
ASSEMBLY BILL NO. 368—ASSEMBLYMAN
MUNFORD (BY REQUEST)

MARCH 21, 2011

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Revises provisions governing brands and brand inspections. (BDR 50-510)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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

AN ACT relating to livestock; requiring the State Department of Agriculture to prepare and maintain certain books in an electronic format; authorizing a person to transport a saddle horse into and from this State without a brand inspection or livestock movement permit issued by the Department under certain circumstances; requiring an inspector of the Department to carry or make available for use during a brand inspection a scanner or other device used to read an identification microchip subcutaneously implanted into livestock; revising provisions governing certain fees collected by the Department; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires any written instrument evidencing the transfer of
2 ownership of any livestock brand or marks to be recorded in the Office of the State
3 Department of Agriculture in a book provided by the Department for that purpose.
4 (NRS 564.110) Existing law also authorizes the Department to compile and issue
5 books and supplements to those books which set forth the records of the
6 Department of all livestock brands and marks which may be found on any animals
7 in this State. (NRS 564.130) **Sections 1 and 2** of this bill require the Department to
8 make those books available in an electronic format and authorize the Department to
9 include, in certain fees collected by the Department, any costs incurred by the
10 Department in preparing those books in an electronic format.

11 Existing law authorizes the Director of the Department to establish brand
12 inspection districts in this State. If such districts are established, any animal within
13 those districts is subject to brand inspection before the animal may be consigned for



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14 slaughter, sold or removed from any of those districts. (NRS 565.040, 565.090)
15 **Section 3** of this bill authorizes a person to transport not more than 10 saddle
16 horses into and from this State without a brand inspection or livestock movement
17 permit issued by the Department. Any horse so transported must not remain more
18 than 21 days in this State and must not be transported into or from this State more
19 than once during that period.

20 **Section 6** of this bill requires each inspector of the Department, while
21 conducting a brand inspection, to carry or otherwise make available for use a
22 scanner or other device used for reading an identification microchip that has been
23 subcutaneously implanted into any livestock inspected. **Section 6** authorizes the
24 Department to include, in any fee collected by the Department for conducting the
25 brand inspection, any cost incurred by the Department in using the scanner or other
26 device during the brand inspection.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 564.110 is hereby amended to read as follows:

2 564.110 1. Any brand or brand and mark or marks awarded
3 and recorded and remaining of record in accordance with the terms
4 of this chapter, including those transferred legally as provided in this
5 section, are the property of the person to whom they stand of record
6 as provided in this chapter and are subject to sale, assignment,
7 transfer, security agreement or lien, devise and descent the same as
8 other personal property.

9 2. Instruments of writing evidencing the sale, assignment,
10 transfer, security agreement, lien, devise or descent must be in that
11 form, as to text, signatures, witnesses, acknowledgments or
12 certifications, required by statutes, in the case of the kind of
13 instrument concerned, but the Department may secure such
14 competent legal advice or rulings, and require such supporting
15 evidence as it deems necessary, as to such instruments of writing,
16 being in fact, authentic and in legal form, before approving and
17 recording those instruments of writing as provided in this chapter.

18 3. Instruments in writing evidencing the transfer of ownership
19 of any brand or brand and mark or marks must, after approval, be
20 recorded in the office of the Department in a book to be provided for
21 that purpose, and are not legally binding until so approved by the
22 Department and recorded. *In addition to any other format, the
23 Department shall prepare and maintain the book required by this
24 subsection in an electronic format. The Department may include,
25 in any fee collected by the Department for the recording of the
26 instruments pursuant to NRS 564.080, any costs incurred by the
27 Department in preparing and maintaining the book in an
28 electronic format pursuant to this subsection.*

29 4. The recording of those instruments has the same force and
30 effect as to third parties as the recording of instruments affecting the



1 sale, assignment, transfer, devise or descent of other personal
2 property. The original, or a certified copy of any such instrument,
3 may be introduced in evidence in the same manner as is provided
4 for similar instruments affecting personal property, and the record of
5 the instrument or instruments of transfer, or the transcript thereof
6 certified by the custodian of the record, may be read in evidence
7 without further proof.

8 5. If any brand or brand and mark or marks of record, in
9 accordance with the provisions of this chapter, becomes the subject
10 of, or is included in, any security agreement, provisional assignment
11 or legal lien, the secured party, provisional assignee or lienholder
12 may notify the Department in writing as to the existence and
13 conditions of the security agreement, provisional assignment or lien.
14 After the receipt of the written notice, the Department shall not
15 transfer the brand or brand and mark or marks, other than to the
16 secured party, provisional assignee or lienholder until there is filed
17 with the Department satisfactory legal evidence that the security
18 agreement, provisional assignment or lien has been legally satisfied
19 and removed.

20 6. No transfer or change, or partial, joint or complete
21 ownership, of any brand under the provisions of this section:

22 (a) Grants or recognizes any change in the method or area of its
23 use from that authorized at the time of recording, or subsequent
24 thereto but before the transfer or change of ownership; or

25 (b) Waives or modifies the rerecording requirements set forth in
26 NRS 564.120.

27 **Sec. 2.** NRS 564.130 is hereby amended to read as follows:

28 564.130 1. The Department may compile and issue books,
29 and supplements thereto, containing transcripts of part or all of its
30 records of brands and marks, so arranged and indexed as to be
31 suitable for use in identifying any brands or marks which may be
32 found in this State on any animals, or the hides thereof, and used in
33 compliance with the provisions of this chapter.

34 2. Copies of the brand books and supplements must be made
35 available to any person at a charge to be fixed by the Department,
36 but the charge must not be less than the cost of compilation,
37 publication and issuance.

38 3. Copies of the brand books or supplements may be furnished
39 by the Department, without charge, to any public officer or other
40 person whose possession of the book or supplements will, in the
41 opinion of the Department, serve to promote the general welfare.

42 *4. In addition to any other format, the Department shall make*
43 *any copies of the brand books and supplements available pursuant*
44 *to this section available in an electronic format. The Department*
45 *may include, in the amount of any charge fixed by the Department*



1 *pursuant to subsection 2, any costs incurred by the Department in*
2 *preparing those copies pursuant to this subsection.*

3 **Sec. 3.** Chapter 565 of NRS is hereby amended by adding
4 thereto a new section to read as follows:

5 *1. Any person may transport not more than 10 saddle horses*
6 *into and from this State without a brand inspection or livestock*
7 *movement permit issued by the Department. Any saddle horse*
8 *transported pursuant to this section must not remain in this State*
9 *for more than 21 days and must not be transported into or from*
10 *this State more than once during that period.*

11 *2. As used in this section, "saddle horse" means any horse*
12 *which:*

13 *(a) Is owned by a person who resides in a state which does not*
14 *require the use or inspection of a brand for the horse in that state;*

15 *(b) Is ridden by the person while competing or participating in*
16 *any event or other activity in this State; and*

17 *(c) Is not placed or kept in a corral or other enclosure with any*
18 *other horse during an event or other activity specified in*
19 *paragraph (b).*

20 *↳ The term does not include a horse which is ridden by a person*
21 *who is a contestant in a bucking event at a rodeo, horse show or*
22 *other contest of skill in this State.*

23 **Sec. 4.** NRS 565.040 is hereby amended to read as follows:

24 565.040 1. The Director may declare any part of this State a
25 brand inspection district.

26 2. After the creation of any brand inspection district as
27 authorized by this chapter, all animals within any such district are
28 subject to brand inspection in accordance with the provisions of this
29 chapter before:

30 (a) Consignment for slaughter within any district;

31 (b) Any transfer of ownership by sale or otherwise; or

32 (c) Removal from the district if the removal is not authorized
33 pursuant to a livestock movement permit issued by the Department
34 **or pursuant to section 3 of this act.**

35 3. If a brand inspection district is created by the Department
36 pursuant to the provisions of this chapter, the Director shall adopt
37 regulations defining the boundaries of the district and the fees to be
38 collected for brand inspection and prescribing such other methods of
39 procedure not inconsistent with the provisions of this chapter as the
40 Director considers necessary.

41 4. Any regulations adopted pursuant to the provisions of this
42 section must be published at least twice in a newspaper having a
43 general circulation in the brand inspection district created by the
44 regulations, and copies of the regulations must be mailed to all
45 common carriers of record with the Nevada Transportation



1 Authority operating in the brand inspection district. Such
2 publication and notification constitutes legal notice of the creation
3 of the brand inspection district. The expense of advertising and
4 notification must be paid from the Livestock Inspection Account.

5 **Sec. 5.** NRS 565.090 is hereby amended to read as follows:

6 565.090 1. Except as otherwise provided in subsections 3 and
7 6, *and section 3 of this act*, it is unlawful for any person to drive or
8 otherwise remove any animals out of a brand inspection district
9 created under the provisions of this chapter until the animals have
10 been inspected and a brand inspection clearance certificate is issued
11 by the Department or a written permit from the Department has been
12 issued authorizing the movement without brand inspection.

13 2. Any person contemplating the driving or movement of any
14 animals out of a brand inspection district shall notify the
15 Department or an inspector thereof of the person's intention, stating:

16 (a) The place at which it is proposed to cross the border of the
17 brand inspection district with the animals.

18 (b) The number and kind of animals.

19 (c) The owner of the animals.

20 (d) The brands and marks of the animals claimed by each owner
21 and, if they are other than the brands and marks legally recorded in
22 the name of the owner, information concerning the basis for the
23 claim of ownership or legal possession.

24 (e) The date of the proposed movement across the border of the
25 brand inspection district and the destination of the movement.

26 (f) If a brand inspection is required, a statement setting forth the
27 place where the animals will be held for brand inspection.

28 3. The provisions of this section do not apply to animals whose
29 accustomed range is on both sides of the boundary of any brand
30 inspection district but contiguous to that district and which are being
31 moved from one portion of the accustomed range to another merely
32 for pasturing and grazing thereon.

33 4. ~~The~~ *Except as otherwise provided in section 3 of this act,*
34 *the* provisions of this section apply at all times to the movement of
35 any animals across the Nevada state line to any point outside of the
36 State of Nevada, except animals whose accustomed range is on both
37 sides of the Nevada state line but contiguous thereto and which are
38 being moved from one portion to another of the accustomed range
39 merely for pasturing and grazing thereon.

40 5. In addition to the penalty imposed in NRS 565.170, a person
41 who violates the provisions of subsection 1 is:

42 (a) For the first violation, subject to an immediate brand
43 inspection of the animals by the Department and shall reimburse the
44 Department for its time and mileage and pay the usual fees for the
45 brand inspection.



1 (b) For the second and any subsequent violation, ineligible for a
2 permit to move any livestock without a brand inspection until the
3 State Board of Agriculture is satisfied that any future movement will
4 comply with all applicable statutes and regulations.

5 6. The Department may establish regulations specifying the
6 circumstances under which a permit may be issued authorizing the
7 movement of livestock without a brand inspection pursuant to this
8 section. The circumstances may include, without limitation, the
9 routine movement of horses and bulls within and from this State for
10 the purpose of participating in a rodeo.

11 **Sec. 6.** NRS 565.100 is hereby amended to read as follows:

12 565.100 **1.** It is unlawful for any person to consign for
13 slaughter, or slaughter at an approved plant, or transfer ownership of
14 any animals by sale or otherwise within any brand inspection district
15 created under the provisions of this chapter, until the animals have
16 been inspected by an inspector of the Department and a brand
17 inspection clearance certificate issued covering the animals.

18 **2.** *During any inspection of brands conducted by an inspector*
19 *of the Department, the inspector shall carry or otherwise make*
20 *available for use a scanner or other device which is used to read*
21 *an identification microchip subcutaneously implanted into any*
22 *livestock inspected. The Department may include, in any fee*
23 *collected by the Department for conducting the inspection*
24 *pursuant to NRS 565.070, any cost incurred by the Department in*
25 *using the scanner or other device during the inspection.*

26 **Sec. 7.** This act becomes effective on July 1, 2011.

