

ADOPTED REGULATION OF THE STATE

DEPARTMENT OF AGRICULTURE

LCB File No. R097-02

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.

Section 1. NAC 565.230 is hereby amended to read as follows:

565.230 1. Except as otherwise provided in subsections 2, 3 and 4, and NAC 565.220, an owner of livestock must pay the following fees for the brand inspection of the livestock:

(a) If the owner has given the brand inspector notice of at least 24 hours and the inspection takes place at a location designated by the brand inspector:

(1) For the inspection of 1 to 10 head of livestock, ~~[\$7:]~~ *\$9*; and

(2) For the inspection of 11 or more head of livestock, ~~[70]~~ *90* cents per head.

(b) If the owner did not give the brand inspector notice of at least 24 hours or the inspection takes place at a location designated by the owner, in addition to the fees set forth in paragraph

(a):

(1) 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.

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

(3) 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.

2. An owner of horses must pay the following fees for the brand inspection of the horses:

(a) If the owner has given the brand inspector notice of at least 24 hours and the inspection takes place at a location designated by the brand inspector:

- (1) For the first horse inspected, ~~[\$7.5]~~ **\$10**; and
- (2) For each additional horse inspected, ~~[\$1]~~ **\$2** each.

(b) If the owner did not give the brand inspector notice of at least 24 hours or the inspection takes place at a location designated by the owner, in addition to the fees set forth in paragraph

(a):

- (1) 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.
- (2) For the time necessary for the brand inspector to conduct the inspection, \$12 per hour.
- (3) 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.

3. If a brand inspector has been assigned to inspect the brands of livestock at a sale conducted by a livestock commission company and the sale is conducted on a weekly basis, the amount of the brand inspection fee is:

- (a) For cattle, ~~[70]~~ **90** cents per head of livestock consigned.
- (b) For horses:
 - (1) ~~[Seven]~~ **Ten** dollars for the first horse consigned by the owner; and
 - (2) ~~[One-dollar]~~ **Two dollars** for each additional horse consigned by the same owner.

4. If a brand inspector has been assigned to a special sale of horses or bulls, the amount of the brand inspection fee is, in addition to the fees set forth in paragraphs (a) and (b) of subsection 3:

(a) 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.

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

(c) 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.

FLUSH The fees set forth in this subsection must be paid on all consigned cattle and horses regardless of whether the cattle or horses are actually sold at the special sale.

5. All fees collected pursuant to this section must be forwarded biweekly to the department along with the original brand inspection certificate covering the inspection for which the fees were collected, unless prior arrangements have been made with the district brand inspector.

6. ~~When~~ *If* livestock is consigned to a livestock commission company within this state, the only time at which a fee may be collected for brand inspection is when the change of ownership of the livestock occurs.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. 097-02

The State Department of Agriculture adopted regulations assigned LCB File No. R097-02 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.