

**ADOPTED REGULATION OF THE DIRECTOR OF
THE STATE DEPARTMENT OF AGRICULTURE**

LCB File No. R097-11

Effective December 30, 2011

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

AUTHORITY: §1, NRS 565.040 and 565.070.

A REGULATION relating to brand inspections; deleting provisions which require the payment of certain expenses for an inspection which takes place at a location designated by an owner of livestock; and providing other matters properly relating thereto.

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

565.230 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) For the inspection of the first head of livestock, \$10; 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) For the first horse inspected, \$10; and
- (b) For each additional horse inspected, \$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 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 brand inspector notice of at least 24 hours ~~[, the inspection takes place at a location designated by the owner]~~ 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, \$16 per hour.

(b) For the time necessary for the brand inspector to conduct the inspection, \$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 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, \$1 per head of livestock consigned.

(b) For horses:

(1) Ten dollars for the first horse consigned by the owner; and

(2) Three dollars for each additional horse consigned by the same owner.

6. 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 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, \$16 per hour.

(b) For the time necessary for the brand inspector to conduct the inspection, \$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 cattle and horses regardless of whether the cattle or horses 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) For each head of livestock inspected, 40 cents.

(b) 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, \$16 per hour.

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

(d) 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 collected pursuant to this section must be forwarded biweekly to the Department together with the original brand inspection clearance certificate covering the inspection for which the fees were collected, unless prior arrangements have been made with the Administrator.

9. 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.

10. As used in this section, “inventory inspection” means a brand inspection of all livestock maintained as inventory by an owner of livestock. The term does not include a brand inspection that is conducted:

- (a) For the issuance of a brand inspection clearance certificate; or
- (b) To transport any livestock.

INFORMATIONAL STATEMENT
LCB File Number: RO97-11
NAC 565.230

1. A description of how public comment was solicited. Summary of public response. An explanation of how other interested persons may obtain a copy of the summary;

a) Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. mail and email to persons who were known to have an interest in the subject of brand inspections as well as any persons who had specifically requested such notice. These documents were also made available at the website of the Nevada Department of Agriculture (NDOA) www.agri.state.nv.us, mailed to all county libraries in Nevada and posted at the following locations:

Nevada Department of Agriculture 405 South 21 st Street Sparks, NV 89431-5566	Nevada Department of Agriculture 2150 Frazer Avenue Sparks, NV 89431
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Nevada Department of Agriculture 2300 McLeod Street Las Vegas, NV 89104-4314	Nevada Department of Agriculture 4780 E. Idaho Street Elko, NV 89801-4672
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b) There were no responses from the public

c) Interested persons may obtain a copy of the summary by contacting:

Nevada Department of Agriculture
Attn: Jodi Protopappas, Assistant to Director
405 South 21st Street
Sparks, NV 89431 ****no public response****

2. A statement indicating the number of persons who attended each meeting or workshop, testified at each hearing, and submitted written statements regarding the proposed regulation;

Workshop: December 2, 2011

Number in attendance: 3
Number testifying: 0
Written statements submitted: 0

Hearing: December 5, 2011

Number in attendance: 3
Number testifying: 0
Written statements submitted: 0

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

a) Comments were solicited from affected businesses in the same manner as they were solicited from the public.

b) One member of industry was in attendance and had no public comment.

c) Interested persons may obtain a copy of the summary by contacting:

Nevada Department of Agriculture
Attn: Dawn Rafferty, Plant Industry Division
405 South 21st Street
Sparks, NV 89431 ****no public response****

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. The statement should also explain the reasons for making any changes to the regulation as proposed.

The permanent regulation was adopted on December 5, 2011 with approval from the Board of Agriculture with no changes.

5. The estimated economic effect of the regulation on businesses which it is to regulate and on the public. Stated separately:

a) Adverse Effects:

There is no adverse effect on the public or industry.

b) Beneficial effects:

Benefits industry by reducing fees charged when staff is administering brand inspections.

6. The estimated cost to the agency for enforcement of the proposed regulation.

There is no additional cost to the agency for the enforcement of this regulation.

7. A description of any regulations of other state or government agencies which 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 which regulates the same activity, a summary of those provisions.

There are no provisions that are more stringent than a federal regulation.

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

There are no new or increased fees.