marks of record. (NAC 564.010) This regulation revises such fees.

Section 1. NAC 564.010 is hereby amended to read as follows:

564.010 1. ~~[/The fee for recording/]~~ *To record* the temporary use of a brand pursuant to subsection 3 of NRS 564.025 ~~[is \$30.],~~ *the owner must pay:*

(a) A nonrefundable application fee of \$35; and

(b) A recording fee of \$50 for the period designated by the Department.

2. ~~[/The fee for recording/]~~ *To record* a brand, or brand and mark, or marks pursuant to NRS 564.040 ~~[or rerecording] [or rerecord a brand, or brand and mark, or marks pursuant to NRS 564.120 [is],~~ *except as otherwise provided in subsection ~~[3]~~ 4,* *the owner must pay:*

(a) A nonrefundable application fee of \$35; and

(b) A recording fee of \$120 for each ~~[4-year]~~ period ~~[.]~~ for which the brand, or brand and

mark, or marks are recorded or rerecorded pursuant to subsection 1 of NRS 564.120.

The *recording* fee must not be prorated for any unused portion of the period for which the brand, or brand and mark, or marks are recorded or rerecorded.

3. To rerecord a brand, or brand and mark, or marks pursuant to NRS 564.120, except as otherwise provided in subsection 4, the owner must pay:

(a) A recording fee of \$120 for each period for which the brand, or brand and mark, or marks are recorded or rerecorded pursuant to subsection 1 of NRS 564.120.

The recording fee must not be prorated for any unused portion of the period for which the brand, or brand and mark, or marks are recorded or rerecorded.

~~[3]~~ *4. ~~[The fee for recording]~~ To rerecord a brand, or brand and mark, or marks that has been*

deemed abandoned pursuant to subsection 5 of NRS 564.120, the owner must pay the following not later than 1 year after the date of the abandonment:

(a) A nonrefundable application fee of \$35,

(b) A late fee of \$30; and

(c) A recording fee of \$120 for each period for which the brand, or brand and mark, or marks are recorded or rerecorded pursuant to subsection 1 of NRS 564.120.

The recording fee must not be prorated for any unused portion of the period for which the brand, or brand and mark, or marks are recorded or rerecorded.

~~[4.]~~ *5. To record an instrument transferring the ownership of a recorded brand, or brand and mark, or marks pursuant to NRS 564.110 ~~[is]~~, the applicant must pay:*

(a) A nonrefundable application fee of \$35; and

(b) A recording fee of \$120.

~~[4.] [5.]~~ 6. The fee for processing and continuing administration of a security agreement,

provisional assignment or legal lien relating to a brand, or brand and mark, or marks of record for purposes of NRS 564.110 is ~~[\$35]~~ **\$100** for each period beginning July 1 and ending June 30

of the following year. The fee must not be prorated for any unused portion of the period for which the processing and continuing administration of a security agreement, provisional assignment or legal lien relating to a brand, or brand and mark, or marks of record are required.