

ADOPTED REGULATION OF THE STATE

DEPARTMENT OF AGRICULTURE

LCB File No. R098-02

Effective September 20, 2002

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §1, NRS 565.040 and 565.090.

Section 1. 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) Extraordinary permit: The director, subject to ratification by the state board of agriculture, may issue a permit for the movement of livestock across the boundaries of this state if:

- (1) The movement of the livestock is for pasturing purposes only.
- (2) The permittee is a livestock operation based in the State of Nevada that is located in a county adjoining the county in the state of destination.
- (3) The permittee has completed an application on a form provided by the department before March 1 of the year in which the movement of the livestock will occur.
- (4) Brand inspections will be performed on all of the livestock leaving this state.
- (5) The permittee has paid the following fees for the brand inspection:
 - (I) For each bull or pair consisting of a cow and calf, 25 cents.
 - (II) For each yearling animal or weaned calf, 70 cents.
 - (III) For each calf declared by the permittee to be sold out of this state or not otherwise returned to this state with its mother, 70 cents.

(IV) For the travel time of the brand inspector from his duty station to the place of inspection and from the place of inspection to his duty station, \$12 per hour.

(V) For the time necessary for the brand inspector to conduct the inspection, \$12 per hour.

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

(6) The permittee has notified the brand inspector at least 24 hours before the livestock is scheduled to be moved.

(b) 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:**

(1) The permittee completes an application on a form provided by the department; and

(2) Pays for each horse:

(I) A fee of \$15 for an annual permit; or

(II) A fee of \$30 for a lifetime permit.

(c) Livestock movement permit: The director may issue a permit for the movement of livestock within this state that have not been inspected by a brand inspector. A livestock movement permit is required for the movement of livestock across the boundaries of a district. 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 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 not valid for:

- (1) The transportation of livestock across the boundaries of this state;
 - (2) Proof of ownership;
 - (3) Slaughter;
 - (4) The transportation of unbranded cattle, except for unbranded cattle that are shipped as pairs or accompanied by proof of brand inspection or other proof of ownership; or
 - (5) The transportation of calves with brands that are not healed and peeled.
2. The state board of agriculture may establish a reasonable fee for the issuance of a special permit.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. 098-02**

The State Department of Agriculture adopted regulations assigned LCB File No. R098-02 which pertain to chapter 565 of the Nevada Administrative Code on August 15, 2002.

Notice date: 6/28/2002

Date of adoption by agency: 8/15/2002

Hearing date: 7/29/2002, 7/30/2002
7/31/2002, 8/1/2002

Filing date: 9/20/2002

INFORMATIONAL STATEMENT

1) Suggested changes to NAC 565, LCB File nos. RO97-02 and RO98-02, relating to fees charged for brand inspections of livestock, were noticed on June 17, 2002. Notices were posted in all (6) offices of the Nevada Department of Agriculture, all county libraries in counties not having offices of the Nevada Department of Agriculture, and the offices of the Nevada Cattlemen's Association and Nevada Farm Bureau. Additional information was published in the newsletters of the Nevada Cattlemen's Association and the Nevada Farm Bureau. Additional postings were made in the public areas of all the livestock sales yards in the state. Four hearings were conducted around the state. Little comment was received. The comments focused on the method of notification of the affected parties (ranchers and livestock owners) of when the changes will take effect, the affect on other fees, and one comment addressed the suggested structure of the fees. Written comments were solicited and accepted until the close of the last (Aug. 1) public hearing. There were no written comments received.

2) The number of persons attending the hearings were as follows:

Elko, July 29; No public attended.

Las Vegas, July 30; 3 employees of the Department of Agriculture attended.

Carson City, July 31; No public attended.

Winnemucca, August 1; 4 employees of the Department of Agriculture and 1 public attended.

All persons attending the hearings in Las Vegas and Winnemucca took part in the general discussion, however, the only testimony received was from a person who couldn't attend the hearings but wished to have his testimony entered to the record.

3) Comments were solicited from affected businesses by the notices described above, especially the notices posted in the livestock sales yards and the Cattlemen's and Farm Bureau offices. No written comments were submitted.

4) The permanent regulation changes were adopted at the State Board of Agriculture meeting on August 15, 2002 without change. The Board felt that there were no substantive issues raised during the workshop or hearings.

- 5) The proposed revisions are expected to have minimal or no effect either immediate or long-term upon the regulated community. There is no estimated economic effect on the public, either adverse or beneficial, nor immediate or long-term.
- 6) There is no additional cost to the agency to administer or enforce this regulation.
- 7) There are no other state or government agency regulations that the proposed amendments duplicate.
- 8) There are no federal regulations relating to the subject of these revisions.
- 9) The increase in fees proposed will yield approximately \$100k per year in additional revenue to the Department of Agriculture, Division of Livestock Identification. This increased revenue will be used to fund salaries and travel expenses of the Division's brand inspectors and investigators.