

**PROPOSED REGULATION OF
THE STATE DEPARTMENT OF
AGRICULTURE LCB File No. R100-20**

August 28, 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 and 3, NRS 565.040 and 565.090; §2, NRS 565.040, 565.070 and 565.090.

A REGULATION relating to animals; revising provisions relating to brand inspections; revising the fees for a brand inspection; setting forth the requirements for obtaining an event permit; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law sets forth certain circumstances when the owner of animals is required to obtain a brand inspection. (NRS 565.040, 565.090) **Section 1** of this regulation clarifies that a brand inspection must be a visual inspection of the animals.

Existing law authorizes the State Department of Agriculture to levy and collect a reasonable fee for a brand inspection. (NRS 565.070) Existing regulations set forth the fees for a brand inspection. (NAC 565.230) **Section 3** of this regulation: (1) revises such fees; and (2) sets forth the acceptable methods of payment for such fees.

Existing law authorizes the Department to establish regulations specifying circumstances under which a permit may be issued authorizing the movement of livestock without a brand inspection. (NRS 565.090) Existing regulations authorize, under certain circumstances: (1) the movement of horses without a brand inspection pursuant to a horse permit; and (2) the movement of livestock without a brand inspection pursuant to a livestock movement permit. (NAC 565.220) **Section 2** of this regulation revises the fees for these permits. **Section 2** also authorizes the movement of livestock without a brand inspection pursuant to an event permit to move animals out of this State or across the boundaries of a brand inspection district for use in a rodeo, show, fair or other public exhibition.

Existing regulations require animals which are consigned to a regular sale or special sale be charged for a brand inspection regardless of whether the animals are sold. (NAC 565.200) **Section 1** additionally requires animals consigned to an annual sale be charged for a brand inspection regardless of whether the animals are sold.

Section 1. NAC 565.200 is hereby amended to read as follows:

565.200 1. Brand inspections are not required:

(a) If the owner of the animals has a livestock movement permit ~~§~~*for the animals*, the animals are being moved within this State and there is no change of ownership or slaughter involved.

(b) For the sale or transportation within this State of dairy breed calves under the age of 1 month.

(c) For the transportation within this State of horses if the horses are accompanied by a current annual or lifetime horse permit or a livestock movement permit.

(d) If the owner of the animals has an event permit to move animals out of this State or across the boundaries of a brand inspection district for use in a rodeo, show, fair or other public exhibition.

2. Unless excepted, brand inspections are required:

(a) Before animals are moved out of this State and in all cases where a change of ownership or slaughter is involved.

(b) Before animals are herded or trailed out of this State.

↪ If a deputy brand inspector I makes an exception to the requirements of this subsection, he or she shall immediately report the exception to the agricultural enforcement officer II or agricultural enforcement officer III supervising the area where the animals are located.

3. Animals for slaughter in a district will be inspected at the place of slaughter immediately before slaughter except as otherwise provided in this chapter.

4. Animals being moved out of this State by truck or trailer will be inspected at a site and time designated by the brand inspector.

5. Animals on which ownership is being changed will be inspected at a site and time designated by the brand inspector.

6. An owner of animals which are consigned to ~~[a]~~ *an annual sale*, regular sale or special sale will be charged for a brand inspection regardless of whether the animals are sold.

7. An owner of animals who intends to herd or trail the animals out of this State must give notice to the ~~[brand inspector]~~ *Division* at least 24 hours before the animals may be herded or trailed out of this State.

8. All brand inspections must be *visual inspections of the animals* made during daylight hours or with adequate lighting under uncrowded conditions where the brand inspector is satisfied that he or she can identify all brands, marks, color and sex. Brands and marks on the animals must be recorded by the brand inspector on the brand inspection clearance certificate.

Sec. 2. NAC 565.220 is hereby amended to read as follows:

565.220 1. The Director may issue special permits in the following specific instances:

(a) Horse permit: The Director may make available an annual or lifetime permit for the movement of any horse that may be used in lieu of a brand inspection if the permittee:

(1) Completes an application on a form provided by the Department . ~~[and]~~

(2) Pays for each horse:

(I) A fee of ~~[\$25]~~ *\$35* for an annual permit; or

(II) A fee of ~~[\$50]~~ *\$75* for a lifetime permit.

(3) Pays a \$35 travel fee.

(b) Livestock movement permit: The Director may issue a permit for the movement of livestock within this State. ~~[The fee for a livestock movement permit is \$5 for each permit requested by the permittee.]~~ A livestock movement permit may *only* be used to move livestock that have been branded with the brand of the permittee recorded with the Department pursuant to chapter 564 of NRS but have not been inspected by a brand inspector. A livestock movement

permit is required for the movement of branded livestock across the boundaries of a district unless the livestock have been inspected by a brand inspector. Before moving livestock pursuant to a livestock movement permit, the permittee shall complete a statement on a form provided by the Department that includes, without limitation, the number of livestock being moved, a description of the livestock being moved, the brands and markings of the livestock being moved and the destination of the livestock being moved. The permittee shall carry a copy of the completed form during the movement of the livestock. Not more than 10 days after the movement of the livestock is completed, the permittee shall submit a copy of the completed form to the Department. *A livestock movement permit is valid for 1 year after the date of issuance.* A livestock movement permit is not valid for:

- (1) The transportation of livestock across the boundaries of this State;
- (2) Proof or change of ownership;
- (3) Slaughter;
- (4) The transportation of unbranded livestock, except unbranded calves and foals traveling as pairs or accompanied by proof of brand inspection or other proof of ownership;
- (5) The transportation of calves with brands that are not healed and peeled; or
- (6) Except as otherwise provided in subparagraph (4), any cattle not branded with the brand of the permittee recorded with the Department pursuant to chapter 564 of NRS.

(c) Event permit: An event permit may be used to move animals out of this State or across the boundaries of a brand inspection district for use in a rodeo, show, fair or other public exhibition in lieu of an individual brand inspection. Before moving animals pursuant to an event permit, the permittee shall complete a statement on a form provided by the Department that includes, without limitation, the number of animals being moved, the destination of the

animals and the date or dates, as applicable, that the animals will be moved. An event permit is valid for 1 year after the date of issuance. The Director may issue an event permit if:

- (1) The permittee completes an application on a form provided by the Department;*
- (2) Each animal is identified using the animal's individual official identification;*
- (3) The permittee holds a health certificate for each animal which identifies the animal by its individual official identification; and*

(4) The permittee pays:

(I) A travel fee of \$35; and

(II) A permit fee of \$50 for each permit requested by the permittee.

2. The State Board of Agriculture ~~[Director]~~ shall establish a reasonable fee for the issuance of a special permit and shall post the amount of the fee on the Internet website maintained by the Department.

3. The Director may revoke a special permit specified in this section if the permit is used for a purpose other than the purpose for which it is issued.

Sec. 3. NAC 565.230 is hereby amended to read as follows:

565.230 1. Except as otherwise provided in this section and NAC 565.220, an owner of livestock must pay the following fees for the brand inspection of the livestock if the owner has given the ~~[brand inspector]~~ *Division* notice of at least 24 hours:

- (a) ~~[For the]~~ A travel fee of \$35 for each inspection site; and*
- (b) An inspection fee of ~~[the first]~~ \$1 per head of livestock. ~~[-, \$10; and~~*
- ~~(b) For the inspection of each additional head of livestock, \$1 per head.]~~*

2. An owner of horses must pay the following fees for the brand inspection of the horses if the owner has given the ~~{brand inspector}~~ *Division* notice of at least 24 hours and the inspection takes place at a location designated by the brand inspector:

- (a) ~~{For the first horse inspected, \$10;}~~ *A travel fee of \$35 for each inspection site;* and
- (b) ~~{For}~~ *An inspection fee of \$5 for* each ~~{additional}~~ horse . ~~{inspected, \$3 each.}~~

3. If an owner of cattle requests a brand inspection and, before conducting the brand inspection, the brand inspector determines that a brand inspection of the cattle may be effectively conducted in the district and authorizes the owner of the cattle to bring the cattle to the brand inspector or to ~~{the}~~ *an* office of the Division for the brand inspection, the owner must pay a fee of \$1 for each head of cattle inspected.

4. In addition to any fees required to be paid pursuant to subsection 1 or 2, if an owner of livestock did not give the ~~{brand inspector}~~ *Division* notice of at least 24 hours or a brand inspection or reinspection is required because of a violation of a provision of chapter 564, 565, 566 or 569 of NRS or is conducted on a day that is a state holiday, the owner must pay:

- (a) For the travel time of the brand inspector from his or her duty station to the place of inspection and from the place of inspection to the duty station, ~~[\$16]~~ *\$24* per hour.
- (b) For the time necessary for the brand inspector to conduct the inspection, ~~[\$16]~~ *\$24* per hour.
- (c) For the mileage of the brand inspector to reach the place of inspection from his or her duty station and to reach the duty station from the place of inspection, the amount of mileage reimbursement that the brand inspector is entitled to receive from this State.

5. If a brand inspector has been assigned to inspect the brands of livestock at a regular sale, the amount of the brand inspection fee is ~~[-]~~ *as follows, regardless of whether the livestock is sold:*

(a) For cattle, \$1 per head of livestock consigned.

(b) For horses ~~[-]~~

- ~~(1) Ten dollars for the first horse consigned by the owner; and~~

- ~~(2) Three dollars],~~ \$5 for each ~~[additional]~~ horse consigned by the ~~[same]~~ owner.

6. If a brand inspector has been assigned to a special sale *or annual sale* of livestock, the amount of the brand inspection fee is, in addition to the fees set forth in paragraphs (a) and (b) of subsection 5:

(a) For the travel time of the brand inspector from his or her duty station to the place of inspection and from the place of inspection to the duty station, ~~[\$16]~~ \$24 per hour.

(b) For the time necessary for the brand inspector to conduct the inspection, ~~[\$16]~~ \$24 per hour.

(c) For the mileage of the brand inspector to reach the place of inspection from his or her duty station and to reach the duty station from the place of inspection, the amount of mileage reimbursement that the brand inspector is entitled to receive from this State.

↪ The fees set forth in this subsection must be paid on all consigned livestock regardless of whether the livestock are actually sold at the special sale ~~[-]~~ *or annual sale, as applicable.*

7. If an owner of livestock requests an inventory inspection of the livestock, the owner must pay the following fees:

~~(a)~~ For each head of livestock inspected, 40 cents. ~~[\$1]~~

(b) For the travel time of the brand inspector from his or her duty station to the place of inspection and from the place of inspection to the duty station, ~~[\$16]~~\$24 per hour.

(c) *A travel fee of \$35 for each inspection site.*

(d) For the time necessary for the brand inspector to conduct the inspection, ~~[\$16]~~\$24 per hour.

~~[(d)](e)~~ For the mileage of the brand inspector to reach the place of inspection from his or her duty station and to reach the duty station from the place of inspection, the amount of mileage reimbursement that the brand inspector is entitled to receive from this State.

8. *All fees set forth in this section are due upon completion of the inspection by check or credit card. If payment is not made in full immediately following the inspection, the Department shall bill the responsible party.*

9. All fees collected pursuant to this section must be forwarded biweekly to the Department ~~[together]~~ with the original *or a digital upload of the* brand inspection clearance certificate covering the inspection for which the fees were collected, unless prior arrangements have been made with the Administrator.