

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

LCB FILE NO. R100-201

**The following document is the initial draft regulation proposed
by the agency submitted on 06/25/2020**

Purpose: To update the regulations pertaining to Animal Industries as follows:

- 1) Enforcement officers are sworn law enforcement and are now referred to as “agriculture police officers” and will clearly define their duties.
- 2) Clarifies that inspections must be performed in-person.
- 3) Clearly defines brand inspectors and their duties.
- 4) Updates to livestock inspection fees and fees assessed for brand inspectors time when required.
- 5) Addition of a Rodeo livestock contractor and livestock exhibitor permits to Special Permits.

Effective date: Upon passage and approval.

NAC 565.018 “~~Agricultur[al]e [enforcement]~~ *police officer II*” and “~~Agricultur[al]e [enforcement]~~ *police officer III*” defined. (NRS 565.040) “~~Agricultur[al]e [enforcement]~~ *police officer II*” or “~~agricultur[al]e [enforcement]~~ *police officer III*” means an employee who:

1. Is under the immediate supervision of the Administrator;
2. Is certified by the Peace Officers’ Standards and Training Commission pursuant to NRS 289.550;
3. Has the powers of a peace officer to make investigations and arrests and to execute warrants of search and seizure pursuant to subsection 3 of NRS 289.290;
4. Is assigned supervisory and administrative responsibilities in designated geographical areas of this State *and statewide*; and
5. Supervisory~~[es]~~ *authority of* all ~~[deputy]~~ brand inspectors and ~~[enforcement]~~ *lower ranking agriculture police* officers assigned to his or her geographical area *and statewide*.

(Added to NAC by Dep’t of Agriculture by R213-05, eff. 6-28-2006)

NAC 565.026 “**Brand inspection**” defined. (NRS 565.040) “Brand inspection” means a careful *visual* examination of each animal offered for such inspection and an examination of the brands, marks or other characteristics thereon and the recording of information on the brand inspection clearance certificate as required.

(Added to NAC by Div. of Agriculture, eff. 11-3-97; A by Dep’t of Agriculture by R213-05, 6-28-2006)

NAC 565.035 “**Brand inspector**” defined. (NRS 565.040) “Brand inspector” means ~~[a deputy brand inspector I or deputy brand inspector II]~~ *an employee of the Department who is trained by Department staff to perform and carry out the duties of completing livestock brand inspections..*

(Added to NAC by Div. of Agriculture, eff. 11-3-97; A by Dep’t of Agriculture by R213-05, 6-28-2006)

NAC 565.051 “~~Deputy~~ ~~b~~**Brand inspector I**” defined. (NRS 565.040)
“~~Deputy~~~~b~~**Brand inspector I**” means a part-time, hourly employee who:

1. Is appointed by the Administrator and confirmed by the Director; and
2. Is responsible for brand inspection activities in local areas under the supervision of a ~~n~~ **Brand Inspector II or III** ~~enforcement officer~~.

(Added to NAC by Div. of Agriculture, eff. 11-3-97; A by Dep’t of Agriculture by R213-05, 6-28-2006)

NAC 565.052 “~~Deputy~~ ~~b~~**Brand inspector II**” defined. (NRS 565.040) “~~Deputy~~~~b~~**Brand inspector II**” means a ~~part-time or~~ full-time hourly employee who:

1. Is appointed by the Administrator and confirmed by the Director;
2. ~~Is certified by the Peace Officers’ Standards and Training Commission pursuant to NRS 289.550;~~
3. ~~Has the powers of a peace officer to make investigations and arrests and to execute warrants of search and seizure pursuant to subsection 3 of NRS 289.290;~~
4. Is responsible for brand inspection activities in local areas *and statewide* under the supervision of a ~~n~~ **Brand inspector III** ~~agricultural enforcement officer II or agricultural enforcement officer III~~; and
5. Supervises each ~~deputy~~ brand inspector I assigned to the employee.

(Added to NAC by Dep’t of Agriculture by R213-05, eff. 6-28-2006)

NAC 565.XXX ”**Brand inspector III**” defined. (NRS 565.040) ”**Brand inspector III** means a full-time hourly employee who:

1. *Is appointed by the Administrator and confirmed by the Director;*
2. *Is responsible for overseeing and management of the brand inspection program and brand inspector I and II positions statewide;*
3. *Supervises all brand inspector I and II positions; and*
4. *Is responsible for brand inspection activities statewide under the supervision of the Administrator or designee.*

NAC 565.070 “~~Enforcement officer~~ **Agriculture police officer**” defined. (NRS 565.040) “~~Enforcement officer~~ **agriculture police officer**” means a **Agriculture police officer I** ~~deputy brand inspector II~~, **agriculture**~~al~~ **police** ~~enforcement~~ officer II or **agriculture**~~al~~ **police** ~~enforcement~~ officer III.

(Added to NAC by Div. of Agriculture, eff. 11-3-97; A by Dep’t of Agriculture by R213-05, 6-28-2006)

NAC 565.200 **Brand inspections: Requirements; places; times.** (NRS 565.040)

1. Brand inspections are not required:
 - (a) If the owner of the animals has a livestock movement permit *for their 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.

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]~~ *brand inspector II or 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 regular sale, *annual livestock 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 at least 24 hours before the animals may be herded or trailed out of this State.

8. All brand inspections must be 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.

[Dep't of Agriculture, part Reg. No. 58, eff. 9-1-72; A 8-15-74; 2-25-77; 4-1-77] — (NAC A 10-18-89; A by Div. of Agriculture, 11-3-97; A by Dep't of Agriculture by R213-05, 6-28-2006; R142-10, 12-30-2011)

NAC 565.220 Special permits. ([NRS 565.040](#), [565.070](#), [565.090](#))

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) *A travel fee for each inspection location of, \$35; and*

(2) Pays for each horse:

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

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

(b) Livestock movement permit: The Director may issue *annual [a]* permits for the movement of livestock within this State. A livestock movement permit *shall only [may]* 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 number of permits requested and the fee of \$5 per each permit requested*. 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 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) Rodeo livestock contractor and Livestock Exhibitor permits: The Director may make available an annual brand inspection permit for the movement of livestock across boundaries of a district or boundaries of this State in leu of individual brand inspections if the permittee:

- (1) Completes an application on a form provided by the Department; and*
- (2) All livestock meet Nevada health requirements; and*
- (3) All livestock have individual official identification; and*
- (4) Pays a travel fee for each inspection location of \$35; and*
- (5) Pays for each inspection:*
 - (I) A fee of \$50 for each annual permit issued*

2. The *Director* [~~State Board of Agriculture~~] 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.

NAC 565.230 Fees. ([NRS 565.040](#), [565.070](#))

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 notice of at least 24 hours:

(a) *A travel fee* ~~f~~ or ~~the~~ *each* inspection *location* of ~~the first head of livestock~~, \$35 ~~/40~~; 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 notice of at least 24 hours and the inspection takes place at a location designated by the brand inspector:

(a) *A travel fee* ~~f~~ or ~~the~~ *each* inspection *location* of ~~first horse inspected~~, \$35 ~~/40~~; and

(b) For each ~~additional~~ horse inspected, \$5 ~~/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 *an* ~~the~~ 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 *Division* ~~brand inspector~~ 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, \$24 ~~/16~~ per hour.

(b) For the time necessary for the brand inspector to conduct the inspection, \$24 ~~/16~~ 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:

(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) *Five* ~~Three~~ dollars for each ~~additional~~ horse consigned by *an* ~~the same~~

owner.

(c) The fees set forth in this subsection shall be paid on all consigned livestock inspected regardless of whether the livestock are sold at the sale or not.

6. If a brand inspector has been assigned to an *annual sale or* special sale of livestock, the amount of the brand inspection fee is, in addition to the fees set forth in paragraphs (a) and (b) *and (c)* 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, \$24 ~~16~~ per hour.

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

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

(a) A travel fee for each inspection location of, \$35;

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

(c) 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, \$24 ~~16~~ per hour.

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

(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 shall be due upon completion of the inspection(s) and shall be paid via credit card, check or bill.

9. All fees collected pursuant to this section must be forwarded biweekly from all brand inspectors to the Department together with the original brand inspection clearance certificate covering the inspection, or uploaded digitally, for which the fees were collected, unless prior arrangements have been made with the Administrator.

[Dep't of Agriculture, part Reg. No. 58, eff. 9-1-72; A 8-15-74; 2-25-77; 4-1-77] — (NAC A by Div. of Agriculture, 11-3-97; A by Dep't of Agriculture by R097-02, 9-20-2002; R213-05, 6-28-2006; R142-10 & R097-11, 12-30-2011)

