

**ADOPTED REGULATION OF THE
STATE BOARD OF AGRICULTURE**

LCB File No. R215-05

Effective June 28, 2006

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

AUTHORITY: §§1-6, NRS 561.105; §7, NRS 576.050.

A REGULATION relating to agriculture; requiring an applicant for a license as a broker, dealer, commission merchant or agent to pay an annual license fee in a certain amount; and providing other matters properly relating thereto.

Section 1. Chapter 576 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this regulation.

Sec. 2. *“Agent” has the meaning ascribed to it in NRS 576.0115.*

Sec. 3. *“Broker” has the meaning ascribed to it in NRS 576.0125.*

Sec. 4. *“Commission merchant” has the meaning ascribed to it in NRS 576.0135.*

Sec. 5. *“Dealer” has the meaning ascribed to it in NRS 576.0145.*

Sec. 6. *As used in NAC 576.040 and section 7 of this regulation, unless the context otherwise requires, the words and terms defined in sections 2 to 5, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 7. 1. *Each applicant for a license as a broker, dealer or commission merchant shall pay to the Department an annual license fee of \$100.*

2. *Each applicant for a license as an agent shall pay to the Department an annual license fee of \$25.*

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R215-05**

The State Board of Agriculture adopted regulations assigned LCB File No. R215-05 which pertain to chapter 576 of the Nevada Administrative Code on May 26, 2006.

Notice date: 12/14/2005

Hearing date: 2/16/2006, 2/22/2006, 2/28/2006, 3/1/2006

Date of adoption by agency: 5/26/2006

Filing date: 6/28/2006

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

A meeting of the Division of Livestock Identification's advisory committee was held in October, 2005 to discuss possible regulations changes. Subsequent meetings were held on the draft regulations at the annual meetings of the Nevada Farm Bureau and Nevada Cattlemen's Association during November, 2005. The draft regulations were submitted and approved as an action item for permission to proceed to workshop and hearings at the State Board of Agriculture meeting in December, 2005. Subsequently, notice of a workshop scheduled on Feb. 16, 2006 and hearings scheduled on Feb. 16 in Elko, 22 in Winnemucca and Fallon, 28 in Ely, and March 1 in Las Vegas on draft regulations were noticed at all Department of Agriculture office locations in the state, and all public libraries in cities and towns not having Dept. of Agriculture offices, on January 13, 2006. Further notifications were placed in the weekly and monthly publications of the Nevada Farm Bureau and Nevada Cattlemen's Association during January. Notice was also provided the State Board of Agriculture and other interested parties on the contact list by way of the Division newsletter, *The Running Iron*. All official notifications contained the provision that written comments would be accepted until March 31, 2006.

A workshop and 5 hearings were held at the above locations on the above dates. Summaries of the hearings are attached. A copy of written comments may be obtained by calling the Nevada Department of Agriculture, Division of Livestock Identification at (775) 738-8076 or by writing the Division at, Nevada Department of Agriculture, 1351 Elm St., Elko, Nv. 89801.

2. Number of persons who:

- a) **Attended each hearing:** Workshop-30. Hearings: Elko-30, Winnemucca-8, Fallon-15, Ely-8, Las Vegas-6.
- b) **Testified at each hearing:** Elko-6, Winnemucca-2, Fallon-7, Ely-3, Las Vegas-1.
- c) **Submitted to the agency, written comments:** Written comments were submitted by the Nevada Live Stock Association, David and Jackie Holmgren; Ole Olson, bonded livestock dealer; Ellen Blair; and Anthony Lesperance.

- 3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary.**

Comments were solicited from affected businesses by the notices described and outlined in #1, by postings on the Nevada Department of Agriculture website, by articles in the statewide livestock industry trade papers and newsletters, and presentations at the Nevada Farm Bureau and Nevada Cattlemen's Association's annual meetings. Comments from interested businesses are outlined in the attached workshop and hearings summaries. A copy of the written comments may be obtained as outlined in #1 above.

- 4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change or the reasons for making any changes.**

There were no changes offered to the proposed regulations and no opposition to the proposed fee therefore, the proposals were adopted as written.

- 5. The estimated economic effect of the adopted regulation on the businesses that it is to regulate and on the public. These must be stated separately, and each case must include:**

- a) **Both adverse and beneficial effects; and**

- b) **Both immediate and long-term effects.**

- a) Adverse effects to the industry will be in the form of license fees. However, the impact of license fees on the overall budget of a livestock dealer, broker, or commission merchant is miniscule. The beneficial effects are that the increase in revenue to the Division of Livestock Identification, a fee funded budget, will allow for the continuation of the level of service and protection from theft, introduction of foreign animal diseases, and unfair business practices that the industry demands. There are no effects to the general public.

- b) Both immediate and long-term effects to the industry will be negligible. There are no effects to the general public.

- 6. The estimated cost to the agency for enforcement of the adopted regulation.** There is no additional cost to the agency for enforcement of this regulation.

- 7. A description of any regulations of other state or government agencies that the proposed regulation overlaps or duplicates, and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

There are no other state or government agency regulations that the proposed amendments duplicate.

- 8. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

There is no federal regulation that regulates the same activity.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The proposal includes an increase in an existing fee. The total annual amount the agency expects to collect as a result of this increase is \$17,000. This amount will be used to augment the existing fee based budget to meet the increased cost of salaries and operations.