

**PROPOSED REGULATION OF THE
STATE BOARD OF AGRICULTURE**

LCB File No. R102-20

September 24, 2020

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

AUTHORITY: §§1-5, NRS 561.105 and 573.130; §6, NRS 561.105 and 573.040; §7, NRS 561.105, 573.130 and 573.190.

A REGULATION relating to livestock; applying the definition of “annual sale of livestock” to existing regulations; requiring a person who conducts an annual sale of livestock to pay the expenses for any sale not held on a regular working day; requiring a person who conducts an annual sale of livestock to provide notice to the State Department of Agriculture of the cancellation of the sale or the nonuse of a regularly scheduled sale day; authorizing an annual sale of livestock that is not completed on a regularly scheduled sale day to continue into the next day under certain circumstances; increasing the fee required for the issuance or renewal of a license to operate a public livestock auction and a limited license to conduct an annual sale of livestock; requiring a person who conducts an annual sale of livestock to ensure that an accredited veterinarian is present at the sale; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Senate Bill No. 417 of the 80th Legislative Session provided for a limited license to conduct an annual sale of livestock under certain circumstances. The bill also:(1) required the State Board of Agriculture to establish a fee for the issuance of the limited license by regulation; and (2) applied to annual sales of livestock various requirements relating to public livestock auctions. This regulation makes conforming changes by applying the regulatory provisions for public livestock auctions to such annual sales of livestock and establishing the fee for the issuance of the limited license to conduct such annual sales of livestock.

Existing law defines “annual sale of livestock” to mean any sale of livestock: (1) to which any member of the public may consign livestock for sale or exchange through public bidding; and (2) which is conducted for not more than 2 consecutive days during a calendar year. (NRS 573.010) **Section 1** of this regulation clarifies that this definition applies to existing regulations. **Section 2** of this regulation makes a conforming change.

Existing regulations require any expenses incurred because a public livestock sale is not held on a regular working day to be paid by the operator of the public livestock auction by reimbursement to the State Department of Agriculture upon demand. (NAC 573.020) **Section 3** of this regulation applies this requirement to the person who conducts an annual sale of livestock.

Existing regulations require an operator of a public livestock auction to notify the Department at least 10 regular working days before the cancellation of the sale or the nonuse of a regularly scheduled sale day. (NAC 573.030) **Section 4** of this regulation applies this requirement to the person who conducts an annual sale of livestock.

Existing regulations allow a public livestock sale which is not completed by 6 p.m. on the regularly scheduled sale day to continue the sale into the next day if the operator of the public livestock sale notifies regulatory personnel. (NAC 573.040) **Section 5** of this regulation applies this provision to an annual sale of livestock.

Existing regulations provide that the fee for the issuance or renewal of a license to operate a public livestock auction is \$150 per year. (NAC 573.050) **Section 6** of this regulation increases the fee to \$250 per year and applies the same fee to the issuance or renewal of a limited license to conduct an annual sale of livestock.

Existing regulations require the operator of a public livestock auction to ensure that an accredited veterinarian is present for not less than 2 hours on each regularly scheduled sale day to assess the health of the animals at the public livestock auction. (NAC 573.100) **Section 7** of this regulation applies this requirement to a person who conducts an annual sale of livestock.

Section 1. Chapter 573 of NAC is hereby amended by adding thereto a new section to read as follows:

“Annual sale of livestock” has the meaning ascribed to it in NRS 573.010.

Sec. 2. NAC 573.015 is hereby amended to read as follows:

573.015 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 573.016 and 573.018 *and section 1 of this regulation* have the meanings ascribed to them in those sections.

Sec. 3. NAC 573.020 is hereby amended to read as follows:

573.020 Expenses incurred because a public livestock ~~sale~~ *auction or an annual sale of livestock* is not held on a regular working day must be paid by the operator of the public livestock auction *or the person who conducts the annual sale of livestock* by reimbursement to the Department upon demand.

Sec. 4. NAC 573.030 is hereby amended to read as follows:

573.030 1. The operator of a public livestock auction *or the person who conducts an annual sale of livestock* shall notify the Department at least 10 regular working days before the cancellation of a sale or the nonuse of a regularly scheduled sale day.

2. Failure to so notify the Department makes the operator of the auction *or the person who conducts an annual sale of livestock* responsible for reimbursement to the Department for the labor expenses incurred. Continued failure may be considered cause for the revocation of a regularly scheduled sale day ~~+~~ *for the public livestock auction or the annual sale of livestock.*

Sec. 5. NAC 573.040 is hereby amended to read as follows:

573.040 A public livestock ~~sale~~ *auction or an annual sale of livestock* which is held on a ~~regular~~ *regularly scheduled* sale day but is not completed by 6 p.m. may continue into the next day as a ~~regular~~ *regularly scheduled* sale day if the operator of the auction yard *or person who conducts the annual sale of livestock* notifies regulatory personnel in adequate time to service the sale. This will not be considered an added expense if the continuing day falls on a regularly scheduled working day.

Sec. 6. NAC 573.050 is hereby amended to read as follows:

573.050 The fee for the issuance or renewal of a license to operate a public livestock auction *or a limited license to conduct an annual sale of livestock* is ~~+\$150~~ *\$250* per year.

Sec. 7. NAC 573.100 is hereby amended to read as follows:

573.100 1. The operator of a public livestock auction *or the person who conducts an annual sale of livestock* shall ensure that an accredited veterinarian is present for not less than 2 hours on each regularly scheduled sale day to assess the health of the animals at the public livestock auction ~~+~~ *or the annual sale of livestock.*

2. An operator of a public livestock auction *or a person who conducts an annual sale of livestock* who fails to ensure that an accredited veterinarian is present on each regularly scheduled day of a public livestock auction *or an annual sale of livestock* as required by subsection 1 shall, for each such violation, pay to the Department the administrative fine imposed pursuant to NRS 573.190.

3. The Department may consider as cause for the revocation of a regularly scheduled sale day the continued failure by an operator of a public livestock auction *or a person who conducts an annual sale of livestock* to meet the requirements of subsection 1.

4. As used in this section, “accredited veterinarian” has the meaning ascribed to it in NAC 571.602.